



NOTICE OF MEETING

Licensing and Safety Committee

Thursday 11 October 2012, 7.30 pm

Council Chamber, Fourth Floor, Easthampstead House, Bracknell

To: The Licensing and Safety Committee

Councillor Thompson (Chairman), Councillor Leake (Vice-Chairman), Councillors Allen, Baily, Mrs Barnard, Brossard, Brunel-Walker, Davison, Finch, Finnie, Gbadebo, Kensall, Porter, Mrs Temperton and Ms Wilson

ALISON SANDERS
Director of Corporate Services

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Published: 2 October 2012



Licensing and Safety Committee
Thursday 11 October 2012, 7.30 pm
Council Chamber, Fourth Floor, Easthampstead House,
Bracknell

AGENDA

Page No

1. **Apologies for Absence**

To receive apologies for absence.

2. **Declarations of Interest**

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

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

3. **Minutes**

To approve as a correct record the minutes of the meeting held on 5 July 2012.

1 - 6

4. **Urgent Items of Business**

Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent.

5. **Notice of Public Speaking**

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

6. **Age of Vehicle at First Registration**

To seek agreement from the Committee to vary the existing condition relating to the maximum age for the first licensing of a vehicle such that a "prestige car" can be first licensed up to 9 years.

7 - 8

7. **Chauffeur Licences**

To advise Members on the implementation of a Chauffeur Private Hire Driver Licence.

9 - 10

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| 8. | Fees and Charges
As part of the budget setting process, Members are asked to note the proposals for fees and charges and agree these fees go forward for further discussion and consideration as part of the Council Fee Setting process. | 11 - 22 |
| 9. | Gambling Act 2005 Delegations
This report seeks approval from the Committee for delegations under the Gambling Act 2005 | 23 - 30 |
| 10. | Hackney Carriage Surcharge
To seek approval to go out to consultation on an amendment to the tariff of authorised fares which can be charged by hackney carriages in Bracknell Forest. | 31 - 38 |
| 11. | Animal Boarding Establishments - Home Boarding for Dogs
To seek a decision on a request by a home boarder of dogs to vary the conditions of their licence. | 39 - 50 |
| 12. | Review of Guidance Notes and Conditions For Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers
To receive a report on the results of the recent consultation on the amended version of the Council's Guidance Notes and Conditions document. | 51 - 116 |
| 13. | Street Trading Consent Standard Conditions
To receive a report on the results of the recent consultation on the amended version of the Council's standard conditions to be attached to street trading consents issued within Bracknell Forest. | 117 - 124 |

Information Items

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| 14. | Law Commission Consultation on Taxi and Private Hire Services
To make the Committee aware of provisional proposals of reform to the legislation governing hackney carriage and private hire vehicles, drivers and operators. | 125 - 138 |
| 15. | Live Music Act 2012
To receive an update on the Live Music Act 2012. | 139 - 140 |
| 16. | Public Fundraising Regulatory Association: Street Fundraising
To make the Committee aware of changes to the best practice regime used by the Public Fundraising Regulatory Association which came into effect on 20 August 2012. | 141 - 146 |

17. Licensing Panels

To receive and note the minutes of Licensing Panel hearings held during the last quarter:

147 - 148

- 19 September 2012 – Mr X (Private Hire Licence)



**LICENSING AND SAFETY COMMITTEE
5 JULY 2012
7.30 - 8.43 PM**

Present:

Councillors Thompson (Chairman), Leake (Vice-Chairman), Allen, Baily, Brossard, Davison, Finch, Finnie, Kensall, Porter, Mrs Temperton and Ms Wilson

Apologies for Absence were received from:

Councillors Mrs Barnard, Brunel-Walker and Gbadebo

4. Declarations of Interest

There were no declarations of interest.

5. Minutes

RESOLVED that, the minutes of the Licensing and Safety Committee meetings held on 22 March 2012 and 16 May 2012 be approved as a correct record and signed by the Chairman.

6. Urgent Items of Business

There were no urgent items of business.

7. Notice of Public Speaking

There were no applications for public speaking.

8. Animal Boarding Establishment Licence Conditions: Oakwood Park Kennels

The Head of Regulatory Services presented a report seeking a decision on the conditions to be issued with the Oakwood Park Kennels animal boarding establishment licence.

The Committee was informed that since the publication of the report officers had met with the owners of Oakwood Park Kennels and an agreement had been reached over the contested condition 5.6.2. Consequently recommendation 2 in the report had been withdrawn and recommendation 1 had been revised to reflect the agreement reached.

At the meeting, the licence holders had agreed to revise current practice in relation to the boarding of those dogs who either were presented for boarding with no proof of up-to-date vaccination documentation or those dogs who were presented with homeopathic nosode or treatment. In future, animals in both categories would be boarded into a separate area away from the general population. During the Kennels' traditional busy period of July and August there would be likely to be insufficient space to have a separate area and animals in these two categories would not be

accepted for boarding at these times. Oakwood Park Kennels' procedures and policies would be updated to reflect these changes.

RESOLVED that the new model conditions, including 5.6.2 be implemented for all animal boarding establishments in Bracknell Forest from 1 January 2013.

9. **Annual Report and Service Plan**

The Head of Regulatory Services presented the Licensing Annual Report and Service Plan.

The Report set out an overview of the work carried out during the period 1 April 2011 to 31 March 2012, associated performance data, areas for development during 2012/13 and details of the number and type of licences issued.

During the reporting period officers carried out 281 inspections, 105 of which had been brought about by intelligence gathered and received by officers. 12 operations had been carried out jointly by the Licensing Team, Thames Valley Police and VOSA and 225 licensed vehicles had been checked. During these joint operations, 23 vehicles were found to have breached their licence conditions and 3 vehicles were immediately prohibited from being driven by VOSA.

In addition, 14 warnings had been issued to licence holders and 391 enforcement points were issued to 52 taxi drivers. Of particular concern were the 20 drivers that had been issued with enforcement points for failing to notify the Licensing Section of any convictions they had received during their licensed period.

In an attempt to make communication with taxi drivers quicker and more efficient a new SMS text message alert service had been introduced to remind taxi drivers of the expiration of documents or inspections and this had been well received by drivers.

An alternative was being sought for the 'Am I Safe' web based application which enabled smartphone users to check the licence details of hackney carriage or private hire vehicles licensed in the Borough following its withdrawal by the suppliers.

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

- Following the introduction of guideline figures setting the minimum percentage of the proceeds of door to door collections that should be received by the named charity 3 collections had been refused for falling below these guideline figures, 16 collections had been approved.
- It would be double checked that details of the charity collections that had received approval were being published on the Council's website
- It was clarified that while it was possible to audit smaller park home sites in a single day audits of the larger sites, for example Warfield Park, could take several weeks
- A significant piece of work during 2012/13 would be to ensure that by the 31 March 2013 all LA03 premises licences included the new mandatory conditions
- It was clarified that all dual driver licence holders must take a DSA practical wheelchair assessment to demonstrate that they could safely load and unload wheelchair users. This particular action had also been included in the Council's Equalities Scheme 2012-2016 Action Plan.

RESOLVED that the Licensing Section Annual Report and associated work plan for 2012/13 be approved.

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

The Committee considered a report seeking approval of the annual review of the Council's Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers.

The Guidance Notes were updated annually to reflect changes in the law and Council policy and were, following the completion of consultation with the trade, scheduled for publication by 1 April 2013. The revised guidance contained the following material changes:

- The updating of the process for checking driving licence information
- The addition of details of the Chauffeur badge
- The addition of the specification that electronic documentation may be accepted where the Licensing Team is able to verify the veracity of the document
- Confirmation that every licensed vehicle must carry a replacement bulb kit
- The removal of the requirement for private hire operators to print hard copies of their booking records unless requested by an authorised Council officer or police officer
- Updating of the 'Recording of Contraventions procedure and amendments to the penalty points table
- The addition of a requirement for Home to School applicants to pass the Council's knowledge test

Officers acknowledged that replacement of headlamp bulbs in many cars was not a straightforward process and the Committee's concern over the usefulness of carrying a spare bulb kit. In addition, the Committee suggested that warning triangles and high visibility jackets should be considered for inclusion as part of a licensed vehicle's standard kit. It was agreed that VOSA would be asked for guidance on the most appropriate additional equipment that drivers should be expected to carry and the results included in the consultation documentation.

It was thought that references to child restraints covered the use of booster seats but this would be clarified.

RESOLVED that:

- i. The amended Guidance Notes and Conditions document be approved for consultation
- ii. The results of the consultation be brought back to the Committee's next meeting for consideration

11. **Review of Statement of Gambling Principles**

The Committee considered a report advising them of the results of the consultation around the Review of Statement of Gambling Principles.

Under the Gambling Act 2005, the Council is required to review and consult upon its Statement of Gambling Principles every three years from the date of adoption. The present Statement was published on 31 January 2010 and a new Statement must therefore be published on or before 31 January 2013

Consultation, with a range of organisations including current licence holders, trade associations and community groups, took place between March and May 2012. Three responses had been received and the comments incorporated into the revised statement.

The Committee queried section 4.2 Committee Terms of Reference and the statement that in the interests of good governance where a Councillor who is a member of the Licensing and Safety Committee was making representations regarding a licence on behalf of an interested party then they would disqualify themselves from any involvement in the decision making process. It was agreed that for the sake of clarity this statement would be amended to read ‘...in the interests of good governance they should take no part in the decision making process affecting the licence in question.’

RESOLVED that it be recommended to Council that the revised Statement of Gambling Principles be adopted with effect from 30 January 2013.

12. **Street Trading Consent - Standard Conditions**

The Committee received a report seeking approval to commence consultation on an amended version of the Council’s standard conditions for Street Trading Consents.

The existing Street Trading Consent standard conditions had been subject to very little modification since their adoption in 1995. A review of their content had been undertaken to ensure that they remained accurate and complied with current legislation. It was noted that following this review officers had: changed wording to aid clarity and changed, deleted or introduced new conditions that reflected present legislation and best practice with the material changes being:

- Changing references to ‘rental period’ in Condition 5 to ‘consent period’
- Confirmation that no refunds are paid in circumstances where a consent was suspended or revoked
- Confirmation that failure to renew the consent prior to the expiry date may lead to a Consent for the pitch being issued to another applicant
- Amendment of condition 19 to make the intention of the condition clearer
- Addition of a condition to confirm responsibilities in respect of disposal of waste
- Addition of new conditions specific to ice cream traders
- Removal of the reference to ‘street trading assistants’ which is not always manageable for traders such as continental markets, and
- Amendment of the food hygiene condition to implement suggested refresher training timescales and an ability for officers to require further training if there are concerns about competence of an individual.

It was clarified that the fee charged for Street Trading Consent was used to contribute towards the cost of administering and enforcing the law and should the conditions of the consent be breached and the consent subsequently revoked or suspended the trader would not be entitled to a partial refund of the fee.

It was felt that Condition 25 in the revised standard conditions needed to be more robust and that additional conditions that specified that all heat sources should be turned off when the vehicle was in motion should be included.

Visits were made to temporary markets to ensure that Food Hygiene Certificates were held by traders handling food. Should any concerns arise at weekends then details of the concern should be noted and passed to officers for action.

It was not possible to specify in the Standard Conditions that traders had to have access to their own toilet facilities. In practice unofficial arrangements were made with other organisations to use their facilities for example nearby petrol stations.

RESOLVED that:

- i. The revised Street Trading Consent conditions be approved for consultation
- ii. A report detailing the results of the consultation be brought back to the Committee's next meeting

13. **Health and Safety Law Enforcement Plan**

The Committee received the Health and Safety Law Enforcement Plan 2012/13.

The Health and Safety Law Enforcement Plan set out an overview of the work carried out during the 2011/12 municipal year and detailed the work that would take place during the 2012/13 municipal year and how this work would be carried out.

In 2011/12 a total of 574 health and safety inspections and visits had been carried out. Of these:

- 19 had been programmed inspections and 337 were first visits to the business
- 11 had been advisory visits
- 57 had been revisits to follow up on issues of non-compliance
- 11 had been in relation to accidents
- The remaining 139 visits had been made either in response to complaints or enquiries from members of the public and other visits where previous visits had identified the business as being closed or not trading at that time.

Of the 302 enforcement actions taken during 2011/12: informal improvement notices had been issued in 274 cases, formal improvement notices had been issued in 16 cases, there had been no prosecutions, six immediate prohibition notices were issued and no Simple Cautions were issued.

The primary reason for the low number of prosecutions (1 prosecution over a 5 year period) was that prosecution was seen as being an action of last resort and that negotiation and the provision of advice and assistance was the preferred course of action in the first instance.

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

- The Consumer Services category of premises referred to those businesses where a service was provided for example a hairdressers or launderette
- The number of premises falling into the category of hotels, campsites and other short stay accommodation would be double checked. However the premises were only included if they had in excess of four rooms, as the Health and Safety Executive is responsible for those business with fewer rooms
- In future details of the accident data relating to Bracknell Forest would be moved and included in the section detailing the total number of notified accidents and dangerous occurrences in Berkshire

RESOLVED that the performance outturn report for 2011-12 and the Health and Safety Law Enforcement Plan for 2012-13 be noted.

14. **Licensing Panels**

The Committee noted the minutes of the Licensing Panel held on 4 April 2012.

CHAIRMAN

**TO: LICENSING AND SAFETY COMMITTEE
11 OCTOBER 2012**

**AGE OF VEHICLE AT FIRST REGISTRATION
Director of Environment, Culture and Communities**

1 PURPOSE OF REPORT

- 1.1 This report seeks agreement from the Committee to vary the existing condition relating to the maximum age for the first licensing of a vehicle such that a “prestige car” can be first licensed up to 9 years subject to the vehicle meeting other requirements.

2 RECOMMENDATION

- 2.1 That the Committee agrees that a “prestige car” can be first licensed if it is less than 9 years old as long as it meets the “exceptional condition” requirement and has travelled less than 150,000 miles.**

3 REASONS FOR RECOMMENDATION

- 3.1 Prestige vehicles used exclusively for corporate work are often very expensive, are high quality vehicles with high specification safety features. It is believed that the first licensing of these vehicles beyond 5 years will not impact adversely upon the safety of those travelling within the vehicle.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The maximum age restriction for first licensing a vehicle could be removed for all vehicles. It is officer opinion that this would remove a safety element that the Committee considered important when first introducing this requirement.

5 SUPPORTING INFORMATION

- 5.1 It is currently a condition on the first issue of a private hire vehicle licence that the vehicle must be less than 5 years old from date of first registration (Section 10.1 Guidance Notes). This condition together with the maximum age was introduced to ensure that modern vehicles with the latest innovations were brought onto the fleet on a regular basis but this takes no account of the type and quality of the vehicle presented. There is a rapid pace of innovation within the car industry in terms of safety, handling and emissions and it was felt right and proper that users of licensed vehicles should benefit from that innovation in terms of their safety and environment.
- 5.2 ‘Prestige Vehicles’ (see Appendix G of Guidance Notes) are frequently expensive top of the range, luxury cars from manufacturers such as BMW, Lexus, Jaguar and Audi. These vehicles incorporate the latest safety and emission technology which is often not incorporated into the cheaper mass production cars for many years. There is therefore a distinct difference in the safety, comfort and environmental characteristics of ‘prestige cars’ in comparison to normal mass production vehicles.

- 5.3 Officers have been approached on a number of occasions particularly by vehicle owners working solely within the corporate only market who wish to first licence a 'prestige car' which is older than 5 years old. The vehicles presented are generally in exceptional condition and often have low mileages. Due to the present licence conditions officers have to refuse their application. Officers are of the opinion that such vehicles do not present an increased risk to passengers because they are over 5 years old in comparison to mass produced vehicles which are less than 5 years old. These vehicles when they reach 10 years old are required to meet the exceptional condition and abnormally low mileage requirements (see Appendix G of Guidance notes) and they often continue to be licensed beyond 12 years old as they frequently meet the exceptional condition and abnormally low mileage criteria.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The legal implications are identified within the report

Borough Treasurer

- 6.2 There are no financial implications within this report

Equalities Impact Assessment

- 6.3 There are no equality issues raised within the report.

Strategic Risk Management Issues

- 6.4 There are no risk management issues identified.

7 CONSULTATION

Principal Groups Consulted

- 7.1 None.

Method of Consultation

- 7.2 None.

Representations Received

- 7.3 None.

Background Papers

Guidance notes & conditions for hackney carriage & private hire owners, operators & drivers

Contact for further information

Robert Sexton, Environment and Public Protection - 01344 352580

Robert.sexton@bracknell-forest.gov.uk

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**TO: LICENSING AND SAFETY COMMITTEE
11 OCTOBER 2012**

**CHAUFFEUR DRIVER LICENCES
Director of Environment, Culture and Communities**

1 PURPOSE OF REPORT

- 1.1 This report is brought to this Committee to advise Members on the implementation of a Chauffeur Private Hire Driver Licence.

2 RECOMMENDATION

- 2.1 **That the Committee note the success of the trial and approves the continuation of the Chauffeur Private Hire Driver Licence scheme under the agreed conditions.**

3 REASONS FOR RECOMMENDATION

- 3.1 There is a proven demand for these licences and as yet no apparent problems identified through customer feedback.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The Committee could decide that after this period of operation the licence was not of benefit to the trade and users of their service, and remove it.

5 SUPPORTING INFORMATION

- 5.1 At the Committee meeting on the 13 October 2011, Members received a report from officers recommending the introduction of a Chauffeur Licence for those drivers who drive vehicles that had been granted a private hire dispensation by the Council. This dispensation is for vehicles of a certain size and standard used exclusively for corporate/executive work where there is a prior business arrangement in place.

- 5.2 The Committee decided that:

- i) the applicant must take and pass the Private Hire Driver Knowledge test without a geographical element
- ii) the applicant must also pass all other elements of the Private Hire Driver conditions including DSA test, medical and first aid course and
- iii) that officers bring back a report in October 2012 on the implementation.

- 5.3 Within the past ten months we have received and issued eight applications for this new licence. These have been for new drivers wishing to enter the corporate market and six of the applicants applied in July 2012. It is probably too early to say how large the take up of this licence will be and much will depend upon the recovery and growth of confidence in the corporate centre. It was stated by local companies that there would be demand and it appears that initial data supports this. Additionally the Council has not received any negative feedback from users of these services regarding a lack of geographical knowledge of the Bracknell Forest area being

displayed by the Chauffeurs. It should be noted that the vast majority of the work carried out by these drivers commences and finishes outside of Borough.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The legal implications are dealt with within the report

Borough Treasurer

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

Equalities Impact Assessment

- 6.3 There are no equality issues arising from the recommendation.

Strategic Risk Management Issues

- 6.4 None.

7 CONSULTATION

Principal Groups Consulted

- 7.1 Taxi and Private Hire Trade.

Method of Consultation

- 7.2 Letter to licensed individuals and companies.

Representations Received

- 7.3 This was included within the report of 13 October 2011 and considered by the Committee at that time.

Background Papers

Licensing and Safety Committee Report – Chauffeur Badges 13 October 2011

Contact for further information

Robert Sexton, Environment and Public Protection - 01344 352580

Robert.sexton@bracknell-forest.gov.uk

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**TO: LICENSING AND SAFETY COMMITTEE
11 OCTOBER 2012**

**FEES AND CHARGES
Director of Environment, Culture and Communities**

1 PURPOSE OF REPORT

- 1.1 Each service area is required to review the fees and charges it levies on behalf of the Council as part of the budget process. Attached to this report are appendices which set out the current and proposed fees for Licensing matters.
- 1.2 Members are asked to note the proposals and agree these fees go forward for further discussion and consideration as part of the Council Fee Setting process.

2 RECOMMENDATIONS

- 2.1 **That save for the Operators, Hackney Carriage and Private Hire Vehicle Licence fees, that the Committee recommends to the Executive the new fees and charges detailed in Annex A, for public consultation.**
- 2.2 **That the Committee agrees that the proposed charges for Operators and Vehicle Licence fees are:**
 - a) **advertised**
 - b) **if no objections are received, implemented as from 1 April 2013; or**
 - c) **if objections are received they be considered by the Committee at the meeting on 10 January 2013.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 The recommendations recognise restrictions placed by statute, Council guidance on assumed increase of income generation, and the possible impact upon local businesses of licence fees. The recommendations reflect, in the officer view, the best compromise given the parameters in place.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 There are a number of alternative options to consider, ranging from no increase to increases across the board. There are legislative restrictions upon the maximum charge that can be made or other legislation which restricts those elements of the service provided by a Licensing Authority that are chargeable and non chargeable through the provision of a licence. Officers in drawing up these proposed fees have done so with consideration the legal constraints in place.

5 SUPPORTING INFORMATION

- 5.1 The Council has given guidance that fees and charges should be increased on average by 2.5%. A significant number of fees within the licensing field are set by Government regulation and cannot therefore be changed by the Council.
- 5.2 The Appendices attached to the report include the charges relevant to this Committee for the current year, alongside proposed changes for 2012/13. These proposed charges have taken into account guidance on fee setting by the Council, legislation and impact upon the business community. To allow for easy collection all charges are rounded to the nearest £1.00.
- 5.3 Charges for casinos and other gambling establishments under the Gambling Act 2005 are set at 75% of the statutory maximum. The statutory fee has not changed since first implemented by regulation in 2007. Given the nature of the premises within the Borough and the workload associated with them officers are of the view that fees at their present levels are appropriate for cost recovery. To set fees at a higher level could invite a challenge under the legislation that they are excessive.
- 5.4 Fees charged for the licensing of Hackney Carriages, Private Hire vehicles and Operators are required by Section 70 Local Government (Miscellaneous Provisions) Act 1976 to be advertised and any objections received to be brought back to this Committee for consideration. It is recommended that in the event of objections being received they be considered at the next Committee meeting on the 10 January 2013. These fees would then be included within the Council process for final adoption as part of the overall Council fees and charges process.
- 5.5 Fees under the Licensing Act 2003 have remained virtually the same since 2005 when the legislation was implemented. The fees are set by regulation and there have been many consultations and promises that the fee structure will be changed to more closely match the actual costs incurred by the Council. Officers reported to this Committee in October 2001 that the Government had recently announced the introduction of a new structure in April 2012. No changes have been implemented and there is no indication at this time that any change is imminent.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The legal provisions are contained within the report.

Borough Treasurer

- 6.2 For planning purposes it has been assumed that income from fees and charges will increase in line with the Council's general inflation forecasts i.e. averaging 2.5% over the three year planning period. General inflation is expected to be 2.5% for 2012/13.

Equalities Impact Assessment

- 6.3 There are no direct consequences in this report for any group.

Strategic Risk Management Issues

- 6.4 There are no issues to consider.

7 CONSULTATION

Principal Groups Consulted

- 7.1 There are certain legal provisions requiring consultations and these will be conducted. The remaining fees and charges will be subject to the Council consultation process.

Method of Consultation

- 7.2 See paragraph 5.4.

Representations Received

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

Background Papers

Contact for further information

Robert Sexton, Environment and Public Protection - 01344 352580
Robert.sexton@bracknell-forest.gov.uk

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**ENVIRONMENT, CULTURE & COMMUNITIES DEPARTMENT
2013/14 PROPOSED FEES & CHARGES**

Annex A

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

	2012/13 Budget	Proposed 2013/14 Budget
	£'000	£'000
Income the proposed fees will generate:	227	

Are concessions available? No
Link to the Council's Medium Term Objectives: To create a Borough where people are safe and feel safe.

LICENSING ACT 2003

The fees for all Licensing Act 2003 permissions are statutory fees set by central government.

Fees for new and variation applications for premises licences and club premises certificates are based on the rateable value of the premises and are as set out below:

Description	Current Fee (Exc VAT)	Proposed Fee (Exc VAT)
Rateable value band		
A	100.00	Set by Statute
B	190.00	Set by Statute
C	315.00	Set by Statute
D	450.00	Set by Statute
E	635.00	Set by Statute

The fees for new or variation applications for premises licences and club premises certificates where (a) the premises are in Band D or Band E; and (b) the premises are used exclusively or primarily for the supply of alcohol on the premises are as set out below:

Rateable value band	Current Fee (Exc VAT)	Proposed Fee (Exc VAT)
D	900.00	Set by Statute
E	1,905.00	Set by Statute

Also, new or variation applications for premises licences and club premises where capacity will exceed 5000, are subject to an additional fee as set out below:

Number of people in attendance at any one time	Current Fee (Exc VAT)	Proposed Fee (Exc VAT)
5,000 - 9,999	1,000.00	Set by Statute
10,000 - 14,999	2,000.00	Set by Statute
15,000 - 19,999	4,000.00	Set by Statute
20,000 - 29,999	8,000.00	Set by Statute
30,000 - 39,999	16,000.00	Set by Statute
40,000 - 49,999	24,000.00	Set by Statute
50,000 - 59,999	32,000.00	Set by Statute
60,000 - 69,999	40,000.00	Set by Statute
70,000 - 79,999	48,000.00	Set by Statute
80,000 - 89,999	56,000.00	Set by Statute
90,000 and over	64,000.00	Set by Statute

Premises licences sought for community centres and some schools that permit regulated entertainment but which do not permit the supply of alcohol and/or the provision of late night

**ENVIRONMENT, CULTURE & COMMUNITIES DEPARTMENT
2013/14 PROPOSED FEES & CHARGES**

Annex A

OTHER FEES

There are other occasions that fees and charges must be paid to the Licensing Authority, as set out below:		
Description	Current Fee (Exc VAT)	Proposed Fee (Exc VAT)
Personal Licence Application	37.00	Set by Statute
Supply of copies of information contained in register	10.50	Set by Statute
Application for copy of licence or summary on theft, loss etc. of premises licence or summary	10.50	Set by Statute
Notification of change of name or address (holder of premises licence)	10.50	Set by Statute
Application to vary licence to specify an individual as designated premises supervisor	23.00	Set by Statute
Interim Authority Notice	23.00	Set by Statute
Application to transfer premises licence	23.00	Set by Statute
Application for making a provisional statement	315.00	Set by Statute
Application for copy of certificate or summary on theft, loss etc. of certificate summary	10.50	Set by Statute
Notification of change of name or alteration of club rules	10.50	Set by Statute
Change of relevant registered address of club	10.50	Set by Statute
Temporary Event Notices	21.00	Set by Statute
Application for copy of notice on theft, loss etc. of temporary event notice	10.50	Set by Statute
Application for copy of licence on theft, loss etc. of personal licence	10.50	Set by Statute
Notification of change of name or address (personal licence)	10.50	Set by Statute
Notice of interest in any premises	21.00	Set by Statute
(Licensing Act 2003) Minor Variation	89.00	Set by Statute
(Licensing Act 2003) Removal of DPS Condition	23.00	Set by Statute

**ENVIRONMENT, CULTURE & COMMUNITIES DEPARTMENT
2013/14 PROPOSED FEES & CHARGES**

Annex A

ANNUAL FEES

Where premises licences and club premises certificates are issued, the holder shall pay an annual fee as set out below:

Description	Current Fee (Exc VAT)	Proposed Fee (Exc VAT)
Rateable value band		
A	70.00	Set by Statute
B	180.00	Set by Statute
C	295.00	Set by Statute
D	320.00	Set by Statute
E	350.00	Set by Statute

Where (a) the premises are in Band D or in Band E; and (b) the premises are used exclusively or primarily for the supply of alcohol on those premises, the holder of the licence/certificate shall pay an annual fee as set out below:

Rateable value band		
D	640.00	Set by Statute
E	1,050.00	Set by Statute

Also where the capacity of the premises exceeds 5,000, the holder of the licence/certificate shall pay an additional fee as set out below:

Number of people in attendance at any one time		
5,000 - 9,999	500.00	Set by Statute
10,000 - 14,999	1,000.00	Set by Statute
15,000 - 19,999	2,000.00	Set by Statute
20,000 - 29,999	4,000.00	Set by Statute
30,000 - 39,999	8,000.00	Set by Statute
40,000 - 49,999	12,000.00	Set by Statute
50,000 - 59,999	16,000.00	Set by Statute
60,000 - 69,999	20,000.00	Set by Statute
70,000 - 79,999	24,000.00	Set by Statute
80,000 - 89,999	28,000.00	Set by Statute
90,000 and over	32,000.00	Set by Statute

**ENVIRONMENT, CULTURE & COMMUNITIES DEPARTMENT
2013/14 PROPOSED FEES & CHARGES**

Annex A

GAMBLING ACT 2005

Description		Current Fee (Exc VAT)	Proposed Fee (Exc VAT)
Bingo Club	New Application	2,625.00	Set by Statute
	Variation	1,312.50	Set by Statute
	Transfer/Reinstatement	900.00	Set by Statute
	Application with Prov Statement	900.00	Set by Statute
	Prov Statement	2,625.00	Set by Statute
	Notification of Change	37.50	Set by Statute
	Annual Fee	750.00	Set by Statute
	Copy Licence	18.75	Set by Statute
Adult Gaming Centre	New Application	1,500.00	Set by Statute
	Variation	750.00	Set by Statute
	Transfer/Reinstatement	900.00	Set by Statute
	Application with Prov Statement	900.00	Set by Statute
	Prov Statement	1,500.00	Set by Statute
	Notification of Change	37.50	Set by Statute
	Annual Fee	750.00	Set by Statute
	Copy Licence	18.75	Set by Statute
Betting (Other)	New Application	2,250.00	Set by Statute
	Variation	1,125.00	Set by Statute
	Transfer/Reinstatement	900.00	Set by Statute
	Application with Prov Statement	900.00	Set by Statute
	Prov Statement	2,250.00	Set by Statute
	Notification of Change	37.50	Set by Statute
	Annual Fee	450.00	Set by Statute
	Copy Licence	18.75	Set by Statute
* Licensed Premises Gaming Machine Permit			
	New	150.00	Set by Statute
	Annual Fee	50.00	Set by Statute
	Variation	100.00	Set by Statute
	Transfer	25.00	Set by Statute
	Copy Permit	15.00	Set by Statute
	Change Name	25.00	Set by Statute
**Club Gaming/Permit/Club Machine Permit			
	New	200.00	Set by Statute
	Annual Fee	50.00	Set by Statute
	Renewal	200.00	Set by Statute
	Variation	100.00	Set by Statute
	Copy Permit	15.00	Set by Statute
	Notification of 2 or less gaming machines	50.00	Set by Statute
Registration of non-commercial lottery			
	Initial Fee	40.00	Set by Statute
	Annual Fee	20.00	Set by Statute
* Where the applicant for a LPGMP is the holder of a s.34 permit issued under the Gaming Act 1968, the fee for a new permit shall be £100.			
** Where the applicant for a club gaming or club machine permit is the holder of a Club Premises Certificate under s.72 of the Licensing Act 2003, or an existing Part II or Part III registration of the Gaming Act 1968, the fee for new permits and renewals is £100.			

**ENVIRONMENT, CULTURE & COMMUNITIES DEPARTMENT
2013/14 PROPOSED FEES & CHARGES**

Annex A

Description	Current Fee (Exc VAT)	Proposed Fee (Exc VAT)	% Increase
Home Boarding of Dogs: Annual Licence			
Initial	129.00	132	2.3
Renewal	108.00	111	2.8
Dog Breeders: Annual Licence			
Initial	430.50	440	2.2
Renewal	193.50	200	3.4
Pet Shops: Annual Licence			
Initial	430.50	440	2.2
Renewal	193.50	200	3.4
Performing Animals: Single Payment			
Registration	86.50	90	4.0
Zoo: Annual Licence			
Initial/Renewal	430.50	440	2.2
Special Treatments: Single Payment			
Premises	210.00	215	2.4
Person	38.50	39	1.3
Hairdresser: Single Payment			
Premises	37.50	38	1.3
Street Trading Consents			
Week (minimum charge)	120.00	123	2.5
1 month	320.00	328	2.5
3 months	750.00	770	2.7
6 months	1,230.00	1260	2.4
Additional Trading Assistant	38.50	n/a	
6 months max trading 2 events per week including Fri,Sat,or	695.00	712	2.4
6 months max trading 2 events per week Monday to Thursday	463.00	475	2.6
Street trading consent variation fee (new fee)		80	
Ice cream vans 1 month (per van)	160.00	164	2.5
Ice cream vans 6 months (per van)	615.00	630	2.4
Motor Salvage Operator and Scrap Metal Dealer: Three-year Licence			
Motor salvage operator and scrap metal dealer licence	119.00	122	2.5

**ENVIRONMENT, CULTURE & COMMUNITIES DEPARTMENT
2013/14 PROPOSED FEES & CHARGES**

Annex A

OTHER PREMISES LICENSING			
Description	Current Fee (Exc VAT)	Proposed Fee (Exc VAT)	% Increase
Sex Establishment: Annual Licence			
Premises - Initial	2,360.00	2420	2.5
Premises - Renewal	1,253.00	1285	2.6
Dangerous Wild Animal: Annual Licence			
Premises - Initial	420.00	430	2.4
Premises - Renewal	243.00	250	2.9
Riding Establishment: Annual Licence			
Premises - Initial	454.00	465	2.4
Premises - Renewal	237.00	242	2.1
Provisional - Initial	265.00	271	2.3
Provisional - Renewal	133.00	139	4.5
Animal Boarding Establishment: Annual Licence			
1 - 30 animals	Initial	358.00	367
	Renewal	209.00	215
31 - 60 animals	Initial	422.00	433
	Renewal	227.00	233
61 (or more) animals	Initial	514.00	526
	Renewal	278.00	285

**ENVIRONMENT, CULTURE & COMMUNITIES DEPARTMENT
2013/14 PROPOSED FEES & CHARGES**

Annex A

HACKNEY CARRIAGES			
Description	Current Fee (Exc VAT)	Proposed Fee (Exc VAT)	% Increase
Hackney Carriages Vehicle: Annual Fee			
Licensing (annual fee)	250.00	256	2.4
Licensing (annual fee)	250.00	256	2.4
Home to School (annual fee)	125.00	130	4.0
Operator Licence: Annual Fee			
1 vehicle	161.00	165	2.5
2 - 5 vehicles	280.00	287	2.5
6 - 10 vehicles	470.00	481	2.3
11 - 15 vehicles	650.00	666	2.5
16 - 20 vehicles	880.00	902	2.5
more than 20 vehicles	1,060.00	1086	2.5
Operator Licence: 3 year Licences- (20% discount on annual fee)			
1 vehicle	400.00	396	-1.0
2 - 5 vehicles	680.00	697	2.5
6 - 10 vehicles	1,130.00	1155	2.2
11 - 15 vehicles	1,560.00	1599	2.5
16 - 20 vehicles	2,110.00	2165	2.6
more than 20 vehicles	2,540.00	2607	2.6
Driver Licences			
Initial	130.00	133	2.3
Renewal	100.00	102	2.0
Renewal (3 years- 33% discount on annual fee)	200.00	205	2.5
Home to school	80.00	82	2.5
Other Charges			
Transfer of vehicle to new owner	43.00	44	2.3
Conversion of driver licence to another type (new fee)		60	
Change of vehicle	65.00	66	1.5
Transfer of operator licence (new fee)		44	
Meter Test - Retest after failure	27.00	28	3.7
Knowledge Test	27.00	28	3.7
First Aid Training for drivers	24.00	24	0.0
CRB Check	At cost		
Administrative charge for CRB check	12.00	12	0.0
Replacement documents	22.00	22	0.0
Advertising on Hackney Carriages (Initial)	33.00	34	3.0
Advertising on Hackney Carriages (Renewal)	23.00	24	4.3
Replacement Badge	20.00	21	5.0
Replacement plate	24.00	25	4.2
Replacement backing plate	20.00	20	0.0
Medical exemption from carrying assistance dog	18.50	19	2.7

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**TO: LICENSING AND SAFETY COMMITTEE
11 OCTOBER 2012**

**GAMBLING ACT 2005 DELEGATIONS
Director of Environment, Culture and Communities**

1 PURPOSE OF REPORT

- 1.1 This report seeks approval from the Committee for the attached delegations under the Gambling Act 2005.

2 RECOMMENDATIONS

- i. **That the list of delegations attached as Annex A is approved by the Committee and effective from 12 October 2012,**
- ii. **That the Committee requests that the Scheme of Delegation to Officers in Table 2 section 6 of the Council's Constitution be amended accordingly.**

3 REASONS FOR RECOMMENDATION(S)

- 3.1 A review of the delegated functions under the Gambling Act showed that a large number remain within the delegated responsibility of the Committee. These were not considered when the original delegations were brought to the Committee in March 2006, and these have now been considered with a recommendation for a level of delegation.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 These functions could remain solely the delegated role of the Committee. However, should the functions be required to be exercised it would in the view of officers be a time consuming and expensive exercise to use the Committee rather than a Sub-Committee, officers or a combination.

5 SUPPORTING INFORMATION

- 5.1 All Local Authority functions under the Gambling Act 2005 are delegated to the Licensing and Safety Committee by virtue of Section 154. The exceptions to this delegation are those of policy in matters such as Statement of Gambling Principles, and Casino's which are matters for the Council.
- 5.2 In March 2006 a report was brought to this Committee and a number of delegated functions were agreed. These were based upon guidance issued under the Act by The Gambling Commission. Since that report it has become clear that a number of other functions could have been further delegated beyond the Committee and in addition new functions have been added.
- 5.3 Functions and powers under any act must for effective delivery and efficiency be operated at the appropriate level within an organisation. In doing so consideration should be made of the impact and risk associated with that function alongside the nature and process within local decision making. In drawing up the proposed scheme of delegation attached as Annex A, officers have considered risk factors and the need for member input and balanced this against a need for a speedy process so

as to not unnecessarily delay for a business the issue, suspension or revocation of licences or permits.

- 5.4 Annex A sets out a proposal for the delegation of functions under the Act. Some of these functions will be dealt with by a Licensing Sub Committee in a similar way to those under the Licensing Act 2003. Others will be delegated to the Director of Environmental Culture and Communities and in some the Director or his representative are required to consult with the Chairman or Vice Chairman of the Licensing Committee. The Chair or Vice Chair can, if they feel it appropriate, require the matter to go to the Licensing Sub Committee for decision, or they may support the Director's recommended action.
- 5.5 Where the function has been delegated to the Sub Committee this is because either relevant representation has been received but not withdrawn in relation to an application, or there is a need to have a hearing in respect of exempt gaming provisions within premises licensed for the sale of alcohol.
- 5.6 The delegations to officers are generally where no representations are received, where there is a need to act quickly to stop or prevent a temporary event taking place, or administrative in nature such as revocation of a licence or cancellation of a permit where the annual fee has not been paid.
- 5.7 Those delegations which require consultation with the Chairman or Vice Chairman of the Committee can involve the refusal or revocation of a licence, permit or registration. In making such decisions, certain facts must be determined and the holder or applicant must be given an opportunity to make representations. It is felt that member input in consideration of the determined facts and representation would be helpful to the process.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 Under the Council's constitution, Gambling Act functions are functions of the Licensing and Safety Committee. It is open to the Committee to delegate both the day to day decisions and unopposed decisions to the Director of Environment and Culture as an officer of the Council.

Nearly every decision that the Local Authority takes in relation to the functions under the Gambling Act are appealable to the Magistrates Court within 21 days of the date of the decision.

Borough Treasurer

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

Equalities Impact Assessment

- 6.3 There are no equality issues to consider.

Strategic Risk Management Issues

- 6.4 There are no strategic risk management issues.

7 CONSULTATION

Principal Groups Consulted

7.1 None.

Method of Consultation

7.2 None.

Representations Received

7.3 None.

Background Papers

Gambling Act 2005

Contact for further information

Robert Sexton, Environment and Public Protection - 01344 352580

Robert.sexton@bracknell-forest.gov.uk

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Gambling Act 2005 Functions Delegation

Gambling Act 2005	Functions	Delegation
Section 163	<p>Determination of application for Premises Licence in respect of which representations have been made (and not withdrawn)</p> <p>Determination of application for Premises Licence where no relevant representations received</p>	<p>Licensing Sub-Committee</p> <p>Director of Environment, Culture and Communities</p>
Section 187	<p>Determination of application to vary Premises Licence in respect of which representations have been made (and not withdrawn)</p> <p>Determination of application to vary Premises Licence in respect of which no representation received</p>	<p>Licensing Sub-Committee</p> <p>Director of Environment, Culture and Communities</p>
Section 188	<p>Determination of application for transfer of Premises Licence in respect of which representations have been made (not withdrawn)</p> <p>Determination of application for transfer of Premises Licence where no representations received</p>	<p>Licensing Sub-Committee</p> <p>Director of Environment, Culture and Communities</p>
Section 193	Revocation of Premises Licence for failure to pay annual fee.	Director of Environment, Culture and Communities
Section 194	Determination that a Premises Licence has lapsed	Director of Environment, Culture and Communities
Section 195	<p>Reinstatement of lapsed Premises Licence in respect of which representations have been made (and not withdrawn).</p> <p>Reinstatement of lapsed Premises Licence where no representation is received.</p>	<p>Licensing Sub-Committee</p> <p>Director of Environment, Culture and Communities</p>
Section 204	<p>Determination of application for provisional statement in have been made (and not withdrawn)</p> <p>Determination of application for provisional statement in respect of which no representations received.</p>	<p>Licensing Sub-Committee</p> <p>Director of Environment, Culture and Communities</p>

Section 205	Decision to disregard representations made in respect of application for a Premises Licence after issue of provisional statement.	Director of Environment, Culture and Communities in consultation with Chair or Vice Chair of Licensing Committee
Section 218	Issue of counter notice to Temporary Use Notice where number of permitted days are exceeded.	Director of Environment, Culture and Communities
Section 221	Objection to Temporary Use Notice.	Director of Environment, Culture and Communities
Section 222	Issue of counter notice in response to Temporary Use Notice	Licensing Sub-Committee
Section 284	Making of Order to remove exemptions from specified premises	Licensing Sub-Committee
Section 346	Institution of criminal proceedings in respect of an offence under the provisions of the Act	Director of Environment, Culture and Communities In consultation with Borough Solicitor
Schedule 10 Paragraph 8	Determination of application for Family Entertainment Centre Gaming Machine Permit	Director of Environment, Culture and Communities (refusal to be exercised only in consultation with Chair or Vice Chair of Licensing Committee)
Paragraphs 14 and 15	Notification of lapse of Family Entertainment Centre Gaming Permit	Director of Environment, Culture and Communities in consultation with Chair or Vice Chair of Licensing Committee
Schedule 11 Paragraph 44	Registration of society for small society lottery	Director of Environment, Culture and Communities
Paragraph 48	Refusal of application for registration of society for small society lottery	Director of Environment, Culture and Communities in consultation with Chair or Vice Chair of Licensing Committee.
Paragraph 50	Revocation of registration of society for small society lottery	Director of Environment, Culture and Communities in consultation with Chair or Vice Chair of Licensing Committee.
Paragraph 54	Cancellation of registration of society for small society lottery for non-payment of annual fee	Director of Environment, Culture and Communities
Schedule 12 Paragraphs 5 and 10 and 24	Determination of application for Club Gaming Permit and Club Registration Permit and for renewal of permit in respect of which representations have been made (and not withdrawn)	Licensing Sub-Committee
	Determination of application for Club Gaming Permit and Club Registration	Director of Environment, Culture and Communities

Paragraph 15	Permit and for renewal of permit where no representations received Determination of application for variation of Club Gaming Permit and in respect of which Club Registration Permit and cancellation of permit representations have been made (and not withdrawn) Determination of application for variation of Club Gaming Permit and Club Registration Permit and cancellation of permit where no representations received Cancellation of Club Gaming Permit and Club Registration Permit Cancellation of Club Gaming Permit and Club Registration Permit for failure to pay annual fee	Licensing Sub-Committee Director of Environment, Culture and Communities Licensing Sub-Committee Director of Environment, Culture and Communities
Schedule 13 Paragraphs 4, 15 and 19 Paragraph 16 Paragraph 17	Determination of application for grant, variation or transfer of Licensed Premises Gaming Machine Permit Cancellation of Licensed Premises Gaming Machine Permit or variation of number or category of machines in respect of which representations received (and not withdrawn) Cancellation of Licensing Premises Gaming Machine Permit and variation of number or category of machine where no representations received Cancellation of Licensed Premises Gaming Machine Permit for failure to pay annual fee	Director of Environment, Culture and Communities (refusal and limitation on number of machines only in consultation with Chair or Vice Chair of Licensing Committee) Licensing Sub-Committee Director of Environment, Culture and Communities Director of Environment, Culture and Communities
Schedule 14 Paragraphs 9 and 18 Paragraph 15	Determination of application for Prize Gaming Permit and application for renewal of Permit Determination that Prize Gaming Permit has lapsed	Director of Environment, Culture and Communities (refusal to be exercised only in consultation with Chair or Vice Chair of Licensing Committee) Director of Environment, Culture and Communities

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**TO: LICENSING AND SAFETY COMMITTEE
11 OCTOBER 2012**

HACKNEY CARRIAGE SURCHARGE Director of Environment, Culture and Communities

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek approval to go out to consultation on an amendment to the tariff of authorised fares which can be charged by hackney carriages in Bracknell Forest.

2 RECOMMENDATION

2.1 That the Committee

- i) approves the revised fare chart attached at Annex B for consultation with the trade and general public, and**
- ii) requires officers to bring back a report to the next meeting on the results of that consultation.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 A complaint was received from a member of the public in June 2012 in respect of the 50% surcharge which can be charged when hackney carriages are carrying more than four passengers. An extract from the complaint is as follows:

“I am writing to complain about a rule BFBC has put in place in respect of the amount of passengers that a taxi carries. I rang for a taxi from the Old Manor one Saturday night to go to Great Hollands via Crown Wood. The normal fare was approx £16.00. The fare for 6 passengers was £25.00. Could you please explain why there is a 50% excess charged if there are more than 4 passengers. The car was a 7 seater so could hold six passengers quite comfortably - it didn't have to do a longer journey nor did it use any more petrol. To add 50% to the fare is extortionate and I can see no reason for it”.

- 3.2 Over recent years, drivers have also raised concerns that they do not feel comfortable using the system which requires them to press a button on the meter at the end of the journey to add 50% onto the total, as this can cause disputes with customers.
- 3.3 The local meter company representatives are of the view that the use of extras on the meter (for more than one passenger) would be more appropriate rather than a percentage added to the final fare, so are supportive of the proposed change.
- 3.4 It is proposed to consult on the following changes:
- i) removal of the 50% surcharge where a vehicle is carrying more than four passengers
 - ii) addition of an extra charge of 50p per passenger when the vehicle is carrying more than 4 passengers.
- 3.5 This would provide additional income to cover the increased purchase and running costs on the larger vehicles. If it were to be set at a lower number of passengers then costs to users would increase especially on shorter journeys where 3 or 4 people share a taxi.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Members may choose to reject the proposal or vary the amended fare chart prior to the consultation.

5 SUPPORTING INFORMATION

- 5.1 The existing fare chart can be found at **Annex A**. These are the maximum fares that can be charged; there is nothing to prevent a driver charging a lower fare.
- 5.2 The TPI Unmet Demand Survey carried out in 2009 highlighted that a common reason given by the public for not using taxis is the cost, and officers are keen to establish whether changes to the tariff could result in benefits for both taxi owners and the travelling public.
- 5.3 The 50% surcharge was originally implemented when the Council brought in the policy that all hackney carriages would be required to be wheelchair accessible. The proposal put forward by the trade was that the larger vehicles cost significantly more to purchase, run and maintain and that there would be more wear and tear on the vehicle. It is also accepted that where a larger vehicle is used, it can save the consumer money in that all passengers could travel in one vehicle rather than two and would also reduce vehicle emissions.
- 5.4 However, there is also a counter view that it is the driver's choice to purchase the larger vehicle and that this still does not justify the 50% surcharge, especially for longer journeys. Also, at the time that the wheelchair accessible policy was introduced, the drivers were forced to purchase the larger vehicles as there were no smaller commercial options available. Of the Borough's 84 hackney carriages, 31 are of the larger style which are able to hold more than 4 passengers.
- 5.5 Research has been carried out into the fares charged by surrounding local authorities. To date, it has only revealed one other local authority (Wokingham) who have a similar surcharge when the vehicle is carrying more than four passengers.
- 5.6 The other surrounding local authorities either have no extra charge at all, or they use 'extras' on the meter as follows:
- | | |
|------------|----------------------------------------------------------|
| Slough: | Additional passengers over 2 - 20p per additional person |
| Reading: | Additional passengers over 1 - 20p per additional person |
| Guildford: | Additional passengers over 1 - 50p per additional person |
| RBWM: | Additional passengers over 1 - 21p per additional person |
- Some authorities have a maximum 'extras' charge per journey of £1.00. The Royal Borough of Windsor and Maidenhead and Guildford also have a £1.00 fee for advance bookings.
- 5.7 Any proposed changes would have to be advertised in a local newspaper for a period of not less than 14 days and, if objections are received and not subsequently withdrawn, these would have to be considered by the Committee. It is not proposed to advertise the proposed changes in a local newspaper at this stage of the process as this would be a consultation process, the results of which would be brought back to this Committee for consideration.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The legal implications are identified within the report.

Borough Treasurer

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

Equalities Impact Assessment

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

Strategic Risk Management Issues

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

7 CONSULTATION

Principal Groups Consulted

- 7.1 Not applicable at this stage.

Method of Consultation

- 7.2 The recommendation requires a consultation which will be directed towards the taxi trade and the general public.

Representations Received

- 7.3 Any representations received will be reported back to the Committee at its next meeting.

Background Papers

Local Government (Miscellaneous Provisions) Act 1976
Town Police Clauses Act 1847

Contact for further information

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BRACKNELL FOREST BOROUGH COUNCIL**AUTHORISED FARES FOR LICENSED HACKNEY CARRIAGES**
Section 65 Local Government (Miscellaneous Provisions) Act 1976

With effect from 23 June 2011 the table of fares chargeable within the Borough are as follows:



Tariff 1	Minimum charge on Tariff 1	£3.00
For the first 700 yards (640 metres) or 2 minutes 36 seconds		£3.00
For each subsequent 200 yards (182 metres) or uncompleted part		20p
Waiting time – for up to every 45 seconds		20p
Tariff 2	Minimum charge on Tariff 2	£4.50
For hiring between 11.00pm and 7.00am		includes an additional
For hiring on Bank and Public Holidays		50% on Tariff 1
For hiring on Christmas Eve and New Years Eve from 6.00pm until midnight		
Tariff 3	Minimum charge on Tariff 3	£6.00
For hiring on Christmas Day through to 7.00am on Boxing Day		includes an additional
		100% on Tariff 1
Extra Charges		
Fouling of vehicle – interior		£50
Fouling of vehicle – exterior		£10

When this vehicle is carrying more than 4 passengers, a surcharge of 50% will be applied to the fare shown on the meter at the end of the journey

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BRACKNELL FOREST BOROUGH COUNCIL

AUTHORISED FARES FOR LICENSED HACKNEY CARRIAGES Section 65 Local Government (Miscellaneous Provisions) Act 1976

With effect from *DATE* the table of fares chargeable within the Borough are as follows:

Tariff 1	Minimum charge on Tariff 1	£3.00
For the first 700 yards (640 metres) or 2 minutes 36 seconds		£3.00
For each subsequent 200 yards (182 metres) or uncompleted part		20p
Waiting time – for up to every 45 seconds		20p
Tariff 2	Minimum charge on Tariff 2	£4.50
For hiring between 11.00pm and 7.00am		includes an additional
For hiring on Bank and Public Holidays		50% on Tariff 1
For hiring on Christmas Eve and New Years Eve from 6.00pm until midnight		
Tariff 3	Minimum charge on Tariff 3	£6.00
For hiring on Christmas Day through to 7.00am on Boxing Day		includes an additional
		100% on Tariff 1
Extra Charges		
Additional passengers (over 4)		50p per additional person
Fouling of vehicle – interior		£50.00
Fouling of vehicle – exterior		£10.00

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**TO: LICENSING AND SAFETY COMMITTEE
11 OCTOBER 2012**

**ANIMAL BOARDING ESTABLISHMENTS – HOME BOARDING OF DOGS
Director of Environment, Culture and Communities**

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to propose amendments to the model home boarding of dogs licence conditions.

2 RECOMMENDATIONS

2.1 That the Committee:

- i) **amends condition 3.2 of the model home boarding licence conditions to: “Only dogs from the same household may be boarded at any one time unless the licence holder has secured the specific written consent of each household to confirm that they are content for their dogs to be boarded with others. Dogs must be separated in secure areas when left unattended and must also be fed separately. Dogs must not be boarded with any cat, unless they normally live together in the same household”; and**
- ii) **amends condition 1.6 of the model home boarding licence conditions to: “Puppies under 6 months of age may be boarded with other dogs provided they have been suitably vaccinated and no difficulties identified during a documented trial socialisation period”;**
- iii) **both of the above amendments to come into effect when the licences are next renewed as from 1 January 2013.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 The existing home boarding of dogs licence conditions can be found at **Annex A**. An update document from LACORS which is attached at **Annex B** supports the proposed amendments. This document confirms that the Council can use the model conditions as a template and adapt or amend as appropriate.
- 3.2 Condition 3.2 of the Licence Conditions for Home Boarding of Dogs states “Only dogs from the same household may be boarded at any one time.” From discussion with current licence holders, it is understood that there are concerns that this is not proportionate and can make it difficult both at changeover times (where a boarder can end up with gaps because they cannot have even a short overlap) and in the busy season.
- 3.3 The update document from LACORS explains that the purpose of the model condition preventing the boarding of dog from more than one household was because of the higher level of risk associated where dogs are not contained in kennels. It also refers to local authorities that have relaxed the condition but implemented other requirements to address the risk. It is believed that a requirement for the written consent from both owners would be a sensible precaution so the owners can choose another boarding option if they are not happy with the arrangement; along with separation of dogs in secure areas when left unattended and separate feeding. Trial familiarisation sessions will be recommended but not made mandatory in case this is not possible to arrange.

- 3.4 Condition 1.6 of the Model Home Boarder of Dogs Licence Conditions states “Puppies under 6 months of age must not be boarded with other dogs including resident dogs”. The update document from LACORS confirms a change of opinion in respect of boarding of puppies and states that “providing they were suitably vaccinated and difficulties had not been identified during a trial socialisation period, dogs under 6 months could be boarded”.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Members may choose to reject the request or vary the proposed conditions in the recommendation.

5 SUPPORTING INFORMATION

- 5.1 The Council first introduced a licence specifically for home boarders of dogs in October 2008. The traditional business model for an Animal Boarding Establishment has been based upon a property with land and separate outdoor kennelling facilities. Over recent years a new model has developed where people take dogs into their own homes to board. There are currently 12 licensed home boarders in the Bracknell Forest area.
- 5.2 Home boarder licences are issued under the same legislation as kennels and catteries, the Animal Boarding Establishments Act 1963 (‘the Act’). The model conditions for home boarding establishments are adapted from the model conditions for kennelling facilities (produced by the Chartered Institute for Environmental Health) to provide appropriate control over welfare conditions for dogs being boarded at domestic premises. Under the Act, a local authority can attach licence conditions to ensure:
- i) that dogs are kept in accommodation suitable as respects construction, size, temperature, lighting, ventilation and cleanliness;
 - ii) that dogs will be adequately supplied with suitable food and drink, and are visited at suitable intervals;
 - iii) that dogs are kept secure;
 - iv) that reasonable precautions are taken to prevent and control the spread of infectious diseases;
 - v) that appropriate steps are taken in the event of an emergency; and
 - vi) that a suitable level of management is maintained.
- 5.3 Premises are licensed on an annual basis following an inspection by a licensing officer. The conditions on the licence govern the number of dogs which may be boarded. Fees for such licences are set at a lower level than animal boarding establishments to reflect the fact that it takes less time for officers to process applications and monitor compliance.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The legal implications are identified within the report.

Borough Treasurer

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

Equalities Impact Assessment

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

Strategic Risk Management Issues

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

7 CONSULTATION

Principal Groups Consulted

- 7.1 None.

Method of Consultation

- 7.2 None.

Representations Received

- 7.3 None.

Background Papers

Animal Boarding Establishments Act 1963

LACORS - Model Conditions for Home Boarding of Dogs: November 2005

LACORS - Model home boarding conditions Update and clarification: 14 October 2009

Contact for further information

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**LICENCE CONDITIONS FOR HOME BOARDING (DOGS)
ANIMAL BOARDING ESTABLISHMENTS ACT 1963**

1 INTRODUCTION

- 1.1 Unless otherwise stated, these conditions shall apply to all buildings and areas to which dogs have access and/or which are used in association with the boarding of dogs.
- 1.2 Normally planning permission will not be required for the home boarding of animals on the scale proposed, however should complaints be received because of particular noise or odour problems, then the Council reserves the right to consider whether there has been a change of use which requires a planning application to be submitted.
- 1.3 The Licensee must ensure that the establishment is covered by adequate and suitable public liability insurance and, where necessary, adequate and suitable employers liability insurance.
- 1.4 No dog registered under the Dangerous Dogs Act 1991 must be accepted for home boarding.
- 1.5 Dog hybrids registered under the Dangerous Wild Animal Act 1976 (e.g. Wolf Hybrids) are not to be accepted for home boarding.
- 1.6 Entire males and bitches in season or bitches due to be in season during the boarding, must not be boarded together or boarded with resident dogs. Puppies under 6 months of age must not be boarded with other dogs including resident dogs.

2 LICENCE DISPLAY

- 2.1 A copy of the licence and its associated conditions must be suitably displayed to the public in a prominent position in, on or about the premises or made available to each boarder.

3 NUMBERS OF ANIMALS

- 3.1 The maximum number of dogs to be kept at any one time is **(enter number)**.
- 3.2 Only dogs from the same household may be boarded at any one time. Dogs must not be boarded with any cat, unless they normally live together in the same household.
- 3.3 Where there is a resident dog or cat kept at the household, written consent from the owners of the boarded dog must be gained following a trial familiarisation session.
- 3.4 The Licensee will be required to make an assessment of the risks of home boarding to include the risk to or caused by children who are likely to be at the property.

4 CONSTRUCTION

- 4.1 Dogs must live in the home as family pets. There must be no external construction of buildings, cages or runs.

- 4.2 The premises shall have its own entrance and must not have shared access e.g. communal stairs.
- 4.3 There must be adequate space, light, heat and ventilation for the dogs.
- 4.4 As far as reasonably practicable, all areas/rooms within the home to which boarded dogs have access must have no physical or chemical hazards that may cause injury to the dogs.
- 4.5 There must be sufficient space available to be able to keep the dogs separately if required.
- 4.6 If a collection and delivery service is provided, a suitable vehicle with a dog guard or cage in the rear must be provided.

5 MANAGEMENT

5.1 Training

- 5.1.1 A written training policy for staff must be provided. Systematic training of staff must be demonstrated to have been carried out.

5.2 Cleanliness

- 5.2.1 All areas where the dogs have access to, including the kitchen etc, must be kept clean and free from accumulations of dirt and dust and must be kept in such a manner as to be conducive to maintenance of disease control and dog comfort.
- 5.2.2 All excreta and soiled material must be removed from all areas used by dogs at least daily and more often if necessary. Disposal facilities for animal waste must be agreed with the Licensing Authority.
- 5.2.3 All bedding areas must be kept clean and dry.
- 5.2.4 Facilities must be provided for the proper reception, storage and disposal of all waste. Particular care should be taken to segregate clinical waste arising from the treatment and handling of dogs with infectious diseases. The final route for all such waste shall comply with current waste regulations.
- 5.2.5 Measures must be taken to minimise the risks from rodents, insects and other pests within the premises.

5.3 Food and Water Supplies

- 5.3.1 All dogs shall have an adequate supply of suitable food as directed by the client.
- 5.3.2 Fresh drinking water must be available at all times (unless advised otherwise by a veterinary surgeon) and the drinking vessel cleaned daily. The water must be changed at least twice a day.
- 5.3.3 Clients must be encouraged to provide each dog with its own bedding, bowls, grooming materials etc. These items must be cleaned regularly to prevent cross-infection. The Licensee however should also be able to provide extra bedding material.

5.3.4 Where necessary, eating and drinking vessels must be provided, and where so, they must be capable of being easily cleansed and disinfected to prevent cross-contamination. They must also be maintained in a clean condition. Feeding bowls must be cleaned or disposed of after each meal and each dog must be provided with its own bowl.

5.4 **Kitchen Facilities**

5.4.1 Airtight containers must be provided for the storage of dry foods. Uncooked food and the remains of opened tins must be stored in covered, non-metal, leak-proof containers in the fridge.

5.4.2 All bulk supplies of food shall be kept in vermin-proof containers.

5.5 **Disease Control and Vaccination**

5.5.1 Adequate precautions must be taken to prevent and control the spread of infectious and contagious disease and parasites amongst the dogs, staff and visitors.

5.5.2 Proof must be provided that boarded and resident dogs have current vaccinations against Canine Distemper, Infectious Canine Hepatitis (Canine adenovirus), Leptospirosis (*L. canicola* and *L. icterohaemorrhagicae*) and Canine Parvovirus and other relevant diseases. The course of vaccination must have been completed at least four weeks before the first date of boarding or in accordance with manufacturer instructions. A record that this proof has been supplied must be kept on-site throughout the period that the dog is boarded.

5.5.3 Advice from a veterinary surgeon must be sought in case of signs of disease, injury or illness. Where any dog is sick or injured, any instructions for its treatment, which have been given by a veterinary surgeon, must be strictly followed.

5.5.4 A well stocked first-aid kit suitable for use on dogs must be available and accessible on site.

5.5.5 The Licensee must be registered with a veterinary practice that can provide 24-hour help and advice. The clients own veterinary practice must be known and consulted if necessary.

5.5.6 Precautions must be taken to prevent the spread of fleas, ticks, intestinal parasites and other parasites in both boarded and resident dogs. Proof must be maintained of all routine and emergency treatment for parasites.

5.5.7 The premises shall be regularly treated for fleas and parasites with a veterinary recommended product.

5.5.8 Veterinary advice must be sought in relation to cleaning substances so that they or their fumes cannot be harmful to an animal.

5.6 **Isolation and Contagious Disease Outbreak**

5.6.1 Dogs showing signs of any disease or illness shall be isolated from any other dogs until veterinary advice is obtained. There must be sufficient facilities within the licensed premises to ensure effective separation of any sick animal.

- 5.6.2 The Licensee must inform the Licensing Authority on the next working day if a dog develops an infectious disease.
- 5.6.3 Following an episode of infectious disease during any stay, the premises must undergo a reasonable quarantine period before new boarders are admitted. This period will be specified by the Licensing Authority as agreed with their authorised veterinary surgeon.
- 5.6.4 The Licensing Authority must be informed of any animal death on the premises. The Licensee must make arrangements for the body to be stored at veterinary surgeons premises until the owners return.

5.7 **Register**

5.7.1 A register must be kept of all dogs boarded. The information kept must include the following:

- Date of arrival
- Name of dog, any identification system such as microchip number, tattoo
- Description, breed, age and gender of dog
- Name, address and telephone number of owner or keeper
- Name, address and telephone number of contact person whilst boarded
- Name, address and telephone number of dog's veterinary surgeon
- Anticipated and actual date of departure
- Proof of current vaccinations, medical history and requirements
- Health, welfare nutrition and exercise requirements

5.7.2 Such a register is to be available for inspection at all times by an officer of the Licensing Authority or a veterinary surgeon.

5.7.3 The register must be kept readily available for a minimum of 2 years and kept in such a manner as to allow an authorised officer easy access to such information.

5.7.4 If medication is to be administered, this must be recorded.

5.7.5 Where records are computerised, a back-up copy must be kept. The register must also be available to key members of staff of the establishment at all times.

5.8 **Supervision**

5.8.1 A fit and proper person with relevant experience must always be present to exercise supervision and deal with emergencies whenever dogs are boarded at the premises. This person must not have any conviction or formal cautions for any animal welfare related offence.

5.8.2 Dogs must be visited at regular intervals, as necessary for their health, safety and welfare, and must not be left unattended for longer than 3 hours at a time and then not on a regular basis.

5.8.3 No home where there are children under 5 years of age will be licensed.

5.8.4 Only people over 16 years of age are allowed to walk the dogs in public places.

5.9 **Exercise**

- 5.9.1 Dogs must be exercised in accordance with their owner's wishes. If dogs are taken off the premises, they must be kept on leads unless with the owner's written permission.
- 5.9.2 There must be direct access to a suitable outside area. The area/garden must only be for use by the homeowner (not shared with other residents). The area must be kept clean.
- 5.9.3 The exercise/garden area of the premises and any other area to which the boarded dogs may have access, must be totally secure and safe. Fencing must be adequate to offer security to prevent escape and be safe, with no dangerous sharp objects or protrusions. Gates must be able to be locked.
- 5.9.4 If there is a pond, it must be covered to prevent access by dogs.
- 5.9.5 Dogs must wear a collar and identity tag during their time in boarding. The tag must display the name, address and telephone number of the boarding premises.
- 5.9.6 The Licensing Authority must be informed within one working day if a dog is lost.

5.10 **Fire/Emergency Precautions**

- 5.10.1 Appropriate steps must be taken for the protection of the dogs in case of fire or other emergencies.
- 5.10.2 The occupier of the property must be aware of the location of the dogs in the property at all times.
- 5.10.3 Careful consideration needs to be given to the sleeping area for dogs to ensure that they can be easily evacuated in the event of a fire, without putting the occupiers of the property at risk.
- 5.10.4 A fire warning procedure and emergency evacuation plan – including details of where dogs are to be evacuated to in the event of a fire or other emergency - must be drawn up, brought to the attention of those involved in the home boarding arrangements and/or displayed in a prominent place on the premises. The Licensee must have suitable arrangements for the temporary boarding of dogs in the event that the licensed premises are rendered uninhabitable.
- 5.10.5 Fire detection equipment must be provided in accordance with general advice given by the Fire Safety Officer. The home must have at least 2 working smoke detectors located at the top and bottom of the staircase, or other appropriate location.
- 5.10.6 All doors to rooms must be kept shut at night.
- 5.10.7 All electrical installations and appliances must be maintained in a safe condition. No dog must be left in a room with loose or trailing cables or wires.
- 5.10.8 All heating appliances must be free of risk of fire as is reasonably practicable. There must be no use of freestanding gas or oil appliances.

5.10.9 A relative, friend or neighbour within 5 minutes travelling time must have a spare set of keys and access to the premises in case of an emergency. These details must be made available to the Licensing Authority.

September 2008



LACORS model home boarding conditions
Update and clarification, 14th October 2009

In November 2005, LACORS published [model conditions](#) for the home boarding of dogs. LACORS has drafted this update in response to a number of queries received from councils, particularly in relation to the number of dogs from different households that can be boarded at any one time. This update has been agreed by the LACORS Companion Animal Focus Group.

1) Using the model conditions

The LACORS model conditions are a template which councils can choose to use, adapt or amend as appropriate. The conditions can also be amended and adapted to take account of the specific circumstances (e.g. structure, expertise) of a particular premises, in line with the views of the officer, council licensing policy and any veterinary advice.

2) Dogs from different households

Condition 3.2 of the LACORS model licence conditions for home boarding states that:

“Only dogs from the same household may be boarded at any one time. Dogs must not be boarded with any cat, unless they normally live together in the same household.”

The model condition is intended to protect the safety of the dogs and to protect the licensee from any claim for a dog attack, injury, etc. As dogs in home boarding situations have the freedom to move around, there are risks that are not present in boarding kennels. For example, if dogs that are strangers to each other are left unattended, there is the potential for one dog to turn on another (e.g. over feeding time, or to become protective over an area/corner of a room).

LACORS is aware that some councils are choosing to relax this requirement provided the licensee is able to meet a number of additional requirements/ licence conditions. Examples of additional requirements include:

- Specific written consent of each household showing confirmation that they are content for their dogs to be boarded with others.
- A mandatory, trial (documented) familiarisation session for all dogs prior to stay.
- Separation of dogs from different households in secure areas when left unattended.
- Separate feeding of dogs to minimise the likelihood of dispute and aggression.

Both the overall number of dogs to be boarded, and the number of dogs from different households to be boarded, will usually be dependent on the size of the premises and outside area. As with any decisions relating to the number of dogs allowed to be boarded, consideration is also given to whether the premises are constructed to allow:

- Adequate space for dogs (condition 4.3)
- Sufficient space available to be able to keep dogs separately if required (condition 4.5)
- The separation of dogs showing signs of disease (condition 5.6.1).

Measures put in place to ensure disease control will particularly important in circumstances where dogs from more than one household can be boarded together. To minimise the risk and spread of disease, it is vital that all dogs have current vaccinations against Canine Distemper, Infectious Canine Hepatitis, Leptospirosis, Canine

Parvovirus and other relevant diseases (as stated in condition 5.5.2). LACORS is aware that some councils are additionally requiring that dogs boarded together are vaccinated against Bordetella kennel cough. Where necessary, councils should seek veterinary advice on vaccination, worming and flea treatment.

It is also recommended that the Licensee check that their Public Liability Insurance company will cover dogs boarded from different households.

3) Age of dogs that can be boarded

Condition 1.6 of the LACORS model conditions states that:

“Puppies under 6 months of age must not be boarded with other dogs including resident dogs.”

The LACORS Companion Animal Focus Group discussed this condition and were of the opinion that, providing they were suitably vaccinated and difficulties had not been identified during a trial socialisation period, dogs under 6 months could be boarded.

4) Further guidance

[LACORS - licencing home boarders](#)

In October 2005, LACORS issued guidance on whether host families and/or agencies required a Boarding Establishment Licence.

[LACORS - day boarding of animals](#)

This LACORS advice from January 2007 seeks to clarify whether those engaged in the day boarding of animals require a licence under the Animal Boarding Establishments Act.

[LACORS - boarding of animals other than cats and dogs](#)

In April 2007, LACORS clarified that the boarding of animals other than cats and dogs (e.g. exotics and small mammals such as rabbits and guinea pigs) is outside the scope of the Animal Boarding Establishments Act 1963 and does not require a licence.

[CIEH - model conditions for dog boarding establishments](#)

The LACORS model conditions for home boarding establishments are adapted from the CIEH full model conditions for kennelling facilities. The CIEH conditions were drafted in discussion with key partners, including the British veterinary Association (BVA), British Small Animal Association (BSAVA) and Pet Trade and Industry Association (PTIA).

[Animal Welfare Act](#)

Both the LACORS model home boarding and CIEH boarding establishment conditions were drafted prior to the introduction of the Animal Welfare Act 2006. Anyone running a boarding establishment must also comply with the Animal Welfare Act and must ensure that the welfare needs of animals in their care are met. More information about the Animal Welfare Act can be found on the [Defra website](#).

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**TO: LICENSING AND SAFETY COMMITTEE
11 OCTOBER 2012**

**REVIEW OF GUIDANCE NOTES AND CONDITIONS FOR HACKNEY CARRIAGE
AND PRIVATE HIRE VEHICLE OWNERS, OPERATORS AND DRIVERS
Director of Environment, Culture and Communities**

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to report on the results of the recent consultation on the amended version of the Council's Guidance Notes and Conditions document.

2 RECOMMENDATIONS

2.1 That the Committee

- i) **notes the results of the consultation; and**
- ii) **approves the amended Guidance Notes and Conditions document at Annex A for implementation with effect from 1 January 2013.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 The Council issues the Guidance Notes and Conditions document to owners, drivers and operators of hackney carriages and private hire vehicles. These notes are intended to set out the legal requirements, licence conditions and give guidance to the trade. The guidance notes are updated on a regular basis to reflect changes in law and Council policy.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Members may choose to vary the document at this stage or retain the original document.

5 SUPPORTING INFORMATION

- 5.1 Attached at Annex A are the proposed new Guidance Notes for 2012. In addition to updating dates and amending website links, the material changes are as follows:
- Updating the process for checking driving licence information as a new provider is now being used in order to speed up the checks
 - To add details of the Chauffeur badge as implemented by the Committee in October 2011
 - To specify that electronic documentation may be accepted where the Licensing team is able to verify the veracity of the document
 - To confirm that every licensed vehicle must carry a replacement bulb kit
 - To clarify that payments must not be made directly to drivers of dispensation vehicles
 - To remove the requirement for private hire operators to print hard copies of their booking records unless requested by an authorised Council officer or police officer
 - To update the 'Recording of Contraventions' procedure including amendments to the penalty points table.

- To add a requirement for Home to School driver applicants to pass the Council's knowledge test, with the exception of the geographical section of the test.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The legal implications are identified within the report.

Borough Treasurer

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

Equalities Impact Assessment

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

Strategic Risk Management Issues

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

7 CONSULTATION

Principal Groups Consulted

- 7.1 All holders of current driver and operator licences and general public.

Method of Consultation

- 7.2 A section in the Newsletter drew the attention of licence holders to the consultation and a public notice was placed in Time Square reception and on the website.

Representations Received

- 7.3 No representations were received.

Background Papers

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

Contact for further information

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

July 2012

Deleted: April

Deleted: 2011

www.bracknell-forest.gov.uk/licensing

licence.all@bracknell-forest.gov.uk

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

July 2012

Deleted: 1 April 2011

1. General

1.1 The legislation relating to Hackney Carriage and Private Hire licensing is contained in the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976, as amended by the Transport Act 1985. This legislation applies throughout the whole of Bracknell Forest Borough.

1.2 In these Guidelines, the following abbreviations have been used:

TPCA	-	The Town Police Clauses Act 1847
LG(MP)A	-	The Local Government (Miscellaneous Provisions) Act 1976 (Part II)
TA	-	The Transport Act 1985
RTA	-	The Road Traffic Act 1991
DDA	-	Disability Discrimination Act 1995
BF(LC)	-	Bracknell Forest Licence Conditions
BF(G)	-	Bracknell Forest Guidance

1.3 These notes are issued to define and offer guidance on the legislation in relation to the provision of Hackney Carriages and Private Hire vehicles within the Borough of Bracknell Forest. Any requirements stated as BF(LC) must be regarded as conditions of the relevant licence.

Public Records

1.4 Information held by the Council is Data Protected, however there is a requirement for a 'Public Register' to be kept available for the free public inspection of licences granted. This should only give information in respect of:

Hackney Carriage Vehicles:

- Details of all licences granted
- Proprietor's name and address
- Offences committed by proprietor
- Offences committed by driver

Private Hire Drivers:

- Name to whom granted (but no address)
- The date and period for which it is granted
- The licence number

Enforcement Policy

1.5 The purpose of this Policy is to help your business comply with legislation in a manner that is equitable and without placing an unreasonable burden on anyone. The 4 guiding principles enshrined in this Policy are as follows:

- Fairness: to ensure a fair and even-handed approach.
- Proportionality: to ensure that action taken relates directly to the actual or potential risk to health, safety, the environment, or economic disadvantage to the consumer or business.
- Transparency: to ensure that the reasons for taking any form of enforcement action are understood by those having to comply, and that clear distinctions are made between legal requirements and advice or guidance.
- Objectivity: to ensure that decisions are not influenced by the gender, ethnic origin, religious or political beliefs or sexual preferences of the offender, victim or witnesses. Sensitive consideration will be given where persons involved are children, elderly, infirm or suffering from a mental disorder.

1.6 A copy of the Enforcement Policy is available on request from the Reception at Time Square or at www.bracknell-forest.gov.uk.

2. Types of Licence

Hackney Carriage Vehicle

Private Hire Vehicle

Home-to-School Vehicle

Dual Driver - licensed to drive both Hackney Carriages and Private Hire Vehicles

Private Hire Driver

Home-to-School Driver

Private Hire Operator

2.1 Please note that although reminders are sent, it is the responsibility of the licence holder to ensure that a renewal application is submitted at least one month prior to the expiry of the licence.

2.2 Please note that if a driver's licence has lapsed for a period exceeding 6 months then a full new application will be required.

3. Fees

3.1 Alterations to vehicle and operator fees are required to be advertised by notice in a local newspaper.

LG(MP)A s70 (3)

3.2 The notice will be displayed in the Council's office for at least 28 days (generally during October to February) to allow for any objections to be made. These fees will apply to all licences due on or after 1 April. No increase in fees can take place until the notice period has expired. As the Council bases its fees on the provision of the service, no refunds shall be made except in exceptional circumstances.

BF(G)

3.3 The Council reviews all fees periodically and the current scale of fees is available on request or at

www.bracknell-forest.gov.uk/licensing. Fees can be paid by cash, cheque, or credit/debit card at Reception or by ringing 01344 352000 for credit/debit card payment only. Online payments can be made at <http://www.bracknell-forest.gov.uk/onlinepayments>.

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BF(G)

4. How to Apply

4.1 Details are available from the Environment Reception at Time Square. Information and application forms are also available at www.bracknell-forest.gov.uk/licensing.

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BF(G)

4.2 Faxed copies and photocopies of documentation such as DVLA licences will not be accepted.

BF(G)

5. Driver Licence - Requirements

5.1 All new applicants will be required to complete an application form for an enhanced Criminal Records Bureau Disclosure.

LG(MP)A s59

5.2 Only CRB Disclosures with Bracknell Forest Council as the registered body will be accepted.

CRB Code of Practice

5.3 Any CRB Disclosure presented at time of application which is more than 12 months from date of issue will not be accepted. If a CRB was issued more than 3 months but less than 12 months prior to the date of application, the applicant will be required to sign a declaration regarding convictions or pending cases since the issue of the CRB.

BF(LC)

5.4 Existing drivers will be required to submit a new CRB application every 3 years or as required by the Licensing Section. There is a fee to be paid for checks made by the Criminal Records Bureau.

BF(LC)

5.5 All licensed drivers are required to report details of **any** convictions, cautions or fixed penalty fines imposed within 28 days of the conviction, caution or fixed penalty. Details should be entered on the relevant form 'Notification of Convictions etc', which is available from Reception.

BF(LC)

5.6 All applicants who do not hold a UK passport and have not been resident in the UK for the previous 5 years are required to obtain a certificate of good conduct or equivalent from their relevant Embassy or High Commission.

BF(LC)

5.7 Applicants must have held a full DVLA/EU/EEA driving licence for at least 1 year prior to application. Driving licences and photo-cards (if applicable) must be produced on initial application and renewal of driver licence. Photocopies will not be accepted. Drivers with non-DVLA licences will be required to obtain a paper counterpart driving licence from the DVLA in order to take the DSA practical test.

BF(LC)

5.8 All new drivers will be required to complete a mandate so the Council can verify their driving licene details. For existing drivers, this check will be required to be completed at the same time as the Criminal Record Bureau check, and then every 3 years after that.

BF(LC)

Deleted: DVLA licence check (DQ3).

Deleted: a DQ3

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5.9 Section 57(2a) requires applicants to produce a certificate signed by a registered medical practitioner to the effect that they are physically fit to be the driver of a Hackney Carriage or Private Hire Vehicle.

LG(MP)A s57(2a)

5.10 A medical certificate on the prescribed BFBC form must be supplied with the first application. On attaining the ages of 50 years, 55 years, 60 years and 65 years of age, and thereafter at yearly intervals a further certificate must be supplied and at any other time that the Council's Medical Adviser shall direct. The DVLA Group 2 Medical Standards apply. In the case of insulin-treated diabetics, the DVLA Group 2 Standards for drivers of category C1 vehicles apply. Further details are available on request from the Licensing Section.

BF(LC)

5.11 A medical will only be valid as part of the application process for a period of 12 months from its date of issue. Should an application not be completed within that period of time, a new medical declaration must be obtained.

BF(LC)

5.12 All licensed drivers are required to notify the Licensing Section in writing within 7 days of any medical condition which may impact on their fitness to drive a vehicle. The Council may require the driver to undergo a medical to ensure that they are medically fit to drive.

BF(LC)

5.13 All new applicants for dual and private hire driver licences must take and pass the Driving Standards Agency practical test specifically designed for Hackney Carriage and Private Hire Drivers. Applicants for private hire driver licences must take and pass the 'Private Hire Saloon' test; and applicants for dual driver licences must

take and pass **both** the 'Hackney Saloon' and 'Wheelchair Exercise' tests.

BF(LC)

5.14 All new licensed drivers are required to attend a First Aid Course run by the Council, unless they can provide proof that they have passed a recognised First Aid course within the last five years.

BF(LC)

5.15 All licensed drivers first licensed prior to August 2001 who have not attended a First Aid Course run by the Council must do so by April 2011, unless they can provide proof that they have passed a recognised First Aid course within the last 5 years.

BF(LC)

5.16 All licensed drivers are required to attend a First Aid course five years after the date of their initial course, or when their current certificate expires.

BF(LC)

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

BF(LC)

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

LG(MP)A s54

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

BF(G)

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

TPCA s44

5.21 Licensed drivers may not initiate any dialogue of a sexual nature with a passenger. Licensed drivers are not permitted to have sexual contact, even with consent, with a passenger whilst on duty or in a licensed vehicle.

BF(LC)

6. Knowledge Test

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

Deleted: , except Home to School drivers,

LG(MP)A s51

6.2 All drivers will be tested on the laws relating to the licence that they have applied for, the conditions laid down in the Guidance Book, and their geographical knowledge of locations in the area. In addition, Hackney Carriage drivers will be given an oral test of specific routes to destinations in the Borough. If the applicant fails the test, they may re-take it but will be charged for any subsequent test. A pass mark of 80% applies to all sections.

BF(LC)

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

BF(G)

7. Driving Disqualifications

7.1 Where any applicant for a **new** licence has been disqualified from driving (whether for a single offence or under “totting up”), a licence will not be granted until the

applicant has (since the period of disqualification has ended) held a full driving licence for a continuous period of 2 years (3 years for a conviction involving alcohol or drugs and 5 years for more than one conviction or after completion of treatment for alcoholism or drugs).

BF(LC)

7.2 Where any licensed driver is disqualified from driving under “totting up”, providing the period of disqualification does not exceed 12 months, upon the restoration of the applicant’s driving licence, the Council will re-issue a dual or private hire driver's licence. In the event of the applicant being convicted of any further endorsable offence or issued with any confirmed warning within a period of 12 months, the Council may take action to revoke or suspend the licence.

BF(LC)

7.3 Where a conviction is in relation to driving whilst over the legal limit of alcohol or has resulted in a disqualification of 12 months or more, the Council will refuse to issue a licence for a period of up to 3 years from date of restoration of DVLA driving licence.

BF(LC)

7.4 Where any licensed driver is disqualified from driving for any such reason, he/she shall immediately return his driver’s licence and badge to the Council.

LG(MP)A s61(2)

8. Unauthorised Drivers

8.1 It is an offence to allow an unlicensed driver to drive a Hackney Carriage or a Private Hire vehicle. A licensed vehicle is licensed for 365 days a year and can only be driven by licensed drivers at all times.

LG(MP)A s46

9. Vehicle Licence - Requirements

9.1 All vehicles must be passed as fit by a Vehicle Inspector at an approved garage.

LG(MP)A s68

9.2 Vehicles submitted for inspection **must** be in a clean condition throughout including the underside and engine compartments. The Vehicle Inspector has the right to refuse inspection if he is of the opinion the vehicle is not in a clean condition. In such circumstances the vehicle will require a new inspection appointment which will necessitate a new inspection fee. See section 14 for more details on vehicle inspections.

BF(LC)

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

BF(LC)

9.4 Licensed vehicles are smokefree at all times.

Smoke-free Regulations 2007

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

BF(G)

10. Age of Vehicle

10.1 A vehicle submitted for initial licensing must be less than 5 years old or, if wheelchair accessible, less than 4 years old from date of first registration. The maximum age of a vehicle that may continue to be licensed is 8 years from date of first registration for saloon and estate vehicles, and 10 years for a purpose-built Hackney Carriage.

LG(MP)A s47 and 48

BF(LC)

10.2 In cases where a vehicle has done an abnormally low mileage and is in exceptional condition, it may, on application, be granted an extension on the age limit. Such an extension may be subject to certain conditions. For more details please see Annex G.

BF(LC)

10.3 Any such application must be received in writing by the Licensing Section at least 3 months prior to the date upon which the vehicle becomes 8 years old.

BF(G)

10.4 The vehicle shall be subjected to a visual inspection by the Licensing Section. It is the responsibility of the owner to submit the vehicle on the date at the place as arranged.

BF(LC)

10.5 The vehicle owner will receive a decision in writing from the Council within 10 working days after the inspection.

BF(G)

11. Type of Vehicle

11.1 All replacement Hackney Carriages must be wheelchair accessible. Vehicles with twin telescopic wheelchair ramps must also have a winch fitted to assist entry/exit.

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

11.2 All Wheelchair Accessible Vehicles must have a national or single type approval certificate incorporating the modification.

BF(LC)

11.3 Private Hire Vehicles shall be of the four-door saloon or five-door estate type and must be capable of carrying not less than 4 passengers.

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

11.4 A Private Hire vehicle must not be of such design or appearance as to lead any person to believe it is a Hackney Carriage.

LG(MP)A s48

11.5 From 1 April 2009, all vehicles issued with a new licence must comply with the following minimum requirements:

- (i) Engine capacity 1550cc
- (ii) Seat width 16" (41cm)
- (iii) Rear height (seat to roof from point of contact between cushion and back of seat) 30" (76cm)
- (iv) Depth of seat 17" (43cm)
- (v) Knee space (from point of contact between cushion and back of seat to the back of the seat in front) 26" (66cm)

BF(LC)

11.6 Where the vehicle is an estate car, a guard must be fitted to prevent luggage entering the passenger compartment in an emergency stop. Roof racks may only be used when excess luggage is to be carried. Please see section 15 regarding the use of trailers.

BF(LC)

11.7 A vehicle can only be licensed to carry up to a maximum of 8 passengers. Any licence issued relates to a number of persons to be carried regardless of weight, age or size, and to exceed that number is an offence.

LG(MP)A s30

11.8 Some purpose-built vehicles can carry up to 8 passengers including those seated in wheelchairs. In this case, each seat and person seated in a wheelchair count in respect of seating capacity.

LG(MP)A s80

11.9 A stretched limousine vehicle modified and issued with a certificate under either the

- (i) Lincoln Qualified Vehicle Modifier Scheme or
- (ii) Cadillac Master Coachbuilder Scheme

would be acceptable for presentation and licensing as a Private Hire vehicle.

BF(G)

11.10 The front, driver and passenger windows are required to meet the legal requirements relating to tinted windows under the Road Traffic Regulations.

(RTA)

11.11 For safety reasons, it should be possible to observe the driver and passengers being carried. Many vehicles are used for the carriage of children and vulnerable persons, and for this reason dark tinted windows which prevent clear vision into the vehicle are not permitted. Vehicles which have been granted a dispensation licence may be granted an exemption from this requirement.

BF(LC)

12. Carriage of Goods or Packages

12.1 The driver of a vehicle is under a duty of care to the passengers to ensure that they travel safely. The carriage of goods or packages in the interior of the vehicle may put passengers and drivers at risk of injury if the items are not properly secured. Ideally they should be located in an area outside the passenger compartment, e.g. the boot, or in vehicles with a separate driver area, in the footwell adjacent to the driver. If goods are carried in the passenger compartment and a passenger suffers harm due to the presence of the goods, the driver may be liable to pay damages to the passenger. Drivers are strongly advised to check with their insurance company, to avoid carrying any loose goods in the passenger compartment, and to explain clearly to passengers the risk they face in having such goods in the compartment.

BF(G)

13. Insurance and MOT Certificate

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

LG(MP)A s57

13.2 Insurance cover must be for a minimum period of four weeks. A cover note or certificate of insurance must be produced to the Licensing Section prior to or on the day of expiry of the previous certificate.

BF(LC)

13.3 Faxed copies will not be accepted; original certificates must be produced. Photocopies of documentation can only be made by Bracknell Forest Council staff. Electronic copies may be accepted, provided the Licensing team can verify the information provided.

BF(G)

13.4 A valid MOT certificate must be submitted with each application for a vehicle licence, if the vehicle age requires. The MOT certificate must be made available for inspection upon request by an authorised officer. Please note that the vehicle inspections carried out by the authorised garages include an MOT.

BF(LC)

14. Vehicle Inspection

14.1 Vehicles up to 5 years old from the date of first registration at DVLA will be subject to an annual inspection. Once a licensed vehicle reaches 5 years old from date of first registration, it will require an inspection within the next 6 months, and will be subject to 6-monthly inspections thereafter.

BF(LC)

14.2 For a vehicle solely engaged in home/school transport, once the vehicle reaches 5 years old from date of first registration, it will require an inspection within the next 6 months and will be subject to 6-monthly inspections thereafter, unless it is demonstrated that the vehicle is covering less than 8000 miles per year.

BF(LC)

14.3 The owner of the vehicle is responsible for ensuring that inspections are carried out as and when required. Details of the authorised garages are available on request from Reception or at www.bracknell-forest.gov.uk/licensing.

LG(MP)A s68

BF(LC)

Deleted: www.bracknell-forest.gov.uk/environment/env-licensing.htm

14.4 The vehicle owner will be advised in writing one month prior to the month in which an inspection is due. It is then the responsibility of the owner to make the

necessary arrangements directly with one of the authorised garages to ensure the inspection is carried out. If an inspection is not carried out by the due date, the licence will be suspended until such a test has been passed.

BF(LC)

14.5 Any failure for an MOT matter will be an immediate failure. Non-MOT matters and MOT advisories will be reported to the Licensing Officer who will contact the licence holder and decide on a course of action on a case by case basis.

BF(LC)

14.6 It is a requirement that a spare wheel/wheel-changing equipment must be carried at all times, unless all 4 wheels are using 'run flat' tyres which have been approved by an authorised officer of the Council.

BF(G)

15. Trailers

15.1 Trailers can only be used in connection with Private Hire bookings and cannot be used when plying for hire on a rank.

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

15.2 Trailers must comply with the following standards:

- Unbraked trailers shall be less than 750kg gross weight.
- Trailers over 750kg gross weight shall be braked acting on at least two road wheels.
- The towing vehicle must have a kerb weight at least twice the gross weight of the trailer.

- A suitable lid or other approved means of enclosure shall be fitted to secure the contents within the trailer whenever in use.
- The maximum permissible length of the trailer shall be 7 metres including the drawbar and coupling.
- The width of the trailer shall not be greater than the towing vehicle subject to no trailer being wider than 2.3 metres.
- The maximum length for braked twin axle trailers is 5.54 metres.
- The trailer must at all times comply with all Road Traffic legislation requirements in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.
- The vehicle insurance must reflect cover for towing a trailer.
- Trailers must not be left unattended anywhere on the highway.
- The speed restrictions applicable to trailers must be observed at all times.

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

16. Equipment

16.1 Every licensed vehicle shall be fitted with a 1kg BC dry powder type fire extinguisher, which must be kept full and ready for immediate use. It should be securely restrained to prevent damage or accidental discharge and must be marked in permanent ink with the vehicle licence plate number. The extinguisher must comply with BSEN3 (European Standard). It must be serviced in accordance with BS5306 on an annual basis, and a record kept for inspection by authorised officers.

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

16.2 Every licensed vehicle shall carry a first aid kit in such a position as to be readily visible and available for immediate use in an emergency. The First Aid kit shall at a minimum contain the recommended contents for a travelling worker as suggested in the HSE Guidance leaflet L74 “First Aid at Work”:

- HSE leaflet “ Basic Advice on first aid at work”
- 6 individual wrapped sterile adhesive dressings (assorted sizes)
- 2 individually wrapped triangular bandages (preferably sterile)
- 2 safety pins
- 1 large (approx 18cm x 18cm) individually wrapped sterile unmedicated wound dressings
- Individually wrapped moist cleansing wipes
- 1 pair of disposable gloves.

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

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

BF(G)

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

BF(LC)

17. Use of Mobile Phones and Radios

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

*Wireless Telegraphy Act 1949
BF(LC)*

17.2 A hand-held mobile phone or radio handset must not be used whilst the vehicle is in motion. It is a criminal offence to use a hand-held mobile phone whilst driving. A driver can also be prosecuted for using a hands-free device if they are not in proper control of their vehicle. Drivers must not stop on the hard shoulder of a motorway to answer or make a call unless it is to dial 999.

RTA

18. Signs

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

Smoke-free (Signs) Regulations 2007

18.2 Private hire vehicles must not display a roof sign.

BF(LC)

18.3 Private hire vehicles may display signs on the front doors, provided the sign does not exceed 50cm length and 25cm height, and contains the operator name and telephone number and the words 'Advance Bookings Only'. No other words, devices or logos are permitted.

LG(MP)A s48(2)

BF(LC)

18.4 The sign may be attached by means of adhesive transfer or magnetic catches, and must be submitted for approval by the Licensing Section before being used.

BF(LC)

18.5 Hackney Carriages must display a roof sign with the word "TAXI", which **must** be illuminated when plying for hire. Door signs may be displayed complying with the conditions listed above, but excluding the words "Advance Bookings Only". The TAXI roof sign may only be removed with permission of the Council or when working outside the Borough.

BF(LC)

LG(MP)A s47(2)

18.6 All hackney carriages which display liveried advertising on the vehicle must apply for approval to ensure the advertisement meets the criteria detailed in Appendix F. A fee is payable for this application, and an inspection of the vehicle will be required.

BF(LC)

19. Identification Plates/Screen Stickers/Badges

19.1 Licence plates must be securely fixed to the rear of the vehicle either by directly fixing it to the bumper or on a secure bracket. The screen sticker must be displayed in the lower nearside corner of the front windscreen. It is an offence not to exhibit the licence plate and screen sticker.

Deleted: backing

TPCA s51
LG(MP)A s48(6)

BF(LC)

Deleted: TPCA s41¶

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

BF(LC)

20. Private Hire Vehicle Dispensation

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

BF(LC)

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

LG(MP)A s75(3)

20.3 The vehicle shall be of the 4-door executive class with an engine capacity of not less than 1950cc, and be approved by the Council as being eligible for dispensation. The internal measurement must not be less than **52” (132cm)** across the rear seat. All other conditions shall apply.

BF(LC)
LG(MP)A s48(1a)

20.4 The screen sticker must still be displayed in the front windscreen at all times. Failure to comply will result in the loss of the dispensation.

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

21. Restricted Private Hire Licence Provisions

Deleted: Home to School Transport

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

LG(MP)A s46(1a)

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

BF(G)

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

BF(G)

21.3 The Council has discretion to allow vehicles that do not conform to certain private hire vehicle requirements to be licensed as Home to School transport vehicles.

LG(MP)A s48
BF(G)

21.4 Drivers and vehicles must comply with all other requirements for licensed drivers and vehicles as stated in this document.

BF(LC)

22. Transfer of Vehicles to New Owners

22.1 The licence is issued in respect of a specific vehicle, and cannot be transferred to another vehicle without notice to the Council.

LG(MP)A s49(2)

22.2 Any owner transferring a licensed vehicle to a new owner must inform the Licensing Section in writing within 14 days of the transfer.

LG(MP)A s49(1)

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

LG(MP)A s49(2)

23. Accidents

23.1 If a licensed vehicle is involved in an accident, even if there is only minor damage to the vehicle, the proprietor must inform the Licensing Section in writing within **72 hours** to allow the vehicle to be inspected and the damage assessed.

LG(MP)A s50(3)

BF(LC)

23.2 A vehicle licence will be suspended where major works are required. These repairs must be completed before the expiration of 2 months otherwise, by virtue of Section 68 of the 1976 Act, the vehicle licence shall be deemed to have been revoked.

LG(MP)A s68

23.3 With regard to minor damage, repairs should be effected within a period of 28 days of the incident otherwise the vehicle licence will be suspended until repairs have been completed to the satisfaction of the Licensing Officer.

BF(LC)

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

BF(G)

23.5 A temporary replacement vehicle will only be licensed under the original vehicle licence for a maximum of 2 months, to allow for repairs to be carried out on the original vehicle as mentioned previously in this section. The usual application process applies.

BF(LC)

24. Taximeter

24.1 Licensed vehicles equipped with a taximeter of approved design (compulsory for a Hackney Carriage, but optional for a Private Hire Vehicle) must be submitted for a meter test before operating in the Borough. Meters will be subject to further tests as and when required by the Council.

BF(LC)

24.2 Meters are tested over the “measured mile” by the Licensing Officer. The meter **must not** incorporate any other licensing authority’s fare structure.

BF(G)

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

BF(G)

24.4 Where a meter is fitted to **any** licensed vehicle, that meter must be used for the charging of any journeys that start and finish within the Borough. A current tariff card must be displayed within the vehicle.

BF(LC)

24.5 All licensed vehicles must have a programmed calendar date meter fitted. It must not be possible to change the tariff by manual operation.

BF(LC)

25. Authorised Table of Fares

25.1 Under Section 65(1) 'a district council may fix the rates or fares within the district as well as for time and distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table made or varied in accordance with the provisions of this section'.

LG(MP)A s65(1)

25.2 In the case of journeys ending outside the Borough where a prior agreement has been reached with the hirer, a lesser fare may be charged. Any fares charged **MUST NOT** be higher than that which would have been authorised in the Fares Table.

LG(MP)A s66

25.3 If a Hackney Carriage is used under a contract for private hire, it must not charge more than the fixed rate in the authorised fare table.

LG(MP)A s67

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

LG(MP)A s67

25.5 Any proposed variation to Hackney Carriage fares will be advertised by a notice published in a local newspaper, stating the proposed fares or variation of the fares. The notice will specify a date not less than 28 days from the date of the notice to allow any objections to be lodged.

LG(MP)A s65(2a)

25.6 A copy of the notice will also be available at the Council offices for inspection, free of charge during council opening times.

LG(MP)A s65(2b)

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

LG(MP)A s65(3)

25.8 If objections are made and not then withdrawn, the Licensing and Safety Committee will consider the objections before setting the fare.

LG(MP)A s65(3)

26. Plying for Hire – Hackney Carriages

26.1 The penalty for plying for hire without a Hackney Carriage licence applies to both the owner and person in charge of the vehicle.

TPCA s45

26.2 “Plying for Hire” means either standing at a duly authorised rank in a street, railway station or on railway premises, on private property or driving within the Borough, exhibiting to the public that the vehicle is available for hire. Only licensed Hackney Carriages may “ply for hire”.

TPCA s45

27. Guide and Assistance Dogs

27.1 It is an offence for a driver to refuse to carry guide and assistance dogs unless the driver has a medical exemption certificate. These certificates are issued by the Council and details upon how to apply are available on request from the Licensing Section. A fee is payable for the application.

DDA s37(4)

27.2 Drivers, in making an application for an exemption, will need to provide medical evidence to support it.

DDA s37 (5)

27.3 This must be provided by a medical practitioner other than the applicant's general practitioner. If the exemption is being applied for on the grounds of a chronic phobia to dogs, the report must be provided by a psychiatrist or clinical psychologist.

BF(LC)

27.4 A driver may also commit an offence if they:

- do not accept bookings made by or on behalf of a disabled person who is accompanied by a guide, hearing or other assistance dog;
- make an additional charge for the carrying of the dog.

DDA s37

28. Carrying Disabled Passengers

28.1 Under Section 36 of the Disability Discrimination Act 1995, a wheelchair accessible Hackney Carriage must carry a wheelchair user if requested to do so. Assistance as may reasonably be required should be provided at no extra charge. Failure to comply with this section will make the driver, on summary conviction, liable to a fine not exceeding level 3 (£1000) on the standard scale.

DDA 1995 s36

28.2 All rear access wheelchair-accessible vehicles are to only pick up and set down wheelchair users in a location where it is safe to do so.

BF(G)

29. Supervision

29.1 An authorised Officer of the Council has the power at all reasonable times to inspect and test for fitness any vehicle licensed by the Council or any taximeter fitted in a licensed vehicle. If the officer is not satisfied as to the fitness of the vehicle or as to the accuracy of the taximeter, the proprietor or driver will be required to make the vehicle or taximeter available for further inspection and testing and the vehicle licence may be suspended until such time as the officer is satisfied as to its fitness.

LG(MP)A s68

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

LG(MP)A s68

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

LG(MP)A s68

29.4 It is an offence to wilfully obstruct an authorised Officer or fail to give such assistance or information as may be required or to comply with any reasonable requirement. It is also an offence to give false information.

LG(MP)A s73(1)

30. Operator Licences

30.1 An Operator Licence is required for the purpose of making provision for the invitation or acceptance of bookings for a private hire vehicle.

LG(MP)A s55

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

LG(MP)A s46

30.3 All bookings must be made through an operator with a fixed base holding the required operator licence (not through a mobile phone number).

*LG(MP)A s55
BF(LC)*

30.4 Under health and safety legislation, employer's liability insurance is required. Any premises that provide access to members of the public should also be covered by public liability insurance. As a rule of thumb, if the operator supplies the tools of the trade, for example the supply of a vehicle to a driver, or in the case of office-based personnel the radio equipment, they have a liability. The operator is responsible for ensuring that adequate liability insurance is in place. Insurance documentation should be available for inspection at any reasonable time by an authorised Officer.

*LG(MP)A s55
BF(LC)*

31. Responsibility of Proprietor or Operator

31.1 The Council will hold the owner or proprietor of a Hackney Carriage or the owner or operator of a Private Hire vehicle responsible for the general condition and roadworthiness of the vehicle(s), and for ensuring that

drivers are familiar with all conditions, legislation and byelaws regulating the operation of vehicles.

BF(G)

31.2 In certain instances therefore the proprietor or operator may be subject to enforcement action as a result of an offence committed by the driver of their vehicle.

LG(MP)A s50

31.3 The Council will take into account the circumstances of each offence and how far the proprietor has carried out their obligations in deciding whether to take any action against the proprietor.

BF(G)

31.4 The records required to be kept by the operator shall be kept in a manner, whether written or on a computer, which enables them to be examined or audited. The operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him:

- a) Time and date of booking
- b) Name of the hirer
- c) How the booking was made (e.g. telephone)
- d) Price quoted for booking
- e) Time of pick-up
- f) Point of pick-up
- g) Destination
- h) Time at which a driver was allocated to the booking
- i) Driver's badge number or call sign of the vehicle allocated to the booking
- j) Remarks (including full details of any sub-contract).

LG(MP)A s56(2)

BF(LC)

31.5 All records kept by the operator shall be preserved for a period of not less than 6 months following the date of the last entry.

BF(LC)

31.6 If the operator uses a computerised record system, there must be a facility to be able to print a hard copy of the records immediately on the request of an authorised officer of the Council or police officer.

BF(LC)

Deleted: at the end of each daily working period, hard copies of all records as required above must be printed and kept in accordance with the above.¶

31.7 The operator shall also keep the following records of the drivers and vehicles operated by him, which should be kept available at the base for inspection by an authorised officer or supplied to an authorised officer upon reasonable request:

- a) List of owner and all drivers of each licensed vehicle
- b) Copy of vehicle licence for all vehicles operated
- c) Copy of driver licence for all drivers operated
- d) Copy of insurance document/inspection/MOT
- e) List of all radio call signs used with names of drivers.

BF(LC)

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

LG(MP)A s56 (3)

BF(LC)

31.9 The operator shall provide a prompt efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:

- Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall (unless delayed or prevented by sufficient cause) punctually attend at that appointed time and

place. Where possible, the operator should contact the customer and inform them of any delay.

- Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public has access whether for the purpose of booking or waiting, and ensure that any waiting area provided by the operator has adequate seating facilities.
- Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- The use of Citizen Band Radio transmitter/ receiver will not be permitted in a licensed vehicle.

LG(MP)A s55(3)
BF(G)

32. Suspension, Revocation or Refusal of Licences

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

BF(G)

Vehicle Licences

32.2 The Council may suspend, revoke or refuse to renew a vehicle licence on any of the following grounds:

- The licensed vehicle is unfit for use as a Hackney Carriage or Private Hire vehicle
- Any offence under, or non-compliance with, the provisions of the 1847 or 1976 Acts by the proprietor, operator or driver.

TPCA
LG(MP)A s60

- Any other reasonable cause.

LG(MP)A s60

Driver Licences

32.3 The Council may suspend, revoke or refuse to renew a driver's licence on any of the following grounds:

- That he/she has since the granting of the licence:
 - been convicted of an offence involving dishonesty, indecency, violence, or driving with excess alcohol;
 - been convicted of an offence under or has failed to comply with the provisions of the 1847, 1976 and 1991 Acts as amended; or
 - any other reasonable cause.

LG(MP)A s61

Operator Licences

32.4 The Council may suspend, revoke or refuse to renew an operator's licence on any of the following grounds:

- any offence, misconduct under, or non-compliance with, the provisions of Part II of the 1976 Act as amended;
- any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or
- any other reasonable cause.

LG(MP)A s62

33. Appeals Procedure

33.1 Where a new or renewal licence application is refused, the applicant has a right of appeal to the Magistrates' Court, or to the Crown Court for Hackney Carriage vehicle licence applications. Where an existing licence is suspended or revoked, the licence holder has a right of appeal to the Magistrates' Court. An appeal must be lodged with either Court within 21 days of notification of the refusal, suspension or revocation.

LG(MP)A s52

33.2 The applicant/licence holder may also within 21 days make an application to appeal to the Council's Licensing Appeals and Representations Panel. Upon receipt of an application, the Chief Officer: Environment and Public Protection will decide if the matter is to be referred to the Panel. If referred, the applicant will be informed in writing of the date and time, and will receive information on their rights and the process of the hearing.

BF(G)

34. Return of Licences

Vehicle Licence

34.1 On the suspension, revocation or expiry of a vehicle licence, the proprietor must return the licence plate and screen sticker to the Council within 7 days of receipt of notice. Failure to do so can render the proprietor liable on summary conviction to a fine. Any authorised officer of the Council or a Police Officer shall be entitled to remove and retain the licence plate or screen sticker in such cases.

LG(MP)A s58

Driver's Licence

34.2 On the suspension, revocation or expiry of a driver's licence, the driver must return the badge and licence to the Council on demand. Any authorised Officer of the Council or a Police Officer shall be entitled to retain the licence in such cases.

LG(MP)A s58

34.3 The badge, plate and licence remain the property of the Council at all times.

BF(LC)

35. Offences

35.1 As well as the suspension or revocation of licences, it may be that the circumstances amount to a criminal offence. In such a case a prosecution for these may also be appropriate.

*LG(MP)A
TPCA*

36. Seat Belts and Child Seats

36.1 Hackney Carriage drivers are exempt by virtue of Regulation 5(h) of the Motor Vehicles (Wearing of Seat Belts) Regulations 1982, providing they are seeking hire, answering a call for hire or carrying a passenger for hire, and the vehicle is carrying a plate showing it is a licensed Hackney Carriage. A similar exemption applies to a Private Hire Vehicle provided it is being used to carry a passenger for hire.

Motor Vehicles (Wearing of Seat Belts) Regulations 1982

36.2 Notwithstanding the legal requirements, where vehicles are fitted with a front passenger seat air bag, the driver must be aware of any manufacturer's instructions in relation to the age and height of the person sitting in the

front seat. A failure by a driver to take account of those instructions may be regarded as a breach of their duty of care to customers.

*RTA
BF(G)*

36.3 New regulations governing the use of child car seats came into force on 18 September 2006. The law is summarised in the table on the following pages.

	Front seat	Rear seat	Who is responsible?
Child up to 3 years old	Correct child restraint MUST be used.	Correct child restraint MUST be used. If a restraint is not available in a licensed taxi/private hire vehicle, the child may travel unrestrained.	Driver
Child from 3rd birthday up to 135cm in height (approx 4' 5") (or 12th birthday, whichever they reach first)	Correct child restraint MUST be used.	Where seat belts are fitted, the correct child restraint MUST be used. The child must use an adult belt if the correct child restraint is not available as follows: - in a licensed taxi or private hire vehicle; or - for a short distance in an unexpected necessity; or - two occupied child restraints prevent fitment of a third. A child 3 years and over may travel unrestrained in the rear seat if seat belts are not fitted in the rear.	Driver

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

37. Complaints

37.1 Complaints received from members of the public regarding the service and conduct of drivers/vehicles and operators will be considered, and where appropriate, investigated by the Licensing Officer.

BF(G)

38. Service Standards

38.1 Within 2 clear working days of receipt of all documentation necessary to make a decision upon a licence application, we aim to:

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

BF(G)

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

BF(G)

38.3 When making an application, you are required to provide information and documentation as detailed on the application form. A failure by you to provide this will unnecessarily delay the decision on your application. Certain documents must be provided together at the same time and unless they are received as required, they will be returned to you and the application will be delayed until they are provided as requested.

BF(G)

38.4 Information provided on application forms is held on a database and will only be disclosed to other agencies where there is a legal requirement to do so.

BF(G)

38.5 Where new licence conditions are being considered, the Council will look to consult the trade. Where conditions are revised in line with new legislation, every effort will be made to advise the trade. Where a new condition is applied to a licence, the licence holder is entitled to appeal to a Magistrates' Court within 21 days of that application of the condition.

BF(G)

How to contact the department:

If you have any queries about an application or licensing matter, it is recommended that you contact the Customer Service Centre in person, by phone or by email. In the vast majority of cases they will be able to answer your queries, but if not then they will make arrangements for you to speak to a member of staff best able to deal with your enquiry.

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

Telephone: 01344 352000

Email: licence.all@bracknell-forest.gov.uk

Write to:

Licensing Section

Time Square

Bracknell

RG12 1JD

APPENDIX A

Guidance on the Relevance of Criminal Records in respect of Applicants for Driver or Operator Licences

Unless otherwise specified, all applicants must complete a Criminal Records Bureau application form prior to the grant of a licence and then every three years or as requested by the Licensing Section.

All past convictions will be considered against the following guidelines and other relevant guidance. For the purposes of this document “convictions” include a caution where the offender has formally admitted the offence in writing as required within Home Office circular 016/2008. Examples of the relevance of past convictions in relation to the grant, renewal, suspension and revocation of driver and operator licences are detailed below. It must be stressed that these examples are for guidance only and every case will be judged on its merits, with the overriding principle being that of the protection of the public, both customers and other road users. Where multiple convictions of a similar type have occurred, a minimum period of five years free from conviction may be required.

1. Minor traffic offences

Convictions for minor traffic offences (e.g. obstruction, waiting in a restricted street or speeding) should not prevent a person from proceeding with an application.

However, if sufficient penalty points have been accrued to require a period of disqualification of the applicant’s DVLA driving licence, then a licence may be granted after its restoration, but a warning will be issued as to future conduct.

2. Major traffic offences

An isolated conviction for reckless driving or driving without due care and attention etc. will normally merit a warning as to future driving, and advice on the standard expected of licensed drivers. More than one conviction for this type of offence within the last two years should merit a refusal. No further application should be considered until a period of three years from the last conviction has elapsed.

3. Intoxication through use of alcohol or illegal drugs

Offences related to use of motor vehicle

A serious view is taken of convictions of driving or being in charge of a vehicle while under the influence of alcohol or illegal drugs.

Where there is a recent conviction for this type of offence, the application will be refused. At least three years should elapse (after the restoration of the DVLA driving licence) before the applicant will be considered for a licence. Applicants may also be required to undergo a special medical examination. If an applicant is found to be an alcoholic or dependant on illegal drugs, or where there is more than one conviction of this type, a period of five years from completion of treatment or restoration of the licence should elapse before a further application is considered.

Offences not related to use of motor vehicle

An isolated conviction for drunkenness need not debar an applicant from being granted a licence. However, more than one conviction for drunkenness could indicate a medical problem necessitating a special medical examination. In some cases, a warning may be sufficient.

An applicant with a conviction for a drug-related offence will be required to show a period of at least three years free of convictions before an application is entertained, or five years after detoxification treatment if they were dependant on illegal drugs.

4. Indecency offences

Applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, will normally be refused.

5. Violence

Any convictions for violence such as grievous bodily harm, wounding or assault, will be refused until at least five years has elapsed from the expiry of any sentence.

6. Dishonesty

Applicants with a single conviction for a minor incident will be refused until there has been one year free from conviction. Applicants with two convictions for minor incidents will be refused until there has been three years free from conviction. Applicants with more than two convictions for minor incidents or one or more convictions for a significant act of dishonesty will be refused until there has been five years free from conviction.

Information

In clarification of the above, the recorded date of the court conviction is to be taken as the period to remain free of conviction from, unless a sentence of imprisonment or corrective training exceeding 30 months has been imposed, when the period commences from the date of release from imprisonment.

APPENDIX B

Advice for Drivers when dealing with People with Disabilities

Taxis are an important, and sometimes the only means of transportation for many people with disabilities.

It may be that you drive or operate a vehicle designed to make travelling easier for disabled people, but an accessible vehicle is only part of the answer. Your attitude and understanding of the problems that may be faced by people with disabilities is very important.

Disability comes in many forms – not always visible. Never make assumptions, always ask what help (if any) a passenger may need from you. Make sure that you are familiar with any access and safety equipment in your vehicle. Be ready to help, but do not insist on helping. If you are asked to help, listen carefully to the information given, or ask what is the best way to assist.

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

Wheelchair Users

If a passenger is a wheelchair user, you should:

- Leave the passenger in a safe and convenient place which enables them to move away independently.
- Always ask the customer to make sure that the brakes of the wheelchair are on.
- Secure the wheelchair and suggest that the passenger uses the seat belt provided.

- Avoid sudden braking or acceleration.

If you drive a saloon car, you may still be able to take wheelchair users provided that the passenger is able and willing to transfer. In those circumstances, you should ask the passenger what help they require, listen to their response, and act only as advised. Take care when loading the wheelchair into the boot. Wheelchairs can be expensive to repair or replace and without it the passenger may be totally immobile. Some wheelchairs are collapsible and some parts, such as handles and plates may come away easily, so care needs to be taken when folding or loading collapsible wheelchairs.

Ambulant Disabled

Whilst some ambulant disabled may use crutches or sticks, many disabled people who have mobility difficulties will not. People, with arthritis in particular, may be unable to walk using a stick or crutches due to painful upper limbs. If the passenger appears to have walking difficulties, or is frail or elderly, always:

- Offer to fit the additional step if there is one – this reduces the first step and makes it easier to get into vehicles. If in an MPV, ask whether pulling up as close as possible to the kerb would be helpful. For saloon cars this may not be useful because it increases the height the passenger has to drop down to the seat and may make it more difficult for them to get out of the seat at the end of the journey.
- If you have used a swivel seat, make sure it is locked back in position once inside the vehicle.

Visually Impaired Passengers

If a passenger is blind or partially sighted, ask what assistance they require and always:

- Look out for the “TAXI” sign which may be held out by some visually impaired people in order to hail a cab.
- If you are knowingly collecting a visually impaired passenger from a pre-booked location, knock at the door on arrival – do not remain in the cab and hoot your horn.
- If your customer would like to be accompanied to or from the entrance of a building, offer them your arm (gripping just above the elbow will enable them to be guided more easily).
- Tell your passenger whether they are entering a saloon car or purpose-built cab.
- Demonstrate which way the doors open where appropriate.
- If possible, place a visually impaired person’s hand on the open door and indicate the position of the roof.
- Make sure the passenger(s) know which way the vehicle is facing.
- Make sure the passenger(s) are seated and have secured the seat belt (where applicable) before you move off. They may require assistance with the belt.
- Tell passenger(s) if you are taking a different route from that which they might expect, or if there is a hold-up or diversion.

- Tell passenger(s) the fare and count out the change.
- Set the passenger(s) down in a safe place and make sure they know where they are going.
- Remember guide dogs are trained to remain on the floor of a vehicle and will not abuse your vehicle. Refusal to carry a guide dog without a medical exception is an offence under the Disability Discrimination Act and is in contravention of the conditions of your licence. In saloon cars, there is more room for the dog on the floor in the front of the vehicle.

Hearing Impaired Passengers

If a passenger's hearing is impaired, always:

- Look at them when you are speaking. Speak clearly, but do not shout and do not use your hands to gesticulate in front of your face.
- Have a pad of paper and pen handy, as it is sometimes easier to communicate in writing.
- Make sure that they are aware that you have understood their instructions and that you know where the passenger is going.

Maintenance of Vehicles

- Keep door handles, locks and hinges well lubricated. This reduces the amount of physical (often painful) effort required to operate them.

APPENDIX C

Advice for Drivers and Operators when dealing with Difficult Passengers

It is recognised that taxi drivers do on occasions have to deal with customers who, due to the influence of substances such as alcohol and possibly drugs, can be difficult and dangerous. These passengers can exhibit aggressive and sometimes violent tendencies, which can threaten the safety and welfare of the driver. If the vehicle is in motion, then this behaviour can distract a driver and may lead to the loss of control of the vehicle, with serious consequences for the occupants and other highway users. To assist drivers in dealing with these situations, the following guidelines have been issued:

1. Upon arrival to collect passengers, a driver may make a judgement as to whether the intended passengers are fit to travel in the vehicle. If a person is judged by the driver to represent a risk by their behaviour to the driver or other passengers, the driver may make the decision to refuse entry to the vehicle. The driver must inform the person of the reason for refusal and consider if this action has induced a change in that behaviour. If no change is evident, the driver must inform his base of his decision as soon as possible.
2. If passengers during a journey exhibit behaviour which is likely to threaten the safety or welfare of a driver, the driver must stop the vehicle at the earliest possible moment in a safe location. In deciding upon the location, the driver must take into account the possible risks to the passengers and themselves whilst stationary in that location. For example, is the stopping place likely to be hazardous to other traffic, or should the passengers leave the vehicle will they be at risk

from traffic? The driver should not attempt to continue on the journey until the behaviour has modified.

3. There may be occasions when the threat to the driver's safety is at such a level that it is necessary to stop the vehicle immediately. In doing so, the driver must be aware of the risks to other traffic in taking such action. The driver should take account of the Highway Code, in particular the sections on 'Waiting and Parking' and 'Breakdowns and Accidents', in making their decision. The driver must advise passengers on how and when to leave the vehicle and, if appropriate, where to stand in line with the guidance in the Highway Code.
4. Where the behaviour of passengers has resulted in a refusal to carry or in the stopping of a journey, the driver should contact his operator and advise them of the circumstances and location. The operator or driver should consider if the incident requires police attendance and, if deemed necessary, request it. A record should be kept by the driver or operator of any incident that occurs which they should produce at the request of an authorised Officer or Police Officer.
5. In vehicles where the driving section is separate from the passenger section by a partition, the driver should consider driving directly to a police station or to a public place, such as their operating base. At these locations, the risk to the safety and welfare of the driver can be limited.
6. In cases where the passenger(s) showing threatening behaviour are female, it is advised where possible to take the passenger(s) to a well lit area which is covered by CCTV, such as a 24-hour petrol station.

APPENDIX D

Recording of Contraventions

The Council has agreed a system whereby infringements of the law or licence conditions by a licence holder can be recorded and given a value dependent upon the nature of the infringement. Any licensed person who in the opinion of an authorised officer has committed an infringement will be issued with a notice as shown on the following page.

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

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

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

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

The licence holder will receive notification of the decision of the appeal within 30 days of receipt of the notice of appeal.

The issue of a notice does not prevent the department from taking any other action in line with its published enforcement policy, including prosecution where this is felt to be appropriate.

Where 12 or more points are issued to a licence holder within a 12-month period, a report may be submitted to a meeting of the Licensing Panel for a decision to be made on whether the licence should be suspended or revoked. The Panel will receive the report from officers and invite representations from the licence holder.

The present list of infringements and scores will be reviewed on an ongoing basis.

BRACKNELL FOREST COUNCIL

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

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

Details:

Plate no: Vehicle reg no: Badge no.

Driver's name:

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

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

Date: Officer:

APPENDIX E

Enforcement Table Town Police Clauses Act 1847

Section	Offence
40	Giving false information on application for HC proprietor's licence
44	Failure to notify change of address of HC proprietor
45	Plying for hire without HC proprietor's licence
47	Driving a HC without HC driver's licence
47	Lending or parting with HC driver's licence
47	HC proprietor employing unlicensed driver
48	Failure by HC proprietor to hold HC driver's licence
48	Failure by HC proprietor to produce HC driver's licence
52	Failure to display HC plate
53	Refusal to take a fare
54	Charging more than the agreed fare
55	Obtaining more than the legal fare
56	Travelling less than the lawful distance for an agreed fare
57	Failing to wait after a deposit to wait has been paid
58	Charging more than the legal fare
59	Carrying other person than the hirer without consent
60	Driving HC without proprietor's consent
60	Person allowing another to drive HC without proprietor's consent

61	Drunken driving of HC
61	Wanton or furious driving or wilful misconduct leading to injury or danger
62	Driver leaving HC unattended
64	HC driver obstructing other HCs

**Enforcement Table
Hackney Carriage Provisions
Local Government (Miscellaneous Provisions) Act
1976**

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

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

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

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

Section	Offence
56(2)	Failure by PH operator to keep records of bookings
56(3)	Failure by PH operator to keep records of PH vehicles operated by him
56(4)	Failure to produce PH operator's licence on request
57	Making false statement or withholding information to obtain PH driver's or obtain PH driver's or operator's licence
58(2)	Failure to return plate after notice given after expiry, revocation or suspension of PH vehicle licence
61(2)	Failure to surrender driver's licence after suspension, revocation or refusal to renew
67	Charging more than the meter fare when HC used as PH vehicle
69	Unnecessarily prolonging a journey
71	Interfering with a taximeter
73(1)(a)	Obstruction of authorised Officer or constable
73(1)(b)	Failure to comply with requirement of authorised Officer or constable
73(1)(c)	Failure to give information or assistance to authorised Officer or constable

APPENDIX F

CRITERIA FOR ADVERTISING ON HACKNEY CARRIAGES

1. All advertisements must comply with the British Code of Advertising Practice, Sales Promotion and Direct Marketing and it is the responsibility of the agency or individual seeking the Council's approval to ensure that they do so.
2. Each application will be considered on its merits, but advertisements containing the following will not be approved:
 - a) Those with political, ethnic, religious, sexual or controversial texts;
 - b) Those for escort agencies or massage parlours;
 - c) Those displaying nude or semi-nude figures;
 - d) Those which seek to involve the driver as an agent of the advertisers;
 - e) Those likely to offend public taste (including material depicting bodily functions and the use of obscene or distasteful language);
 - f) Those which seek to advertise more than one company.
3. All advertisement liveries must be approved by the Council and proposals must be accompanied by full colour, three-view art work.

4. The hackney carriage may be required to attend the Council offices for inspection of the finished livery.
5. The bodywork of the hackney carriage must be maintained in good condition. If any panels on the vehicle are damaged, they must be replaced within 7 days.
6. No secondary advertising of any kind will be permitted, whether in the form of the logo of the company preparing the vehicle or the name of the advertising agency.
7. No logos or words will be allowed on the boot lid area.
8. If approved, the livery may remain on the vehicle for a period of one year. At the end of that year, the vehicle owner may apply for an extension for a further 12 months which may be granted subject to an inspection of the quality of the livery and bodywork. This would be subject to a renewal application process and fee.

APPENDIX G

AGE LIMITATION ON VEHICLES

Exceptional Condition

A vehicle will not be regarded as in “exceptional condition” except where evidence has been presented to the Council that the vehicle has been regularly serviced and maintained in line with the manufacturer’s servicing schedule.

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

Exterior of vehicle

1. The exterior paintwork on the vehicle should not:
 - a) shows signs of rusting
 - b) be faded or show signs of mismatched paint repairs
 - c) have 5 or more stone chips greater than 2mm in length in any direction
 - d) have 8 or more stone chips of any size
 - e) have any scratches, cracks or abrasions where the top layer of paint has been removed.

2. The exterior bodywork of the vehicle should not:
 - a) have 2 or more dents greater than 10mm in length in any direction

- b) have 4 or more dents less than 10mm in length in any direction
 - c) have fittings that are missing, broken or damaged.
3. Have wheels and wheel trims that have significant damage which detracts from the overall excellent condition of the vehicle.
 4. The vehicle must be submitted for inspection in a clean state such that an effective inspection is possible. Should the vehicle be submitted in an unclean state then the application shall be refused.
 5. The engine compartment must not be in a dirty condition or have evidence of leaks including water, oil or hydraulic fluids.

Interior of vehicle

6. The seating and carpet areas of the vehicle shall not show signs of:
 - a) staining
 - b) damp
 - c) fraying or ripping of the material
 - d) seat covers that are loose or badly fitted.
7. The seats should provide sufficient support for comfortable travel and should not demonstrate excessive compression of the seating area or wear within the support mechanism.
8. Interior panels and fittings within the vehicle should not be damaged nor show excessive wear, or staining.
9. The interior of the vehicle should not have damp or other obnoxious smells.

Abnormally Low Mileage

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

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

Prestige Car

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

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

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

TO: LICENSING AND SAFETY COMMITTEE
11 OCTOBER 2012

STREET TRADING CONSENT – STANDARD CONDITIONS **Director of Environment, Culture and Communities**

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to report on the results of the recent consultation on the amended version of the Council's standard conditions to be attached to street trading consents issued within Bracknell Forest.

2 RECOMMENDATIONS

2.1 That the Committee

- i) **notes the results of the consultation; and**
- ii) **approves the revised conditions at Annex B for implementation on all street trading consents with effect from 1 January 2013**

3 REASONS FOR RECOMMENDATIONS

- 3.1 The existing conditions have with very little modification been in existence since 1995 when the Council adopted the street trading consent requirements.
- 3.2 Whilst the existing standard conditions have served us well, it is good practice to review documents from time to time to ensure that they are still relevant to the present time. Officers have reviewed the conditions, changed wording to aid clarity and changed, deleted or introduced new conditions that reflect present legislation and best practice.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Members could choose to further vary the conditions, or to continue with use of the current conditions attached at Annex A.

5 SUPPORTING INFORMATION

- 5.1 The granting of street trading consents is permitted under the Local Government (Miscellaneous Provisions) Act 1982 ['the Act']. The Council adopted these provisions in 1995 to regulate a growing number of businesses that were trading on our streets and causing a nuisance to local residents, businesses and road users. The use of these provisions has reduced the amount of businesses trading on the roadside, put in place conditions which enable officers to control such operations, and significantly reduced the adverse impact that such trading can have upon the local environment. It has also enabled responsible businesses to provide a service to residents which is regularly used.
- 5.2 The Act permits the Council to attach such conditions as they consider reasonably necessary, in particular to prevent:
- a) obstruction of the street or danger to persons using it, or
 - b) nuisance or annoyance, whether to persons using the street or otherwise,
 - c) the structure from which trading is permitted
 - d) the location and time periods for trading.

5.3 Attached as Annex A to the report are the conditions that have been in place since 1995. Attached as Annex B are the proposed new conditions.

5.4 The material changes are as follows:

- Change reference to 'rental period' in Condition 5 to 'consent period'
- Confirm that no refunds are paid where a consent is suspended or revoked
- Confirm that failure to renew the consent prior to the expiry date may lead to a Consent for the pitch being issued to another applicant
- Amend condition 19 to make the intention of the condition clearer
- Addition of condition to confirm responsibilities in respect of disposal of waste and gas safety
- Addition of new conditions specific to ice cream traders
- Removal of the reference to 'street trading assistants' which is not always manageable for traders such as continental markets, and
- Amendment of the food hygiene condition to implement suggested refresher training timescales and an ability for officers to require further training if there are concerns about competence of an individual.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

6.1 The legal implications are identified within the report.

Borough Treasurer

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

Equalities Impact Assessment

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

Strategic Risk Management Issues

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

7 CONSULTATION

Principal Groups Consulted

7.1 All holders of current street trading consents and general public.

Method of Consultation

7.2 Letters to all holders of current street trading consents and public notice in reception and on website.

Representations Received

7.3 No representations were received.

Background Papers

Local Government (Miscellaneous Provisions) Act 1982

Contact for further information

Laura Driscoll, Licensing Team Leader - 01344 352517

laura.driscoll@bracknell-forest.gov.uk

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Local Government (Miscellaneous Provisions) Act 1982

**BRACKNELL FOREST BOROUGH COUNCIL
STREET TRADING CONSENT - STANDARD CONDITIONS**

"The Council" means the Bracknell Forest Borough Council. **All communications are to be sent to the Director of Environment.**

The following conditions apply in respect of all Street Trading Consents granted by the Council. The Council reserves the right to vary or modify these conditions or apply new conditions from time to time as it may in its absolute discretion think fit. The granting of a Consent does not imply approval under any other legislation or activity controlled by the Council.

- 1 These "Standard Conditions" may be supplemented or varied by any "Special Conditions" relating to a particular location as issued with the Consent.
- 2 At all times the Consent Holder and/or any Assistant shall comply with all statutes, statutory instruments and byelaws currently in force.
- 3 On land other than the highway, the permission of the landowner and any necessary Planning Permission shall have been obtained. Confirmation of such shall be provided to the Council prior to the commencement of trading.
- 4 The type, colour and dimensions of any vehicle, stall, trailer, cart or similar to be used under any Consent will be subject to approval by the Council. No change of any approved stall/vehicle or similar is permitted without prior agreement, in writing, from the Council.
- 5 The Consent Holder shall ensure that the stall/vehicle is positioned only on the Consent pitch of the Consent Street for which the Consent is held. The Consent pitch may only be changed mid-term of any **rental** period with the agreement of the Council.
- 6 Whilst the granting of a Consent is specific to a particular location the Council reserves the right to vary the same at any time.
- 7 The hours of trading shall be only within the times specified on the Consent.
- 8 The Consent only specifies those hours during which trading may take place provided that all other legal requirements are satisfied. The Consent does not confer the right to station the stall/vehicle on the Consent pitch at any particular time(s).
- 9 A readily identifiable name shall be conspicuously displayed on the stall/vehicle.
- 10 A copy of the Consent shall be displayed conspicuously on the stall/vehicle and a copy of the "Standard Conditions" and any "Special Conditions" which apply to that Consent shall be carried by whoever is operating the stall/vehicle when trading and shall be produced when requested by a Council Officer or a Police Officer.
- 11 **At all times the Consent Holder and/or his Assistant(s) are operating the stall/vehicle they shall wear their personal identification badge with a photograph issued at the time of their authorisation by the Council. Such badges shall remain the property of the Council and shall be returned when an individual ceases to trade.**

Unrestricted

- 12 If a Consent Holder or Assistant is requested to remove or reposition the stall/vehicle by a Council Officer or Police Officer he/she shall immediately comply with that request.
- 13 The Consent Holder shall have and maintain a valid insurance policy against public liability and third party risks. The minimum insurance cover shall be £1,000,000 and shall include cover for any risks arising from the use of the Consent Holder's vehicle, or stall and any additional equipment under his/her control such as generators, etc.
- 14 The Consent Holder may terminate the Consent by written notice to the Council. A refund of the fee will be payable on pro-rata basis calculated to the nearest full week but the Council shall be entitled to retain the first £50 of any fee to be returned to cover administration costs.
- 15 The Consent is personal to the Consent Holder and is not transferable except in the case of the death of the Consent Holder when the Consent may be transferred, by agreement with the Council, to a member of the Consent Holder's immediate family.
- 16 The fee for a Consent shall be paid in advance **and payments fall due on the first day of the month.**
- 17 The Consent Holder and/or any Assistant shall not sell or offer or expose for sale any goods or articles other than those described within the terms of the Consent.
- 18 **No Assistant shall trade or assist the Consent Holder unless the necessary details and photographs have been submitted to the Council and authorisation obtained. Authorisation for additional or replacement Assistants shall be applied for prior to their commencing trading.**
- 19 The Consent Holder shall not place **any signs or any object within the designated** area for which the Consent Holder holds a Consent.
- 20 The Consent Holder, any Assistant or their business shall not be the cause of any nuisance or undue disturbance to any other user of the highway, or the occupier of any land or building.
- 21 The Consent Holder and/or any Assistant shall, on all occasions when carrying on business, **be strictly sober and conduct themselves in a proper and civil manner.**
- 22 The Consent Holder's stall/vehicle shall be kept in a clean, safe and well maintained condition.
- 23 No waste water or other waste material shall be discharged on to the highway or any adjacent property.
- 24 At least one refuse container shall be provided by the Consent Holder and placed on the pavement near to the stall/vehicle and be available for use by customers. A notice shall also be displayed requesting customers to deposit litter in a waste container.
- 25 The Consent Holder shall ensure that the immediate area in the vicinity of the stall/vehicle is kept clear at all times of all litter originating from their trade and from customers and in particular, shall leave the site clear of such refuse at the completion of trading.

Unrestricted

- 26 Adequate precautions shall be taken by the Consent Holder to prevent the risk of an outbreak of fire at the stall/vehicle. Where a power source or heating appliance is present, e.g. a generator or bottled gas container, then a suitable fire extinguisher shall be provided.
- 27 **The Consent Holder and every Assistant(s) of food stalls/vehicles shall have obtained a Basic Food Hygiene Certificate or have been trained to an equivalent standard to the satisfaction of the Council. The qualification certificate(s) shall be displayed in a prominent place on the stall/vehicle.**
- 28 If the Consent Holder is selling food or drink the stall/vehicle shall be registered with the local authority where it is normally kept under the provisions of the Food Premises (Registration) Regulations 1991.
- 29 If a Consent Holder fails to comply with any of the "Standard Conditions" or "Special Conditions" attached to the Consent he/she will risk having the Consent revoked and being prosecuted.

Traders in the Bracknell town centre shall comply with the following additional conditions:

- 30 Prior to vehicles entering the town centre a vehicle entry permit shall be obtained and authorised by the Council and no other vehicle shall be used without the knowledge and consent of the Council. Entry to town centre for vehicles shall be in accordance with the permit conditions.
- 31 The Consent Holder shall accept responsibility for dealing with any claims arising out of the use of a vehicle in the town centre and shall report to the Council any damage to street furniture, paving slabs, etc.
- 32 Any towing vehicle shall only be parked in the town centre for the purposes of loading and unloading and shall be removed immediately such use has ended.
- 33 Unless otherwise agreed, a Consent Holder shall trade in the town centre for a minimum of four days a week.

Local Government (Miscellaneous Provisions) Act 1982

**BRACKNELL FOREST BOROUGH COUNCIL
STREET TRADING CONSENT - STANDARD CONDITIONS**

"The Council" means the Bracknell Forest Borough Council.

"Assistant" means any person working at the street trading vehicle, stall or trailer.

The following conditions apply in respect of all Street Trading Consents granted by the Council. The Council reserves the right to vary or modify these conditions or apply new conditions from time to time as it may in its absolute discretion think fit. The granting of a Consent does not imply approval under any other legislation or activity controlled by the Council.

- 1) These "Standard Conditions" may be supplemented or varied by any "Special Conditions" relating to a particular location as issued with the Consent.
- 2) At all times the Consent Holder and/or any Assistant shall comply with all statutes, statutory instruments and byelaws currently in force.
- 3) On land other than the highway, the permission of the landowner and any necessary Planning Permission shall have been obtained. Confirmation of such shall be provided to the Council prior to the commencement of trading.
- 4) The type, colour and dimensions of any vehicle, stall, trailer, cart or similar to be used under any Consent will be subject to approval by the Council. No change of any approved stall/vehicle or similar is permitted without prior agreement, in writing, from the Council.
- 5) The Consent Holder shall ensure that the stall/vehicle is positioned only on the Consent pitch of the Consent Street for which the Consent is held. The Consent pitch may only be changed mid-term of any **Consent** period with the agreement of the Council.
- 6) Whilst the granting of a Consent is specific to a particular location, the Council reserves the right to vary the same at any time.
- 7) If a Consent Holder or Assistant is requested to remove or reposition the stall/vehicle by a Council Officer or Police Officer he/she shall immediately comply with that request. **[moved from condition 12]**
- 8) The hours of trading shall be only within the times specified on the Consent.
- 9) The Consent only specifies those hours during which trading may take place provided that all other legal requirements are satisfied. The Consent does not confer the right to station the stall/vehicle on the Consent pitch at any particular time(s).
- 10) A readily identifiable name shall be conspicuously displayed on the stall/vehicle.
- 11) A copy of the Consent shall be displayed conspicuously on the stall/vehicle and a copy of the "Standard Conditions" and any "Special Conditions" which apply to that Consent shall be carried by whoever is operating the stall/vehicle when trading and shall be produced when requested by any officer of the Council or a Police Officer.

Unrestricted

- 12) The Consent Holder shall have and maintain a valid insurance policy against public liability and third party risks. The minimum insurance cover shall be £1,000,000 and shall include cover for any risks arising from the use of the Consent Holder's vehicle, or stall and any additional equipment under his/her control such as generators, etc.
- 13) The Consent Holder may terminate the Consent by written notice to the Council. A refund of the fee will be payable on pro-rata basis calculated to the nearest full week but the Council shall be entitled to retain the first £50 of any fee to be returned to cover administration costs. **No refunds are payable if a Consent is suspended or revoked.**
- 14) The Consent is personal to the Consent Holder and is not transferable except in the case of the death of the Consent Holder when the Consent may be transferred, by agreement with the Council, to a member of the Consent Holder's immediate family.
- 15) The fee for a Consent shall be paid in advance. **Failure to renew the consent prior to the expiry date may lead to a Consent for the pitch being issued to another applicant.**
- 16) The Consent Holder and/or any Assistant shall not sell or offer or expose for sale any goods or articles other than those described within the terms of the Consent.
- 17) The Consent Holder shall not place any **advertising signs, boards or notices within the area** for which the Consent Holder holds a Consent.
- 18) The Consent Holder, any Assistant or their business shall not be the cause of any nuisance or undue disturbance to any other user of the highway, or the occupier of any land or building.
- 19) The Consent Holder and/or any Assistant shall, on all occasions when carrying on business, **conduct themselves in a civil and orderly manner.**
- 20) The Consent Holder's stall/vehicle shall be kept in a clean, safe and well maintained condition.
- 21) No waste water or other waste material shall be discharged on to the highway or any adjacent property.
- 22) At least one refuse container shall be provided by the Consent Holder and placed on the pavement near to the stall/vehicle and be available for use by customers. A notice shall also be displayed requesting customers to deposit litter in a waste container.
- 23) **The Consent Holder shall ensure that all waste produced, including waste oil, is disposed of in accordance with the Duty of Care under the Environmental Protection Act 1990. All waste must be disposed of via a Licensed Waste Carrier or direct to a Licensed Waste Disposal facility, and records must be retained for at least 2 years.**
- 24) The Consent Holder shall ensure that the immediate area in the vicinity of the stall/vehicle is kept clear at all times of all litter originating from their trade and from customers and in particular, shall leave the site clear of such refuse at the completion of trading.
- 25) Adequate precautions shall be taken by the Consent Holder to prevent the risk of an outbreak of fire at the stall/vehicle. Where a power source or heating appliance is present, e.g. a generator or bottled gas container, then a suitable fire extinguisher shall be provided.

- 26) **The Consent Holder shall ensure that all heat generating equipment is not operational during any vehicle movements, and the fuel supply to such equipment is switched off at the source. During movement, operation and storage all gas cylinders will be restrained in an upright position within a locked compartment which is ventilated at both high and low levels. The compartment will be clearly labelled "Extremely Flammable LPG" and will provide a minimum of 30 minute fire resistance.'**
- 27) **All persons handling food shall have a basic food hygiene certificate. It is recommended that refresher training is attended every 3 years. Where an officer authorised under the Food Safety Act 1990 is of the view that a staff member is demonstrating a level of knowledge or competence below the required level that person may be required to attend a basic food hygiene course. Failure to comply with this requirement within a reasonable period will result in a breach of this condition.**
- 28) If the Consent Holder is selling food or drink the stall/vehicle shall be registered with the local authority where it is normally kept under the provisions of the Food Premises (Registration) Regulations 1991.
- 29) If a Consent Holder fails to comply with any of the "Standard Conditions" or "Special Conditions" attached to the Consent he/she will risk having the Consent revoked and being prosecuted.

ICE CREAM VANS: SPECIAL CONDITIONS

- 30) **The vehicle shall not remain in the same position for a period longer than 30 minutes unless prior permission is obtained from the Head of Regulatory Services.**
- 31) **The vehicle must not stop or park so as to cause a dangerous obstruction in the road. The vehicle must at all times comply with any parking restrictions as specified at the location, in the Highway Code and within Road Traffic Regulations.**
- 32) **The vehicle must not stop or park near a school entrance between the hours of 8.00 and 9.00 or 14.30 and 16.00.**

TOWN CENTRE – SPECIAL CONDITIONS

- 33) Prior to vehicles entering the town centre a vehicle entry permit shall be obtained and authorised by the Council and no other vehicle shall be used without the knowledge and consent of the Council. Entry to town centre for vehicles shall be in accordance with the permit conditions.
- 34) The Consent Holder shall accept responsibility for dealing with any claims arising out of the use of a vehicle in the town centre and shall report to the Council any damage to street furniture, paving slabs, etc.
- 35) Any towing vehicle shall only be parked in the town centre for the purposes of loading and unloading and shall be removed immediately such use has ended.
- 36) Unless otherwise agreed, a Consent Holder shall trade in the town centre for a minimum of four days a week.

TO: LICENSING AND SAFETY COMMITTEE
11 OCTOBER 2012

LAW COMMISSION CONSULTATION ON TAXI AND PRIVATE HIRE SERVICES
Director of Environment, Culture and Communities

1 INTRODUCTION

1.1 The purpose of this report is to make the Committee aware of provisional proposals of reform to the legislation governing hackney carriage and private hire vehicles, drivers and operators.

2 SUPPORTING INFORMATION

2.1 In July 2011, the Law Commission agreed to undertake a law reform project on the law of taxis and private hire vehicles as proposed by the Department for Transport. The resulting consultation paper reviews the law, and makes provisional proposals for reform. The consultation closes on 10 September 2012, and the response send by the Council is attached at Annex A. The Law Commission plans to publish a final report with a draft Bill in November 2013. It will be for Parliament to decide whether to change the law.

2.2 The common view is that the law on taxis and private hire vehicles is fragmented, complex, and out of date. The oldest taxi legislation that still applies dates from 1831 and the regime has been extended, amended and adapted ever since. Private hire legislation was not introduced until 1976, in response to growth in the unlicensed trade, and many regard it as hastily constructed and ill thought out.

2.3 The aim of the reform project is to clarify and simplify the existing law on taxis and private hire vehicles and to promote more consistency in safety standards across England and Wales, including better provision for disabled passengers. The other key aim is to deregulate aspects not linked to protecting public safety in order to encourage more competitive services.

2.4 The Law Commission does not propose significant changes to the way in which licensing is administered and enforced. As now, local authorities would be responsible for issuing licences, and for taking action (with the police) against those who break the law.

2.5 The proposals retain the distinction between taxis which can 'ply for hire' on the street or a taxi rank, and private hire vehicles which can only be pre-booked. This is sometimes referred to as the two tier system.

2.6 The key proposed changes are:

- National minimum safety standards for both taxis and private hire vehicles.
- Changes to standard-setting: additional local standards, above the national standards, would continue to apply to taxis (for example knowledge tests and vehicle requirements). However, for private hire vehicles, only the national standards would apply and there would be no scope for additional local standards.
- Private hire operators would no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by the same licensing authority. Subcontracting would be allowed.
- Licensing authorities could no longer limit the number of taxi licences.
- More enforcement powers for officers against out-of-borough vehicles and drivers.
- Disability awareness training for drivers.
- Weddings and funeral cars would no longer be exempted through primary legislation.

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- Allowing leisure use of taxis and private hire vehicles.
- Bringing more vehicles within the licensing system (including for example limousines, motorbikes and pedicabs) and clearer exclusions for volunteers and other services where transport is not the main service provided, such as childminders.
- Powers for government to issue binding statutory guidance to create greater consistency in how taxi and private hire legislation is applied.

2.7 The Law Commission also suggest that consideration should be given to

- a new category of wheelchair accessible vehicles;
- extending operator licensing to taxi radio circuits;
- possible use of the term “taxi” in respect of private hire services if used in phrases like “pre-booked taxi only”;
- reintroducing a (revised) contract exemption;
- improving the enforcement powers of licensing officers; and
- a new “peak time” taxi licence that could only be used at particular times of day as decided by the licensing authority.

2.8 The most significant change would be that the Council would no longer have the power to set standards in respect of private hire licensing. The view of the Law Commission is that the pre-booked market works reasonably well as a competitive market, and so there is no need for rules and regulations to guarantee quality.

Background Papers

Law Commission Consultation: Reforming the Law of Taxi and Private Hire Services
<http://lawcommission.justice.gov.uk/consultations/1804.htm>

Contact for further information

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Document Ref

G:\TSTANDRD\Licensing\Committee\2012\201210\Information Law Commission Taxi Consultation.doc

Law Commission Consultation on Taxi and Private Hire Services

Response of Bracknell Forest Council

It is recognised that reform in this area is necessary to bring the law up to date. Our response is based on this principle but with a view to the ultimate aim of protecting the public whilst recognising the system could be simplified to reduce the burden on business.

Provisional proposal 1

Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares.

However we would disagree with the retention of the two-tier system. We would support the view that a one-tier system should be implemented with vehicles to be licensed as 'taxis', able to ply for hire in the district where they are licensed and able to carry out pre-booked journeys anywhere in the country. Local authorities could choose to allow only wheelchair accessible vehicles to use some or all of the ranks in their district.

The retention of the two-tier system would serve, in our view, to retain a complex system which is not understood by the majority of the general public. As the purpose of regulation in this area is to ensure public safety, a one tier system would be clear and ensure that the public are not put in danger by getting into a vehicle not insured for that type of journey.

Fares could have a maximum cap as set by the local authority with the provision that the consumer can negotiate with the driver/operator for a lower fare. Rank hirings and hailings could have metered fares and fares could be negotiated for bookings as with the current system.

Provisional proposal 2

London should be included, with appropriate modifications, within the scope of reform.

Agree.

Provisional proposal 3

The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver.

Agree.

Question 4

Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence?

The obvious disadvantage is that this would mean that horse-drawn carriages and pedicabs could not be licensed and therefore safety issues for these forms of transport could not be addressed.

Provisional proposal 5

Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers.

We would suggest further clarification in that PSV licences should only be available to vehicles of more than 8 passenger seats. Local authority licensing would cover vehicles which seat 8 or fewer passengers.

Provisional proposal 6

References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis.

Agree.

Provisional proposal 7

The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency.

Agree.

Provisional proposal 8

The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service.

It is recognised that it is difficult to define ‘volunteer’. It remains a concern that unlicensed vehicles and drivers are used to transport vulnerable passengers – such as children and those visiting hospital for appointments. It is not known whether such volunteers are subject to regular criminal checks. Vehicles are also not checked to ensure that they are suitable, safe for use and maintained that way. Any exemptions should be carefully defined to ensure that whilst not overly bureaucratic, unscrupulous operators do not seek to take advantage of any loopholes.

Question 9

**How, if at all, should the regulation of taxis and private hire deal with:
(a) carpooling; and (b) members clubs?**

We would not see either of these as requiring a licence unless it was in the course of a commercial business.

Provisional proposal 10

The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes.

Agree, although exclusions ought to be the subject of thorough consultation.

Provisional proposal 11

Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation.

Agree. We are of the view that all vehicles carrying passengers in the course of a business and their drivers ought to be properly checked and vetted. It may be appropriate to allow such vehicles an exemption from display of the plate.

Question 12

Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers' exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse?

No. We are of the view that all vehicles carrying passengers in the course of a business and their drivers ought to be properly checked and vetted. Just because a contract is in place, it does not automatically follow that the public bodies involved have the resource to ensure compliance or to ensure continued fitness/suitability of the driver and vehicle.

Provisional proposal 13

Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to "streets".

Agreed – this should be any place within the district.

Question 14

Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank?

The airport should ensure that there is adequate provision for customers who have booked a vehicle to be collected without undue delay wherever possible.

Provisional proposal 15

The defining feature of taxis, the concept of "plying for hire", should be placed on a statutory footing and include:

- (a) references to ranking and hailing;**
- (b) a non-exhaustive list of factors indicating plying for hire; and**
- (c) appropriate accommodation of the legitimate activities of private hire vehicles.**

Agree, although we would suggest this would be very difficult to create and would suggest the reconsideration of a single tier licensing system would address this issue.

Provisional proposal 16

The concepts of hailing and ranking should not cover technological means of engaging taxi services.

Any new legislation ought to consider how future technological advancements could arise in this field, and look to the benefit of the consumer provided there is no compromise to safety.

Question 17

Would there be advantages to adopting the Scottish approach to defining taxis in respect of "arrangements made in a public place" instead of "plying for hire"?

We do not see any particular advantage, and would reiterate the simplicity of a one-tier licensing system.

Provisional proposal 18

The concept of compellability, which applies exclusively to taxis, should be retained.

There is an error in the consultation as taxis are not currently compelled to accept a booking when hailed. We would agree that compellability should remain for rank hirings with the driver able to refuse with reasonable cause.

Provisional proposal 19

Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked.

Agree, although we would reiterate the simplicity and clarity of a one-tier licensing system.

Provisional proposal 20

Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved.

This proposal is likely to make enforcement more difficult and remain unsure how the contrary would be proved. It is presumed that the burden of proof would be on the driver.

Provisional proposal 21

The Secretary of State and Welsh Ministers should have the power to issue statutory guidance in respect of taxi and private hire licensing requirements.

This could assist, although Guidance is just that and is often open to different interpretations.

Provisional proposal 22

Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned.

Agree, although we would reiterate the simplicity and clarity of a one-tier licensing system. The terms ‘taxi’ and ‘minicab’ would be clearer.

Question 23

Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “pre-booked” and did not otherwise lead to customer confusion?

If using the terms ‘taxi’ and ‘minicab’ then a clear distinction must remain, to avoid confusion for members of the public. Again, we would reiterate the simplicity and clarity of a one-tier licensing system.

Provisional proposal 24

Taxi and private hire services should each be subject to national safety requirements.

Agree. Any such standards should be subject to full consideration with a technical panel including bodies such as VOSA. These safety standards should be distinguished from suitability and address frequency and standards of testing/inspection of vehicles. The same standards ought to apply to all licensed vehicles. There should be no distinction between types of licensed vehicle.

Provisional proposal 25

National safety standards, as applied to taxi services, should only be minimum standards.

We would support the implementation of minimum national safety standards to encourage consistency. We would however suggest that these standards be the same for all licensed vehicles. We would also suggest that the licensing authority should be able to apply proportionate and reasonable additional requirements as they feel appropriate, such as signage on vehicles or livery policies.

Provisional proposal 26

National safety standards, as applied to private hire services, should be mandatory standards.

As above, we would support the implementation of minimum national safety standards to encourage consistency. We would however suggest that these standards be the same for all licensed vehicles.

We would also suggest that the licensing authority should be able to apply additional requirements as they feel appropriate, such as signage on vehicles or livery policies.

Provisional proposal 27

Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers.

We would agree that suitability standards could be set nationally, although this must be at an appropriate level. As an example, the DSA practical driving assessment should be used to ensure competent driving skills. There should also be disability awareness training as the safety of a disabled passenger could be at risk. Navigational skills and basic numeracy and English communication skills should also be taken into account. For this reason we would suggest that local authorities retain the ability to carry out their own topographical tests as it is reasonable to check that an applicant has a basic knowledge of key locations in the area.

Returning to the single tier argument, this would allow for national standards but local discretion in respect of local knowledge testing.

Question 28

Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable?

We believe that there should be a national standard for signage on licensed vehicles to aid the general public in identification of licensed vehicles and to ensure consistency. Continuation of the two-tier system makes this even more important.

The single tier option would, of course, remove the need to distinguish between the two types of vehicle which would be an even greater benefit to the consumer.

We would support a discretion for local authorities to issue exemptions for certain types of vehicles - such as executive vehicles only carrying out 'chauffeur' work on account. This would best be achieved by the local authority being able to set a condition on a particular vehicle licence.

Question 29

What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles?

A common set of national safety standards which apply to any kind of licensed vehicle should result in greater consistency. The key is that a consumer should be just as safe irrespective of the type of licensed vehicle they are travelling in.

Question 30

Should national conditions in respect of driver safety be different for taxi services compared with private hire services?

We would have no objection to the setting of a driver safety standard as we recognise that drivers can be vulnerable to crimes committed by passengers and the general public. We would support any installation of equipment designed to ensure driver or public safety.

However any such proposals should be subject to full consultation to ensure that they are workable. We see no reasons why there should be differences between the types of licensed vehicle other than reasons of practicality.

Provisional proposal 31

The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety.

We would see safety as being a wide-ranging remit which could look at the fitness and suitability of the vehicle and driver but also disability awareness, navigational skills, customer care, etc. National guidelines would be useful but without clarification of what would be included it is impossible to comment further.

Provisional proposal 32

The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement.

Agree.

Question 33

What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel?

A technical advisory panel could create a draft which is then subject to consultation with all stakeholders.

Provisional proposal 34

Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards.

We are of the view that local authorities should as a minimum be able to set appropriate fares for the taxis operating in their area.

As mentioned previously, whilst we support the introduction of minimum national standards, we believe that the local authority is best placed to determine whether it would be appropriate to set certain local standards or conditions. We do however accept that there is a need to ensure consistency wherever possible.

Question 35

Should there be statutory limits to licensing authorities' ability to set local taxi standards?

We cannot comment in full without knowledge of what is proposed for inclusion within the national minimum standards. We do however accept that there is a need to ensure consistency wherever possible.

Question 36

Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators?

We cannot comment in full without knowledge of what is proposed for inclusion within the national minimum standards. We do however accept that there is a need to ensure consistency wherever possible, whilst recognising that power to impose individual conditions can assist with flexibility for exceptional cases.

Question 37

Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements?

We are unsure how a statutory requirement for co-operation would work in practice and we are unsure why this would be necessary.

Provisional proposal 38

Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting.

Agree.

Provisional proposal 39

Licensing authorities should have the option to create, or remove, taxi zones within their area.

Agree, as this may assist in the provision of taxi services in more rural areas.

Question 40

Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority?

We do not see how this would work in practice as it would be almost impossible to enforce and control.

Provisional proposal 41

Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority.

We would not agree with this proposal.

How would a licensed operator using a driver/vehicle licensed by another authority know if that driver or vehicle licence had been revoked by that authority? The local authority revoking the licence would not be aware which operator(s) the driver/vehicle worked for if they were not licensed by that same authority, so they would not be able to make the operator aware. This has huge implications in respect of the safety of passengers.

If this proposal was to be implemented, there would be a need for a national register of drivers, vehicles and operators which would be very costly and time consuming. Who would ensure the register is kept up to date and remove lapsed licences, etc? Operators would need to be able to search the register to check licences so there are data protection issues.

Provisional proposal 42

We do not propose to introduce a “return to area” requirement in respect of out-of-area drop offs.

We would suggest that under the one-tier licensing system, a licensed taxi could only ply for hire, accept hailings and use ranks in their home authority. However they could accept pre-booked work outside the area, in which case we would agree with the proposal.

Provisional proposal 43

Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares.

Agree. However it would be even clearer for the consumer if all licensed vehicles had meters and they knew that for rank/hailed bookings the meter should be used, with pre-booked journeys either agreed in advance or metered.

Question 44

Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys?

It would be clearer for the consumer if all licensed vehicles had meters and they knew that for rank/hailed bookings the meter should be used, with pre-booked journeys either agreed in advance or metered.

Question 45

Should national driver safety standards such as the requirement to be a “fit and proper person” be either:

(a) set out in primary legislation; or

(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions?

Improved guidance on suitability of persons to be licensed with clear guidelines would aid consistency; however there is a danger that setting out such matters in primary legislation would reduce the ability to be flexible. 45(b) would be the preferred option

Provisional proposal 46

Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself.

Agree.

Question 47

Should national vehicle safety standards be either:

(a) set out in primary legislation; or

(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions?

As per question 45, there is a need to ensure that flexibility is retained in order to make changes quickly as required. 47(b) would be the preferred option

Provisional proposal 48

Operator licensing should be retained as mandatory in respect of private hire vehicles.

Agreed; this is key to ensure that bookings are properly recorded.

Question 49

Should operator licensing be extended to cover taxi radio circuits and if so on what basis?

If a third party is taking bookings, we are of the view that they should be appropriately licensed.

Provisional proposal 50

The definition of operators should not be extended in order to include intermediaries.

If the intermediary is dealing only with licensed operators, then they would not require an operator licence, however where the intermediary is dealing directly with the driver of a vehicle then they should require an operator licence.

Question 51

Should “fit and proper” criteria in respect of operators be retained?

Yes, as operators are privy to personal information about their customers including knowledge of when they are on holiday. All staff working for a licensed operator should also be vetted, for the same reasons.

Provisional proposal 52

Operators should be expressly permitted to sub-contract services.

Agree, and they should be required to keep a record of the operator to whom they sub-contract the booking. The original terms of the contract with the customer should be maintained, for example the quoted fare.

Question 53

Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply?

Drivers should keep a log of all bookings in case there are complaints or allegations that need to be investigated.

Provisional proposal 54

Licensing authorities should no longer have the power to restrict taxi numbers.

Agree.

Question 55

What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers?

No limit applies in the Bracknell Forest area so we have no comment.

Question 56

Should transitional measures be put in place, such as staggered entry to the taxi trade over a scheduled period of time, if quantity restrictions are removed?

No limit applies in the Bracknell Forest area so we have no comment.

Question 57

Should there be a separate licence category for wheelchair accessible vehicles? This could involve:

- (1) a duty on the licensee to give priority to disabled passengers; and**
- (2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles.**

This proposal needs to be clarified. It is unclear how a licensee would be able to give priority to disabled passengers, given there are a wide range of types of disability. How would the licensee know that the passenger was disabled, if it wasn't visually obvious?

For example, if taxis are required to give priority to wheelchair users, does that mean they have to allow wheelchair users to jump the queue at ranks? This could cause friction with others in the queue and embarrassment to the wheelchair user. In respect of phone bookings taken by either an operator or a hackney carriage directly, will they be required to cancel other bookings to fulfil that of the wheelchair user?

We would suggest licensing authorities are best placed to determine whether there is adequate provision at ranks for all of their licensed vehicles – including wheelchair accessible vehicles. Circumstances will vary greatly between different local authority areas. Certain ranks could be reserved for accessible vehicles (either permanently or at key times during the day/night).

Question 58

Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards?

Any discount offered against the licence fee is likely to be a small amount when compared with the cost of purchasing a vehicle. As the licensing authority sets the licence fee with a view to covering the cost of administering the licensing regime (including inspections and enforcement), and any discount would effectively pass the cost on to either the tax payer or the other licensed vehicles.

Question 59

Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers?

Local authorities should have the ability to reserve prime (or all) ranks for accessible vehicles. Education and training of drivers is also key as many licensed drivers lack awareness and confidence so mandatory training could address this.

Different age restrictions for accessible vehicles could be appropriate provided safety standards are not compromised. Bracknell Forest also publishes a register of accessible vehicles in the area which can help to promote the availability of such vehicles.

There could be alternatives to funding through subsidies from central government, free/reduced cost road tax.

Licensing authorities should have clear enforcement powers so they can deal with drivers who fail to offer reasonable assistance to disabled passengers, with more appropriate penalties for offences.

Provisional proposal 60

We do not propose to introduce national quotas of wheelchair accessible vehicles.

Agree.

Provisional proposal 61

National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training.

Agree.

Provisional proposal 62

In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority.

Agree (this is already the case in Bracknell Forest).

Question 63

What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help?

It is unclear how this could be enforced, given the driver may not be aware that the person hailing them is disabled. It would seem more reasonable to suggest that taxis should be obliged to stop for all persons who hail them in their district, provided they are available for hire and it is safe to do so. Clearly the driver must retain the option to refuse the fare for a reasonable cause.

Question 64

Should authorised licensing officers have the power to stop licensed vehicles?

There are practical problems associated with this proposal, as we see no safe method for licensing officers to stop licensed vehicles in the way that a police officer can. We would suggest that a licensing officer should have powers to direct vehicles to a particular location to be checked/tested or to remain stationary.

Question 65

What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”.

Under a single tier system, all vehicles would be able to be hailed without the need for a prior booking, so this would remove the issue of touting. Where a third party is taking bookings, they should be licensed as an operator.

Question 66

Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules?

This may be desirable in respect of unsafe or unlicensed vehicles, although the powers should be exercised in conjunction with either a police officer or authorised VOSA officer. There should be clear guidelines to ensure that the powers are only used proportionately.

Question 67

Should licensing authorities make greater use of fixed penalty schemes and if so how?

Fixed penalties could be used as a simple method for dealing with offences such as not wearing the badge or displaying the plate, as taking prosecutions can take a great deal of time and money. The offence would have to be clear and guidelines should be set to clarify this.

Provisional proposal 68

Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas.

This could be possible in respect of matters covered under national standards or legislation. However there should be a requirement to make the 'home' authority aware of any action taken either prior to or immediately after that action is taken.

Question 69

Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this?

It is difficult to see how this would work in practice. It would seem more sensible for the 'home' authority to take action in respect of their own licences - although there would be no concerns about the issue of fixed penalties for certain clear-cut offences.

Provisional proposal 70

The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence.

Agree.

Provisional proposal 71

The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision.

This does not seem a sensible, unless there has been a material change in circumstances. The Council makes a decision based on the relevant delegated powers and any re-consideration could be viewed as biased, and would also create additional cost for the authority and delay for the applicant who may prefer to appeal directly to the Magistrates' Court.

Provisional proposal 72

Appeals should continue to be heard in the magistrates' court.

Agree. This should include appeals against refusals to grant hackney carriage vehicle licences which currently go to the Crown Court.

Question 73

Should there be an onward right of appeal to the Crown Court?

No; as for other cases, an appeal to the Magistrates' Court should be sufficient.

**TO: LICENSING AND SAFETY COMMITTEE
11 OCTOBER 2012**

**LIVE MUSIC ACT 2012
Director of Environment, Culture and Communities**

1 INTRODUCTION

- 1.1 The Live Music Act 2012 ('the Act') received Royal Assent on 8 March 2012, and will come into force on 1 October 2012. When implemented, the Act will change provisions within the Licensing Act 2003 to deregulate live music and remove provision of facilities for making music and dancing from the definition of regulated entertainment.

2 SUPPORTING INFORMATION

- 2.1 When the Act comes into force, it will remove the licensing requirements for amplified live music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises; amplified live music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment); and unamplified live music between 8am and 11pm in all venues.
- 2.2 Where licensable activities (such as the sale of alcohol) continue to take place on premises, any licence conditions related to live music will be suspended. However, it will be possible to impose new or reinstate existing live music conditions following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises. This provides a control measure for the Licensing Authority should a licensee fail in their responsibility to promote the licensing objectives, in particular the objective to prevent public nuisance.
- 2.3 The Act will also remove licensing requirements for the provision of entertainment facilities. In addition, it will widen the current licensing exemption for music which is integral to a performance of morris dancing or dancing of a similar type, so that the exemption applies to live or recorded music, instead of unamplified live music.
- 2.4 The new provisions with an audience limit of 200 or less will apply to almost all licensed premises in Bracknell Forest. Most licence conditions, in particular those relating to public nuisance, are written to cover a range of activities including live music. Where these conditions are generic they will remain but they will not be applicable to live music as defined within the new legislation.
- 2.7 The Department of Culture, Media and Sport is currently consulting on amendments to the statutory Guidance under s182 of the 2003 Act. However the amended Guidance is not expected to be laid before the end of October 2012 in order to include introductory guidance on Early Morning Restriction Orders at the same time.

Background Papers

Licensing Act 2003

Live Music Act 2012

Contact for further information

Laura Driscoll, Licensing Team Leader - 01344 352517

laura.driscoll@bracknell-forest.gov.uk

Document Ref

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TO: LICENSING AND SAFETY COMMITTEE
11 OCTOBER 2012

PUBLIC FUNDRAISING REGULATORY ASSOCIATION STREET FUNDRAISING
Director of Environment, Culture and Communities

1 INTRODUCTION

- 1.1 The purpose of this report is to make the Committee aware of changes to the best practice regime used by the Public Fundraising Regulatory Association (PFRA) which came into effect on 20 August 2012.

2 SUPPORTING INFORMATION

- 2.1 The Council has had a site agreement with the PFRA since December 2008. This agreement governs face-to-face collections within the town centre carried out by members of the PFRA and is attached at Annex A.
- 2.2 The collection of direct debit mandates or 'face-to-face' collections taking place in the street does not require any formal authorisation from the Council as the Police, Factories etc (Miscellaneous Provisions) Act 1916 only provides for the collections of money or goods. A direct debit mandate has no particular worth at the point of collection, as it is simply a promise to make payment by issuing an order to a bank or building society.
- 2.3 The Council liaises directly with the PFRA to ensure that there are no clashes with permitted street collections, and the PFRA also investigates any complaints made by members of the public about face-to-face collections.
- 2.4 The new PFRA best practice regime for street fundraisers comprises new rules and a fines system. The PFRA compliance team will issue penalty notices to fundraising organisations that breach the rules. The rule book is available on the PFRA website, and some examples of rules are as follows:
- Fundraisers (sometimes known as 'chuggers') must not:
- i) follow a person for more than three steps
 - ii) stand within 3m of a shop doorway, cashpoint, pedestrian crossing or station entrance
 - iii) sign up to a Direct Debit anyone unable to give informed consent through illness, disability, or drink or drugs
 - iv) approach any members of the public who are working, such as tour guides or newspaper vendors.
- 2.5 Under the PFRA regime, breach of the rules will incur penalties of 20, 50 or 100 points depending on the severity of the misdemeanour. Once fundraising organisations pass a 1000-point threshold, the points will be converted into fines at the rate of £1 per point. All money paid in fines will be ringfenced to be used for further compliance and enforcement activity, such as mystery shopping, by the PFRA.

Background Papers

Police, Factories etc (Miscellaneous Provisions) Act 1916
PFRA Site Agreement

Contact for further information

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

Document Ref

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19 DEC 2008

Unit 11 Europoint
5-11 Lavington Street
Southwark
London SE1 0NZ

BRACKNELL FOREST BOROUGH COUNCIL

Donated To:

08 DEC 2008



Public Fundraising Regulatory Association

Site Management Agreement between PFRA and Bracknell Forest Council.

The purpose and spirit of this Site Management Agreement is to facilitate Face-to-Face Fundraising in a given location and provide balance between the right of the charity to fundraise and the right of the public to go about their business without any impression of inconvenience.

Once an agreement is in place it should minimise the administration for all concerned, providing just one channel for information and support, as Licensing Officers & Town Centre Managers only have to deal with one organisation, the PFRA, instead of dealing with each individual charity and fundraising organisation separately.

The PFRA continually strives to work positively with each Local Authority to develop constructive and deterministic business relationships with all parties.

Statement of Conformity

1) All fundraisers will carry and abide by the PFRA / Institute of Fundraising abridged code of practice.

Access Details

2) This agreement pertains to Face-to-Face Charitable Collections to:

Bracknell – Fundraisers should **only** be positioned on the High Street and Charles Square avoiding connecting streets **and** where such streets are narrow;

Sandhurst;
and
Crowthorne.

Dedicated to Quality, Integrity and Transparency in Public Fundraising

www.pfra.org.uk

Unit 11 Europoint
5-11 Lavington Street
Southwark
London SE1 0NZ



3) Canvassers should be positioned in such a way to offer an adequate 'comfort zone' to those users of the town centre who do not wish to engage. Teams should be limited to a maximum of 4 canvassers and 1 Team-Leader per team, evenly spread with each individual member at least 5-metres from the next member, so as to avoid 'clustering' or the creation of 'slaloms'.

4) The number of visits PFRA Members can make to each of the towns is 50 per year. This equates to 1 visit per week and each of the sites will remain unused for 2 non-consecutive weeks of the year.

5) Exclusion Dates are to be announced by local Licensing Officers and/or Town Centre Management (e.g. Market Days, Special Promotions Days, etc.)

Information Required

6) Reporting:

PFRA Allocations Officer will maintain and manage the diary schedule.

Copies of the diary are to be made to

Bracknell Forest Council – Licensing Team:

licence.all@bracknell-forest.gov.uk

Bracknell Forest Town Centre Management:

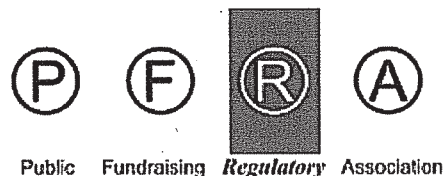
graham.mountford@bracknell-forest.gov.uk

7) Diary/Schedule Information will also provide:
Contact details for PFO; and
Charity being fundraised for.

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Southwark
London SE1 0NZ



Working Together

- 8) The local authority agrees to work with the PFRA to publish information regarding the scheme including explanations on what is Face-to-Face Fundraising, the PFRA Code of Practice and facts about Direct Debit.
- 9) The PFRA will inform the local authority of any complaints and conversely all feedback will be forwarded to the PFRA.
- 10) The PFRA will police member organisations, through a programme of random spot-checks, to ensure fundraisers' adherence to the Code of Practice and this Site Management Agreement.

Signed For and On Behalf Of PFRA:

Dated:

11th December 2008

Signed For and On Behalf Of Bracknell
Forest Council:

Dated:

3 December 2008

Unit 11 Europoint
5-11 Lavington Street
Southwark
London SE1 0NZ



Appendix 1

CODE OF PRACTICE

- 1 We always tell potential donors clearly that we are paid to speak with them, and that we are not volunteers - if this is the case - and we explain the basis on which we are paid.
- 2 We always carry and display ID so that any potential donor can verify who we are, whom we are working for and on whose behalf we are fundraising.
- 3 We always represent our charity or Not for Profit Organisation (NPO) at the time, in the place, and in the manner that has been previously agreed both with the charity / NPO and with the relevant site owner or Local Authority, and as directed by our team leader or other responsible agency personnel.
- 4 We always explain to a donor how the Charity or NPO will communicate with them after subscribing, and if they are likely to receive a follow up phone call we inform them of this.
- 5 We always ensure that forms with personal details provided by donors are handled at all stages in a secure manner.
- 6 We always end a conversation in a polite and respectful manner as soon as we are asked to.
- 7 We always ensure, wherever possible, that if a member of the public has a complaint, a full and accurate record of the complaint and the complainant's contact details are taken so that action can be taken promptly and appropriately. We will also offer the complainant contact details for a person in authority who can respond to their concerns.
- 8 We never say or do anything that could pressurise or harass people and we do not use manipulative techniques.
- 9 We never confuse or mislead the public and we never say, do or display anything for which we have not been given permission by the charity or NPO
- 10 We never behave whilst on duty in any way that might bring the charity / NPO or our employer into disrepute.

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**LICENSING PANEL
19 SEPTEMBER 2012
10.00 - 10.48 AM**

Present:

Councillors Thompson (Chairman), Baily and Davison

In attendance:

Anthony Igbiniyesu, Legal Adviser to the Panel

Sue Walker, Licensing Officer

Amanda Roden, Democratic Services Officer

Mr X, Appellant

1. Declarations of Interest

There were no declarations of interest.

2. The Procedure for Hearings at Licensing Panels

The Chairman confirmed that all parties understood the procedure to be followed for the hearing.

3. Exclusion of Public and Press (S100A)

RESOLVED that pursuant to section 100A of the Local Government Act 1972, as amended, members of the public and press be excluded from the meeting for consideration of item 4 which involved the likely disclosure of exempt information under category 1 of Schedule 12A of that Act:

- (1) Information relating to any individual

4. Report on Licensed Private Hire Driver

At the hearing, the Panel gave careful consideration to the papers placed before them and heard and considered oral representations from Mr X and Mrs Walker, Licensing Officer.

Having considered all the evidence, the Panel decided that Mr X would receive a written warning and would be required to undertake the DSA test within two months of 19 September 2012. Mr X would need to provide proof that the test had been taken, failing which the referral would be brought back to a panel for further consideration. In addition, if Mr X were to gain any further penalty points within 12 months of 19 September 2012 he would come back before a licensing panel where his circumstances would be reviewed.

The Panel were clear that Mr X was observed by an officer dropping passengers off without displaying the private hire plate on the rear of his vehicle as required by the terms of his licence. Also, having failed to notify the Council of a speeding offence on

25 November 2011, Mr X then failed to disclose this offence in his licence renewal application.

The Panel noted Mr X's explanation regarding removal of his private hire plate but Mr X was reminded by Mrs Walker at the hearing that his private hire plate was a fixed plate not be removed and he did not have a dispensation for not displaying the plate. It was important that Mr X complied with all requirements of his licence at all times in the future.

CHAIRMAN