

NOTICE OF MEETING

Licensing and Safety Committee

Thursday 5 January 2017, 7.30 pm

Council Chamber, Fourth Floor, Easthampstead House, Bracknell

To: The Licensing and Safety Committee

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

ALISON SANDERS
Director of Corporate Services

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Licensing and Safety Committee
Thursday 5 January 2017, 7.30 pm
Council Chamber, Fourth Floor, Easthampstead House,
Bracknell

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AGENDA

Page No

1. Apologies for Absence

To receive apologies for absence.

2. Declarations of Interest

Members are asked to declare any 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 6 October 2016.

5 - 8

4. Urgent Items of Business

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

5. Notice of Public Speaking

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

6. Child Sexual Exploitation (CSE) Training for Taxi Drivers

To inform the Committee of the outcome of the process to find a suitable training package and to seek its approval of implementation of the mandatory condition by supplier C from 1 April 2017 with a cost to attendees of £20.

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7. **Review of Guidance Notes and Conditions**

To the attention of the Committee the results of the recent consultation on the proposed amendments to the Council's Guidance Notes and Conditions document (current version at Annex A), and to seek approval to make these revisions to the document.

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8. **Practical Driving Assessments for Licensed Drivers**

To note the information contained in the report.

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**LICENSING AND SAFETY COMMITTEE
6 OCTOBER 2016
7.30 - 8.25 PM**



Present:

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

Apologies for Absence were received from:

Councillors Mrs McKenzie

In Attendance:

Rob Sexton, Head of Regulatory Services

13. Declarations of Interest

There were no declarations of interest.

14. Minutes

RESOLVED that the minutes of the meeting of the Committee held on 15 June 2016 be approved as a correct record and signed by the Chairman, subject to Councillors Brossard and Leake's apologies being added.

15. Urgent Items of Business

There were no items of urgent business.

16. Notice of Public Speaking

It was noted that no members of the public had registered to speak at the meeting.

17. Park Homes Fee Policy

The Committee received the results of the consultation process on the proposed new Park Homes Fee Policy. The Committee was asked to consider the responses and agree a new Fee Policy document.

In response to Members queries, the Chief Officer: Environment and Public Protection reported that the frequency of inspections at particular sites was determined by any intelligence received.

RESOLVED that the Park Homes Fee Policy as attached at Annex A of the report be agreed.

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

This report sought the Committee's approval to go out to consultation on amendments and additions to the Council's Guidance Notes and Conditions document.

The Chief Officer reported that the proposed amendments and additions to the Guidance Notes and Conditions plugged the gaps that currently existed.

RESOLVED that;

- i) the Committee approved the amendments and additions to the Guidance Notes and Conditions document setting out at Annex A for consultation and
- ii) asked officers to bring back a report to the next meeting on the results of the consultation.

19. Results of Consultation on Conditions to Control CCTV in Taxi's

This report informed the Committee of the results of a public consultation carried out upon a proposal to introduce licence conditions to control the use of CCTV in hackney carriages and private hire vehicles within Bracknell Forest.

The Committee expressed concern that it was clear from the consultation responses that the respondents had misunderstood the issues being consulted upon and formed the misconception that CCTV was being imposed upon them. The Chief Officer reported that respondents had been contacted to clarify this. The Chairman stated that this was sufficient given that nothing was being imposed by the Council.

In response to Members queries, the Chief Officer reported that it wasn't just licensed drivers who had been consulted but also passengers and the public. The need for this consultation had arisen from the misuse of CCTV in licensed vehicles. This was exacerbated by the ease by which materials could be published on the internet.

Checking the use of CCTV by licensed drivers would become one of the items on the checklist if a vehicle was pulled over for a spot check or if a complaint was made, this would be investigated.

RESOLVED that the Committee agreed that the licence conditions attached as Annex F to the report be adopted and applied to vehicle, driver and operator licences from 6 October 2016.

20. Child Sexual Exploitation Training for Taxi Drivers

The Committee were updated on enquiries into running a Child Sexual Exploitation (CSE) training programme for licensed drivers and operators.

The Chief Officer reported that all local authorities were considering training of this nature following the CSE cases in Rotherham and Oxford. This training would ensure that drivers understood their responsibilities with regards to safeguarding as well as protect the drivers. The possibility of working with six local authorities in Berkshire was being considered to deliver the training. It was anticipated that the training would be delivered in house by local authorities, collectively for the six local authorities.

This large pool of people to be trained would allow courses to be delivered at various locations across Berkshire and could be delivered on a weekly basis depending on demand.

In response to Members queries, the Chief Officer reported that the quality of the training would need to be established with the provider. The Chief Officer stated that he was a member of the CSE Board and so would consider their input. In addition, to contact the Chair of the Local Safeguarding Children's Board to ensure the training being delivered was of a good standard.

RESOLVED that;

- i) officers would continue discussions with Training Provider C to finalise course content, costs and implementation,
- ii) officers consult with members of the taxi trade upon the introduction of the training and how it can best be delivered,
- iii) the Chair of the Licensing and safety Committee be delegated authority to authorise the agreement following an update by officers.

21. Animal Boarding Establishments Licence Conditions

The Chief Officer reported that adopting model conditions would allow the Council to draw from a pool of conditions as required.

RESOLVED that the Committee approved a consultation exercise with all existing licence holders in respect of adoption of the revised model licence conditions.

22. Minutes of Licensing Panels

The Committee noted the minutes of Licensing Panel hearings held on the following dates:

6 July 2016

13 July 2016

10 August 2016

7 September 2016

23. Select Committee Review of Licensing Act 2003

The Committee noted the information report.

CHAIRMAN

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**TO: LICENSING AND SAFETY COMMITTEE
5 JANUARY 2017**

SAFEGUARDING TRAINING FOR TAXI DRIVERS AND OPERATORS (Chief Officer: Environment and Public Protection)

1 PURPOSE OF REPORT

- 1.1 The Committee agreed at its meeting on 7 January 2016 to introduce a licence condition requiring mandatory training for drivers and operators. This was to be introduced once a suitable training package was in place to deliver this requirement.
- 1.2 The purpose of this report is to inform the Committee of the outcome of the process to find a suitable training package and to seek its approval of implementation of the mandatory condition by supplier C from 1 April 2017 with a cost to attendees of £20.

2 RECOMMENDATION

- 2.1 That the Committee agrees that:
 - i) **Mandatory safeguarding training for all new and existing drivers and operators is implemented from 1 April 2017**
 - ii) **That all existing drivers and operators must complete the training prior to the next renewal of their licence**
 - iii) **All new applicants must complete the training prior to the issue of a licence**
 - iv) **That the course, once passed, must be retaken by licensed drivers and operators and passed within a 3 year period**
 - v) **That Supplier C be appointed as the selected training provider for a period of 3 years**
 - vi) **That the fee to be charged will be based upon cost recovery, initially set at £20 and reviewed annually as part of the Council's fees and charges**
 - vii) **The taxi trade to be consulted further on the proposed course content prior to the 1 April 2017.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 This proposal is for a flexible and regularly delivered training package which provides a suitable level of understanding for those attending together with a test which will demonstrate an appropriate level of understanding. Cost is an important factor and the course as presented offers the best value for money whilst still delivering a course which is relevant and appropriate.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Alternative suppliers were sought and their proposals would have meant a significant increase in the charge that the Council would have had to make to ensure cost recovery.

5 SUPPORTING INFORMATION

- 5.1 Members will recall that they received a report in January 2016 recommending mandatory training for taxi drivers and operators on Child Sexual Exploitation and the protection of vulnerable adults, commonly referred to as "Safeguarding" This report arose because of comments firstly from the inquest into child sexual exploitation in Rotherham published in August 2014 and the subsequent inquest into similar matters

in Oxfordshire published in June 2015. In both cases there was clear evidence that licensed vehicles were regularly used to transport abused children. The Oxfordshire report drew upon the conclusions from both inquests and called for mandatory safeguarding training for taxi drivers and in November 2015 the Oxfordshire Safeguarding and Children's board published a framework document for the delivery of training.

- 5.2 At the Committee meeting on the 7 January 2016 members received details of the conclusions from those inquests and the proposal for mandatory training. The compulsory training is intended to raise awareness within the taxi trade of the lessons learnt from these inquiries so they can identify and report concerns, and that they as individuals can also avoid behaviour that might lead to inappropriate relationships with children. Members were informed on the 7 January 2016 that that since 2012 two taxi drivers within Bracknell Forest had had their licences revoked following evidence of inappropriate relationships with children. The Committee agreed to the introduction of mandatory training subject to the provision of a suitable training package and consultation with the taxi trade on the content of the course. Officers sought out three suitable training providers and at the Committee meeting on the 6 October 2016 the Committee agreed that officers should begin the process to finalise the course content with supplier C.
- 5.3 The supplier selected consists of training officers employed by Bracknell Forest, Reading, Wokingham and West Berkshire and who presently provide CSE training for a range of outside groups including Council staff. Their proposal is to provide training at venues throughout the geographical area that they cover. Applicants and licensed drivers / operators from any of those authorities will be able to select a course at the location and date that best suits their needs. As to the time of the course whilst previous experience has shown a course in the day is more popular consideration will be made of other times should demand be sufficient. The course will also be available to escorts employed in such areas as Home to School transport.
- 5.4 The licensing authority will operate upon a cost recovery basis and with present knowledge of likely numbers and patterns of attendance it is recommended that the fee is set initially at £20 per attendee with an annual review of charge to be undertaken to ensure cost recovery.
- 5.5 Attached to the report are draft documents which will be subject to further discussion with interested parties to ensure that they are clear and meet the objectives required prior to implementation in April 2017.
- (i) PowerPoint presentation showing training content - Annex A
 - (ii) Pre-course information - Annex B
 - (iii) Example questions to be asked of attendees - Annex C
- 5.6 The course timeframe is set up to be up to 3 hours duration to allow for the training, topic discussions, questions and completion of the course test. Once running it maybe found that the course can be delivered within a shorter timeframe. If an attendee correctly answers 80% of the questions set they will pass the test. If they fail they will be required to re-take the course and repay the necessary fee.
- 5.7 On 18 November 2016 an email was sent to licence holders as at Annex D. The consultation closed on the 15 December 2016 and 2 responses were received and are attached as Annex E. The Bracknell Licensed Taxi forum has been invited to speak to the Committee about their response in line with the public speaking arrangements.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The legal provisions are identified within this report.

Borough Treasurer

- 6.2 The intention is that all additional costs will be recovered by the Council and recharged to those undertaking the training

Equalities Impact Assessment

- 6.3 The training provided will help suppliers of taxi services to understand potential issues with vulnerable groups including children and adults.

Strategic Risk Management Issues

- 6.4 A failure to take action to protect children and enable the taxi trade to identify and report issues such as CSE would leave children and the Council at risk.

7 CONSULTATION

Principal Groups Consulted

- 7.1 Licence holders and groups working within the CSE field.

Method of Consultation

- 7.2 The consultation took place by email contact with members of the trade and groups, inviting comments.

Representations Received

- 7.3 Representations received from the taxi trade are attached as Annex E to this report. The Bracknell Forest Council LSCB CSE and Missing Strategic Sub Group received details of the proposed training at its meeting on the 15th December 2016 and were pleased with the progress that had been made. There was comment that the training proposed was appropriate for the audience intended, it was balanced in that it was directed to assist taxi drivers to protect vulnerable groups through identification and reporting of concerns and to assist them to adopt behaviours which avoid accusations of inappropriate relationships.

Background Papers

Independent inquiry into Child Sexual Exploitation in Rotherham. August 2014

Child Exploitation - Making a Difference - June 2015

Joint Operating Framework for Transporting Children/ Adults with care and support needs and Taxi Licensing in Oxfordshire November 2015

Contact for further information

Robert Sexton, Head of Regulatory Services

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Introduction to Safeguarding Children, Young People and Adults

For Taxi Drivers



Introduction

- Please turn off your phone
- Confidentiality
- An emotional response is normal

Objectives

- **Know what your responsibilities are.**
- **Understand what might make a passenger vulnerable and the key issues e.g. Child sexual exploitation, domestic violence, human trafficking, etc.**
- 15 • **Know what to do if a child or adult discloses (tells you) that they are being abused or neglected.**
- **Get a clear picture of what you should do.**

Taxi drivers

- You are a very valuable eyes and ears of the community
- You can obtain information which people might not be prepared to give to the Police or the Local Council
- You are a key partner in keeping people safe from abuse of any kind

What do you do already to keep children or adults you are transporting safe?



Imagine you are seven years old.
You have a secret you need to
share. Who will you tell?



What is Child abuse?

- **It crosses all classes, cultural and racial boundaries**
- **It is frequently difficult to prove**
- **A clear definition does not exist**



Incidence and prevalence of child abuse and neglect

Approximately 50,500 children in the UK are currently known to be at risk of abuse.

- One in seven children aged 11-17 have been neglected.
- One in 14 children aged 11-17 have experienced severe physical violence at the hands of an adult.
- One in 14 children aged 11-17 have experienced emotional abuse.
- One in 20 children have experienced contact sexual abuse.

<http://www.nspcc.org.uk/Inform/research/statistics/>

Who might be an abuser of adults ?

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2014-15	Total (%)
• Health Care Worker	7 (9%)
• Neighbour / Friend	5 (6%)
• Not Known	4 (5%)
• Other	9 (11%)
• Other Family Member	8 (10%)
• Other Professional	4 (5%)
• Other Adult in need of care or support	5 (6%)
• Partner	3 (4%)
• Social Care Staff	36 (45%)
• Stranger	0

TOTAL 81*

Please note: More than one category of abuse can be alleged/recorded for the same referral

Where does abuse and neglect of adults happen?

BFSAPB 2014-15

Total (%)

• Alleged Perpetrator's Home	5 (6%)
• Care Home	11 (14%)
• Care Home with Nursing	5 (6%)
• Hospital	0
• Other	6 (8%)
• Own Home	47 (59%)
• Public Place	3 (4%)
• Supported Accommodation	2 (3%)
• Day Centre	1 (1%)

Total 80

Who might be an adult at risk of harm?

A person who:

- ***Is over 18***
- ***Has care and support needs***
- ***Is experiencing, or is at risk of, abuse or neglect and***
- ***Is unable to protect themselves because of their care and support needs.***

Who is the abuser?



Indicators of Abuse Exercise

- Physical Abuse
- Emotional Abuse
- Sexual abuse
- Neglect

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PHYSICAL ABUSE

- Hitting
- Shaking
- Throwing
- Poisoning
- Burning
- Drowning
- Suffocating

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Common sites for accidental injury

- Forehead
- Nose
- Chin
- Forearm
- Elbows
- Bony Spine
- Hip
- Knees
- Shin



Common sites for non - accidental injury

- Skull – fractures, bruising or bleeding
- Eyes - bruising (particularly both)
- Ears -punch or slap marks
- Mouth – Frenulum
- Neck - grasp marks, bruising
- Shoulders
- Upper and lower arm
- Genitals
- Back, buttock, thighs
- Knees – grasp marks



EMOTIONAL ABUSE

- Telling somebody they are worthless/unloved
- Seeing or hearing the ill treatment of another
- Causing somebody to feel frightened or in danger
- Bullying

Communicating with adults with learning disabilities.

- Some people with a learning disability might interpret what you say differently to a person without a learning disability.
- Some people with a learning disability may become vulnerable to abuse as they would really like to make friends or begin a relationship. They might not understand that people may not be genuine friends but people who want to abuse them.

SEXUAL ABUSE

- Forcing somebody to take part in sexual activities
- 31 • Physical contact, including assaults such as rape or oral sex
- Non-penetrative acts such as masturbation, kissing, rubbing and watching pornography.

SEXUAL EXPLOITATION

Sexual exploitation is a form of sexual abuse where children, young people or adults are sexually exploited for money, power or status. It can involve violent, humiliating and degrading sexual assaults. In some cases children, young people or adults are persuaded or forced into exchanging sexual activity for money, drugs, gifts, affection or status.

- Consent cannot be given by a child under 16, even where a child may believe they are voluntarily engaging in sexual activity. Some adults may also not be able to consent.
- Sexual exploitation can happen online.
- Victims often go missing from home, care and education at some point.

Some of the following signs may be indicators of sexual exploitation:

- Unexplained gifts or new possessions;
- Associate with others involved in exploitation;
- Children or young people who have older boyfriends or girlfriends;
- Suffering from sexually transmitted infections or become pregnant;
- Changes in emotional well-being;
- Misuse of drugs and alcohol;
- Going missing for periods of time
- Children who regularly miss school or education or don't take part in education.

NEGLECT

- Failure to meet a person's basic needs e.g.
- Failing to provide food/ clothing/ shelter
- Failure to provide medical treatment

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Things you might notice if someone is being neglected/abused:

- May be dirty, smelly, inadequately dressed
- Is being insulted, sworn at, or blamed for things that have gone wrong
- Seem afraid of the other person/people with them
- Seem to be being given inappropriate attention or affection from another person.

What other signs might you notice?

E-Safety

- Phones
- Photos
- Social Media e.g. Facebook
- There is lots in the media about sexting, bullying on line, etc.

Impact of Abuse Exercise

- On the child/young person/adult...
- On their family...
- On the taxi driver...

Worried a child is being abused?

What next?

- Record what you have seen
- If the child is in immediate danger phone 999
- ³⁹• If the child is not in immediate danger tell:
 - **Your manager (or)**
 - The child's school
 - Children's Social Care Duty Team

A child/adult tells you they are being abused. What next?

- Don't promise to keep it a secret
- Listen and take it seriously
- Reassure the person that they have done the right thing
- Don't ask questions
- Record what has been said

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If the child /adult is not in immediate danger tell:

- **Your manager (or)**
- The child's school
- Children's Social Care Duty Team
- Adult Social Care Duty Team

R-Bus Drivers

Safeguarding - Vulnerable People

If a person makes a disclosure of abuse or neglect to you:

- Explain that you will share the information with senior staff in order to help them.
- 4. • Stay calm and listen carefully to the person who has made the disclosure to you that they have done the right thing. Do take what you are being told seriously.
- Do not press the person for more details. Investigation is not your responsibility.

- Do not promise to keep secrets.
- Make a written note, accurately and as soon as possible after the conversation and report this to your base or Council within 24 hours.
- Ensure that information you have is kept confidentially and only shared with people who need to know.

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IF THERE ARE ANY UNUSUAL INCIDENTS INVOLVING THE SERVICE USERS THAT HAPPEN IN OR AROUND THE VEHICLE DURING YOUR SHIFT PLEASE MAKE A NOTE OF THEM AND PASS THIS INFORMATION EITHER TO A MEMBER OF STAFF AT THE VENUE OR TO THE PARENT/CARER OF THE PERSON AND ALSO THE COUNCIL THE NEXT WORKING DAY.

IF IT IS OUT OF OFFICE HOURS AND YOU THINK IT SERIOUS ENOUGH, PHONE THE EMERGENCY DUTY TEAM (EDS). THIS TEAM SUPPORTS PEOPLE IN THE WHOLE OF BERKSHIRE

- EDS (7 days a week, 5.00pm-9.00am): 01344 786543

Good Practice

- Avoid unnecessary physical contact.
- Do not give out personal contact details such as email address or telephone number nor befriend on social media sites eg Facebook.
- Do not make suggestive or inappropriate remarks to or about a child or vulnerable adult, even in fun, as this could be misunderstood.
- If a child or vulnerable adult makes any kind of accusation regarding a member of staff, you should **IMMEDIATELY** initiate the reporting procedure overleaf.

- Take part in any training which is available to you to support you in your work with children and vulnerable adults.
- Please be aware - those who abuse children and vulnerable adults can be of any age (including children), gender, ethnic background or class, and it is important not to allow opinions about people to prevent suitable action taking place.
- ⁴⁵• Good practice includes respecting children and vulnerable adults as individuals, and setting an example of good behaviour, which would reject bullying, aggressive behaviour, and the unfair treatment due to race, religion, gender or disability.

Recording

- Do it as soon as you can
- Write down the facts
- Use the words the child used
- Put the date and time
- Tell your manager or someone at the Council.



Information Sharing

- it is important to share the information but it needs to be relevant.

Type of information you should
share includes:

- Names
- Locations/addresses
- Description of people involved
- Car registration, make, model
- Description of concerned activity



Working Together

- **Safeguarding is everyone's responsibility**



- **Child centred**

What would you do in the following examples?



**A fifteen year old boy you
have been transporting for
the past six years sends you
a friend request on Facebook.**

When returning a nine year old boy to his home he tells you that his uncle must be there because
his car is parked outside. He
tells you he won't go in until his
uncle leaves.

A 20 year old woman who uses the R-Bus service tells you that she has been invited to a party by one of the other drivers. She is really excited to tell you about the new dress she is going to wear for her 'date'.

**A man who uses the R-Bus
service asks you if you
would like to come in for a
drink and to watch the
football.**

**You overhear a young woman
passenger on the R-Bus telling
another passenger that she would
send him a 'naughty' selfie. She tells
you that she likes sending selfies to
all her friends and she offers to send
one to you too.**

What makes people vulnerable?

- Mental illness
- Misuse of drugs or alcohol
- Run aways
- Having a disability of any kind
- Any one of any age can be vulnerable!

The things you should never do:

- Touch a child/young person unnecessarily
- Misuse the personal details you may have obtained about a person e.g. postal address/social network contacts
- Make inappropriate comments about or to someone in your taxi
- Give gifts to someone using your taxi

GUIDANCE FOR TAXI DRIVERS AND ESCORTS OF CHILDREN, YOUNG PEOPLE AND VULNERABLE ADULTS-

keeping your passengers safe!



Introduction

Welcome to this guidance booklet aimed at all our valued transport drivers and escorts. Our message is a simple one, keeping children, young people and vulnerable adults safe is everyone's responsibility but in order to do that we need to know what this means.

To help you understand what you need to do to help safeguard others, we are offering you support through face to face sessions and this guidance material.

When you go to collect your passengers there is a lot of information you need including where do they need to be picked up from, do they have any special needs which you need to be aware of e.g. are wheelchair users, where are they going and also you need to know about the roads you will be travelling on e.g. major road works, hold-ups, etc. This is the day to day job which you do, we hope that by reading this booklet and attending the training, you will know what to look out for and what to do if you have any safeguarding concerns.

We welcome your feedback on what we can do to help you keep your passengers safe.

Name and contact details of person/unit



Why has this guidance been produced?

This guidance aims to help you understand what you need to know and what to do to keep all your passengers safe.

You may have read about a number of cases in the news recently, some involving famous people, some involving transport companies in which children under the age of 18 years have been sexually abused. This is known as Child Sexual Exploitation.

Everyone involved in transporting vulnerable passengers needs to follow agreed guidelines to ensure the safety of all passengers. These guidelines include:

- Picking up and dropping off passengers
- Transporting passengers
- Behaviour with passengers
- Conversations with passengers
- Physical or sexual contact
- Confidentiality
- Who to contact if you have concerns



Layout of booklet

This booklet has been set up to help you to think about vulnerable adult passengers first and then children and young people.

1. Protecting vulnerable adults

What does adult abuse mean?

Abuse is a violation of an individual's human and civil rights by any other person or persons"

Who is a vulnerable adult?

Anyone over the age of 18 who is in need of or in receipt of Care Services from their local Council

Examples of adult abuse

Abuse does not usually occur in a vacuum. Victims may experience a number of categories of abuse at the same time. Try and give examples of what you think would be a good example of each category.

Category of Abuse	Signs or Symptoms
Physical	
Sexual	
Psychological	
Financial or material	
Neglect or act of omission	
Discriminatory	
Institutional	
Modern slavery	
Self-Neglect	
Sexual Exploitation	
Domestic Abuse	

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Possible indicators of abuse?

- Facial Expression
- Silence
- Questions asked
- Behaviour
- Body Language
- Avoidance of issue
- Manner

Who might be an abuser?

- A partner, child or relative, or other household member
- A friend or neighbour
- A volunteer worker
- A health or social worker
- A member of staff in a residential or nursing home or sheltered housing scheme
- Another vulnerable adult
- Anyone else who has contact with a vulnerable adult
- Abusers can be male or female
- Abusers can come from any background, rich/poor, well educated or not, etc.

Best practice if you discover or have concerns?

- Taxi drivers may become aware of the potential abuse of a vulnerable adult through their own suspicions when transporting the person in their taxi or by the victim disclosing abuse to them. It is important that taxi driver responds to such disclosures in a supportive way to the client.

What should you do if someone discloses abuse?

- Listen to words and also unspoken feelings e.g.. body language
- Focus entirely on what is being said
- Use language appropriate to the individual i.e. no jargon or abbreviations
- Summarise occasionally what is being said to check understanding
- Maintain good eye contact & sit at similar eye level
- Use words of encouragement e.g.. “mm”, “right” & “yes”
- Allow silences so the individual can think before speaking

What should you record?

- When / Who / What/Where
- Facts
- Date and sign
- Pen with black ink
- Write clearly
- Keep a copy if you can
- Write asap

What do you need to do/who should you report your concern to?

**INFORMATION TO BE INCLUDED HERE RELATING TO THE VARIOUS
PARTNER ORGANISATIONS**



Protecting children and young people

What is meant by the term child? A child is considered to be anyone under the age of 18 years.

What have you read, seen or heard recently that has made you think about safeguarding children?

e.g. watching a news item, reading something in the newspaper

What do you see as the basic needs of children?

- Basic Physical Care
- Affection
- Security
- Responsibility
- Stimulation
- Guidance and Control
- Independence

When does Child abuse occur?

- It's widespread
- It crosses all classes, cultural and racial boundaries
- It is frequently difficult to prove
- A clear standardised definition does not exist
- Relates to children under the age of 18



This is a picture of Peter Connolly known in court as Baby P who died terrible and repeated physical abuse by his mother's partner. It went on for most of his short 8 months of life and although lots of professional staff were involved including social workers, doctors, the Police, no one realised what was happening until it was too late.

What kinds of abuse are likely to occur?

- Physical e.g. beating, scalding
- Emotional abuse e.g. telling someone they are useless
- Neglect e.g. not meeting their needs such as food, warmth, safe place to live
- Sexual abuse e.g. having sexual advantage of someone

As a taxi driver you might see physical evidence of potential abuse but this might not be true- the person could have had an accident.

Emotional abuse may be hard to see but if both parties are in your taxi you may hear comments which might lead you to think that something wasn't quite right.

Neglect also isn't easy to spot when you are just picking someone up once. Things like poor hygiene might be an indicator but then they may just sweat a lot and the weather is hot!

The main focus of this guidance is to look at child sexual exploitation.

Child Sexual abuse/exploitation

What is it?

- It is a form of abuse
- It is generally a hidden crime

The Children's Society describes sexual exploitation as;

“ someone taking sexual advantage of you, for their own benefit. Through a variety of means they get you to do sexual things for their own or other people's benefit or enjoyment.

This might include touching or kissing private parts, sex, taking sexual photographs.



Vulnerable people (of all ages) may be encouraged to do sexual things by being:

- Offered money
- Threatened to be hurt
- Threatened to be humiliated
- Bought presents
- Given a place to stay
- Told that they are loved.

Young people can be groomed and sexually exploited in parks, shopping centres, taxi ranks, restaurants, leisure centre- **any where!!**

Human Trafficking

Vulnerable people who could be victims of sexual exploitation are also vulnerable to trafficking across our area, towns and across the U.K. or even internationally.

Human trafficking is illegal and is punishable by a significant prison sentence.

Domestic violence

Any one may experience domestic abuse, even if it isn't actually happening to them, it could be within their own family, neighbours or friends' families. It may not involve actual physical violence but could be through use of

degrading language e.g. telling someone they are useless, through trying to control everything they do.

Signs for you to be aware of:

- A child or young person wanting attention and affection from any adult
- A vulnerable person displaying sexual knowledge or behaviour which doesn't seem appropriate
- Is encouraged to be secretive about their relationship with an adult
- Is a baby with an injury which they are too young to have been able to injure themselves
- Has burns, scalds or bruises with clear outlines
- Seems afraid their parents, carers or the adults with them

These are not the only signs for you to look for and some may not be caused by abuse. If you are concerned about a child, young person or vulnerable adult, it is your responsibility to report it.

What do you need to do/who should you report your concern to?

- Listen to words and also unspoken feelings e.g.. body language
- Focus entirely on what is being said
- Use language appropriate to the individual i.e. no jargon or abbreviations
- Summarise occasionally what is being said to check understanding
- Maintain good eye contact & sit at similar eye level
- Use words of encouragement e.g.. "mm", "right" & "yes"
- Allow silences so the individual can think before speaking

What should you record?

- When / Who / What/Where
- Facts
- Date and sign
- Pen with black ink
- Write clearly
- Keep a copy if you can
- Write asap

What do you need to do/who should you report your concern to?

INFORMATION TO BE INCLUDED HERE RELATING TO THE VARIOUS PARTNER ORGANISATIONS

You don't have to give your name if you feel you can not do so, Children's Social Services will follow up every report where they believe a child may be at risk of harm

Useful contact numbers

To report a concern about abuse or neglect of an adult, Social Care and Health	XXXXXX
To report a concern about abuse or neglect of a child or young person, call the Local Authority Designated Officer for Child Protection (LADO)	XXXXXX

So what might make a passenger vulnerable?

Lots of things can make a passenger vulnerable, including their ability to understand what is happening to them, their mental and physical state. Some examples include:

- *Someone with autism*- these people have a different way of understanding the world and may find it difficult to understand what we mean when we talk to them. Sometimes they may be confused by rules as well and each person will have their own needs and preferences. They may be anxious when moving from one place to another and may not cope well with changes to routine e.g. driving a different way to their destination than normal. They may behave in unexpected ways.
- *People with dementia*- you should be advised of how to deal with them by their carer or family member who is likely to be with them
- *People with hearing or sight impairment*- these people should be able to give you information on how they need to be treated.
- *People with mobility impairment*- these people may need special taxis in order for them to be able to be moved from one location to another.
- *People with epilepsy*- if this is a regular pick up you should be aware that the person has this condition but there is no need to treat them any differently to any one else unless they have a seizure. Then you should note how long this lasts for and pass it onto a responsible person.

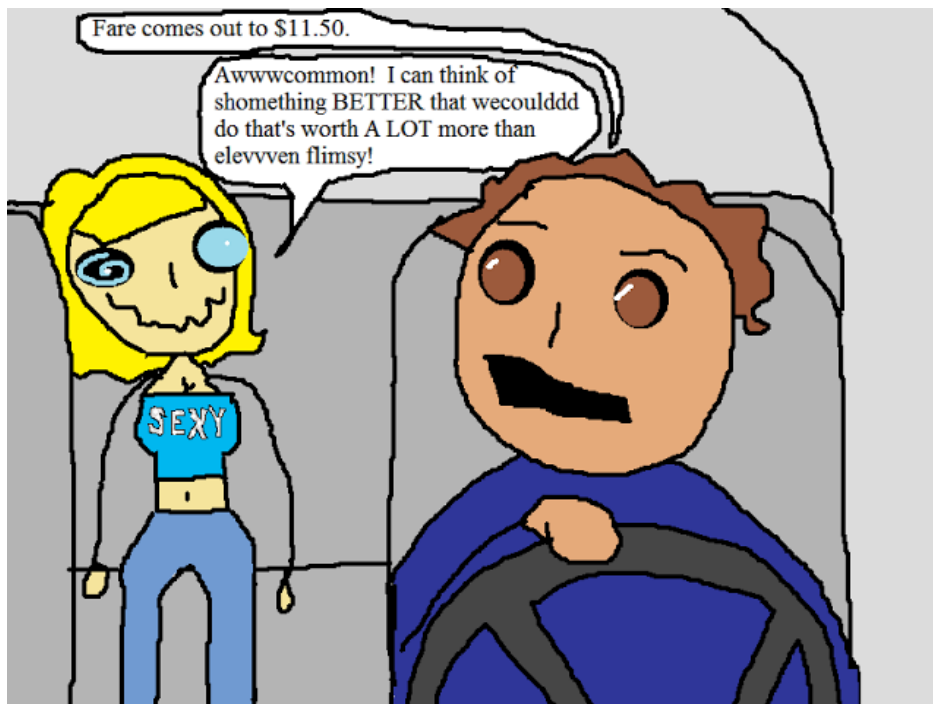
If you know that someone is vulnerable due to the examples given above, you need to make sure that you follow any instructions and advice given to you. For example, do not drop a passenger off at an unplanned venue because they/someone else has asked you to do so.

Protecting yourself

If a passenger becomes violent or aggressive, you should remain calm and avoid shouting at them. Give them space and if you have an office, report this to them.

You should not

- Take an unplanned detour to take the passenger home
- Give a vulnerable passenger your mobile phone number for any reason
- Give gifts of any kind
- Befriend passengers on Facebook or other social media
- Touch a child/young person unnecessarily or inappropriately
- Make offensive comments e.g. swearing
- Make inappropriate comments e.g. those of a sexual nature
- Attempt to misuse personal details obtained via the business about a child e.g. communicating with a child at their postal address, via mobile phones or social network



You should always:

- Be professional
- Avoid swearing
- Always show your identity badge
- Sit lone passengers in the back seat (unless advised otherwise)

Guidance for Taxi drivers

This guidance aims to promote good practice in local taxi or private hire businesses that involves providing a service to vulnerable passengers. Vulnerability could be caused by a number of factors including:

- Mental health/illness
- Misuse of drugs
- Misuse of alcohol
- Existing medical conditions e.g. dementia, autism.

Both adults and children can be vulnerable as a result of these factors.

The next section details a few case studies which will be covered during the face to face workshop

Case study examples

Case Study A:

Alice has care and support needs due to a physical disability and carers visit her home to help her get up in the morning and go to bed at night and to administer her medication. When you are driving Alice to a hospital appointment which you do regularly, she tells you that recently her evening carer has been giving her a double dose of her medication so that she will “get a better night’s sleep” and “won’t wake up until later when the domiciliary care provider can get a carer out to her. Do you think this situation could be considered abuse?

- What type/s of abuse may be happening?
- How would you respond to this situation?

Case study B:

You notice that a young person who often travels with you has bruises on her face and arms, doesn’t look well and is very quiet, unlike her usual behaviour

What would you do?

Case study C:

You have noticed a particular man using your taxi to go to a local hotel with girls much younger than himself and they seem to be intoxicated. This has now happened more than once.

What would you do?

Taxi driver/ Operator test

Your name:

Date of test:

The answer to each question is either true or false. Please decide which is the right answer and put a mark in the relevant box.

Question	True	False
1. When we talk about children we only mean young people under the age of 14 years.		
2. Most autistic people like routines		
3. It is O.K to share confidential information about one of your passengers who you think is vulnerable with another taxi driver		
4. Safeguarding only means providing first aid to someone who is injured		
5. It is O.K. to give a vulnerable person your personal mobile number		
6. Taxi drivers do not need to wear or show identity badges to their passengers		
7. Only people from poor backgrounds become child abusers		
8. Children with disabilities are more likely to be abused than other children.		
9. Taxi drivers have no responsibility for safeguarding their passengers		
10. Taxi drivers have a responsibility for investigating when they think a vulnerable passenger is being abused.		
11. One example of emotional abuse is when someone is repeatedly told that they are not worth listening to and are worthless.		
12. If someone's carer fails to feed them or provide suitable clothing for the weather, they could be guilty of neglect		
13. It is O.K for you to take an unplanned route when taking a vulnerable person home even though you have been told to not do this by their carer.		
14. Safeguarding means taking care of the needs of others who are not very good at looking after themselves		
15. You should always encourage lone passengers to sit in the front of the taxi with you.		
16. It is O.K to give a passenger a gift e.g. perfume, alcohol, etc. because you like them		
17. People who are sexually exploited must have deserved it by their behaviour		
18. Sexual exploitation only happens in certain ethnic/cultural		

communities		
19. Children and young people are only ever abused by adults who they do not know		
20. Children and young people can consent to their own exploitation.		

19 November 2016

Dear Sir / Madam,

SAFEGUARDING TRAINING FOR LICENSED DRIVERS AND OPERATORS

Due to the events in Rotherham, Oxford and other locations within the UK, it is clear that taxis have been used in the transporting of children involved in sexual exploitation. In the report released in August 2014 by the Rotherham Public Enquiry, it was stated “time and again we read in files and other documents of children being violently raped, beaten, forced to perform sex acts in taxis and cars when they were being transferred between towns”.

The outcome of the public enquiries is that there is a call for mandatory training for taxi drivers in safeguarding matters. The Licensing and Safety Committee have considered this and have agreed to introduce such training as a mandatory condition on all existing and new driver and operator licence applications.

The Council is now in discussion with a training provider to deliver a course which will meet this licence condition. The intention is to hold 25 to 30 courses per year at locations within West Berkshire, Wokingham, Reading and Bracknell Forest. The proposal is for the courses to take place between 11am and 2pm which is generally said to be a quieter period for the licensed trade. Attendees will be provided prior to attendance with subject information and will be required to pass a short multiple choice questionnaire at the conclusion of the course. The trainers will be available at the time to assist any attendees that may have problems with reading or understanding the questions.

A new driver / operator will be required to attend and pass the test before a licence will be issued. All existing drivers / operators will be required to attend the course and pass the test prior to the next renewal of their licence. Failure to do so will result in the suspension or revocation of the licence. The course will be required to be retaken by licence holders upon a three year cycle otherwise the licence will be revoked. The Council will be making a charge to drivers and operators upon cost recovery. Whilst no fee has yet been established and set, it is anticipated that the cost will not exceed £20 per applicant

Those drivers and operators that have already undertaken training through the Integrated Transport Unit of Bracknell Forest will not be required to undertake the initial course although they will be required to take the course within a period of three years of their attendance at that course.

If you have any comments upon this proposal please respond to me in writing at Robert.sexton@bracknell-forest.gov.uk or to the address on this letter by Thursday 15 December. Any comments will be reported to the Licensing and Safety Committee for them to consider prior to final approval of this training.

Yours faithfully,

Robert Sexton
Head of Regulatory Services

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13th December 2016

BLTF (Bracknell Licenced Taxi Forum) - Report to the Licensing Committee

Reference– Safeguarding training

The 'Bracknell Licence Hackney Carriage' trade has been informed by Mr Sexton via email that the committee have agreed to his proposal for safeguarding training. Mr Sexton has used the dreadful cases of Rotherham and Oxford where criminal gangs were abducting and raping young girls.

We have not read the Rotherham or Oxford report but it is common knowledge that the local authorities, police, local councillors and just about anybody else in a position of responsibility and trust knew this vile abuse had been going on for decades and choose to do nothing.

We would request the following points be carefully considered:

1. If the Rotherham and Oxford reports came out in 2014, why has it taken 3 years for the Bracknell licencing department to decide that the licence trade needs this training?
2. Has there been in the last 3 years' reports or incidents where Bracknell hackney carriage drivers have been involved in the sexual abuse, exploitation, or rape of young girls? If not then why has this training been recommended?
3. Mr Sexton states that from the reports mandatory training for this kind of behaviour was recommended. It would seem hard to believe anybody could come to the conclusion that had these criminals participated in a safeguarding training course that it would have stopped them committing their crimes. There are hundreds of thousands of taxi drivers across the country who have driven taxis for decades are checked through the DBS to prove they are of good character and would be sickened to think that anybody would think that they would need training to deter them from carrying out some of the worst sexual abuse ever recorded. We believe the individuals in Oxford and Rotherham were not taxi drivers (Hackney Carriage) but were from the Private Hire sector, but more importantly they were criminals.
4. Has the Committee checked how many other areas in the country feel the need for their drivers to participate in this training? Has this been supported by 'Government best practice'?
5. Mr Sexton has recommended that the training course be repeated after every 3 years. All the drivers are first aid trained. It is deemed that we have a refresher course every 5 years. Has Mr Sexton explained to the committee why this course should be refreshed every 3 years, has he produced evidence from the reports that there would be a need for this? If not we would think it's fair to conclude that this training could be repeated on a 5 year basis.
6. Mr Sexton states that the courses will run between 11am till 2pm as this is quite time for the trade. We would like to make the committee aware that all drivers are self-employed and there is no good time to be off the road as it means loss of earnings. It may only seem like 3 hours, but we believe the course will be longer than that. We cannot take bookings before or closely after these courses and it therefore writes off most of the day's takings for the

drivers. We are requesting that if the committee did go along with this proposal, then a daytime and evening course should be offered to the drivers. A course from 6pm -9pm would be suitable for the day drivers and from 11am – 2pm for the night drivers.

The BLTF hopes the committee will give all the points mentioned in this report further consideration, and reject this proposal. We request that a decision on this proposal is deferred to the next committee meeting in April

Regards

BLTF

Robert Sexton

From: DAVID MANNING <[REDACTED]>
Sent: 21 November 2016 11:57
To: Robert Sexton
Subject: RE: safeguarding children

Robert,
Thanks for the reply, I agree with you having done parts 1 and 2.
Dave

On Mon, 21/11/16, Robert Sexton <Robert.Sexton@bracknell-forest.gov.uk> wrote:

Subject: RE: safeguarding children
To: "DAVID MANNING" <[REDACTED]>
Date: Monday, 21 November, 2016, 10:03

*** This message has been
classified as UNRESTRICTED ***

Dave
Thank you for your
response. The course is actually intended to be for 3 hours
and this includes a short period for the test. I have
attended similar courses and yes it is about raising
awareness, providing people with pathways to report
suspicions and how to avoid behaviour that can lead to
unintended problems. I think one of the interesting aspects
that the course brings are the discussions initiated by
attending taxi drivers around their contacts with children
and vulnerable adults. These tend to bring to life the
points being made in the course and from our experience so
far many feel that they have really benefitted from
attending.
Regards
Rob

-----Original
Message-----

From: DAVID MANNING [[mailto:\[REDACTED\]](mailto:[REDACTED])]

Sent: 18 November 2016 18:10
To: Robert Sexton
Subject:
safeguarding children

Dear
Mr Sexton,
I think the idea of safeguarding
children is a good thing, but in 2 hours all that will be
learnt is that children's well fare is paramount and how
to report abuse.
It is interesting to read

the Laming Report following the death of Victoria Climbe. It showed lack of communication between agencies and it was a taxi driver who drove the child to a hospital with the family, and the alarm was raised.

from

Dave Manning

This e-mail will be read by employees of the Council and all personal information will be dealt with in accordance with the Data Protection Act 1998. The views expressed in this e-mail are those of the individual and not necessarily the views or opinions of Bracknell Forest Borough Council.

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**TO: LICENSING AND SAFETY COMMITTEE
5 JANUARY 2017**

**REVIEW OF GUIDANCE NOTES AND CONDITIONS FOR HACKNEY CARRIAGE
AND PRIVATE HIRE VEHICLE OWNERS, OPERATORS AND DRIVERS
Chief Officer: Environment and Public Protection**

1 PURPOSE OF REPORT

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

2 RECOMMENDATION

2.1 That the Committee:

- i) notes the results of the consultation as set out at Annex B; and**
- ii) approves the amendments and additions to the Guidance Notes and Conditions document as set out at Annex C with immediate effect, and**
- iii) also approves the additional amendment set out at 5.2 within this report.**

3 REASONS FOR RECOMMENDATIONS

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

4 ALTERNATIVE OPTIONS CONSIDERED

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

5 SUPPORTING INFORMATION

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

- Adding details of the checks the Council is now required to carry out for all driver and operator licence applicants as a result of the Immigration Act 2016
- Confirming it is the responsibility of the applicant or licence holder to ensure relevant planning approvals are in place for any premises used as a private hire operator base
- Confirming the requirement of a licence holder to provide a certificate of calibration for any installations or change of taximeter – this is due to us no longer having a suitable location within the Council area for testing of meters

- Confirming details of the policy in respect of reinstatement of revoked licences
- Adding a condition that drivers should not eat or drink whilst driving, nor should they use a PDA or any other hand held device whilst driving
- Adding a condition in respect of the appearance and conduct of the driver
- Confirming the procedure in respect of what drivers should do with any property found in their vehicles
- Add a requirement for new private hire operator licence applicants who are not already a licensed driver, or applying to be a licensed driver, to do the private hire knowledge test (theory section only)
- Confirming the procedure for private hire driver licence applicants who do not have a current operator licensed by the Council
- Amending a current condition to clarify that drivers should notify the Licensing Section of convictions, cautions or fixed penalty notices imposed within 28 days of the conviction, acceptance of the caution or issue of the fixed penalty
- Amend a current condition to allow any vehicle to be licensed up to 5 years from date of first registration (currently wheelchair accessible vehicles are required to be less than 4 years old, all other vehicles 5 years old)
- Amend a current condition to specify that no new operators shall be permitted to use a trading name containing the words 'Taxi' or 'Cab' [unless the firm uses predominantly hackney carriages to fulfil bookings]
- Amend a current condition to clarify that drivers should not initiate dialogue of a sexual nature with passengers by telephone, social media, email or any other form of communication.

5.2 The Driver and Vehicle Standards Agency (DVSA) recently announced that it would no longer carry out their practical driving assessment specifically designed for taxi and private hire drivers. An amendment is therefore also required to current condition 5.13 within the Guidance Notes, which currently requires drivers to pass the DVSA assessment, in order to permit the Council to accept certificates from other providers operating similar assessments. The proposed wording is as follows:

- All new applicants for driver licences must take and pass the appropriate practical driving assessment(s) from the Council's list of approved providers.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

6.1 The legal implications are identified within the report.

Borough Treasurer

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

Equalities Impact Assessment

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

Strategic Risk Management Issues

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

7 CONSULTATION

Principal Groups Consulted

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

Method of Consultation

- 7.2 The consultation took place from 23 November 2016 to 5 January 2017 via the Council's public consultation portal. Details of the consultation were sent to all licence holders who had previously provided an email address to the Licensing team.

Representations Received

- 7.3 Two responses were received to the consultation, outlined in Annex B.

Background Papers

None

Contact for further information

Laura Driscoll

Licensing Team Leader

01344 352517

laura.driscoll@bracknell-forest.gov.uk

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

August 2015

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

August 2015

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 Condition
BF(G)	-	Bracknell Forest Guidance

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

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:

Proprietor's name

Registration and licence number

Date and period for which licence granted

Offences committed by proprietor

Offences committed by driver

Private Hire Drivers:

Name

Date and period for which licence is granted

Licence number

Enforcement Policy

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

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

1.6 A copy of the Enforcement Policy is available on request 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

Chauffeur Driver

Private Hire Operator

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

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

BF(G)

3.3 The Council reviews all fees periodically and the current scale of fees is available on request or at www.bracknell-forest.gov.uk/licensing. Fees can be paid by cash, cheque, or credit/debit card at Reception or by ringing 01344 352000 for credit/debit card payment only. Online payments can be made at <http://www.bracknell-forest.gov.uk/onlinepayments>.

BF(G)

4. How to Apply

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

BF(G)

4.2 Faxed copies and photocopies of documentation 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 for an enhanced disclosure from the Disclosure and Barring Service (previously known as the CRB).

LG(MP)A s59

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

DBS Code of Practice

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

BF(LC)

5.4 Existing drivers will be required to submit a new DBS disclosure application every 3 years or as required by the Licensing Section. There is a fee to be paid for checks made by the Disclosure and Barring Service.

BF(LC)

5.5 All licensed drivers are required to report details of **any** convictions, cautions or fixed penalty fines imposed within 28 days of the conviction, caution or fixed penalty. Details should be entered on the 'Notification of Conviction, Caution or Fixed Penalty' which is available at www.bracknell-forest.gov.uk/licensing and by hard copy on request.

BF(LC)

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

BF(LC)

5.7 Applicants must have held a full DVLA/EU/EEA driving licence for at least 1 year prior to application. Driving licences (originals only, photocopies will not be accepted) must be produced at the time of each application.

BF(LC)

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

BF(LC)

5.9 Section 57(2a) requires applicants to produce a certificate signed by a registered medical practitioner to

the effect that they are physically fit to be the driver of a Hackney Carriage or Private Hire Vehicle.

LG(MP)A s57(2a)

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

BF(LC)

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

BF(LC)

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

BF(LC)

5.13 All new applicants for driver licences must take and pass the Driving Standards Agency practical test specifically designed for Hackney Carriage and Private Hire Drivers. Applicants for home to school, chauffeur and 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 are required to attend a First Aid course five years after the date of their initial course, or when their current certificate expires.

BF(LC)

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

BF(LC)

5.17 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

5.18 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)

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

TPCA s44

5.20 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.

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

BF(LC)

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 all types of private hire vehicle, and 10 years for hackney carriages.

LG(MP)A s47 and 48

BF(LC)

10.2 A prestige vehicle (as defined in Appendix G) may be submitted for initial licensing if it is less than 9 years old provided that it meets the “exceptional condition” criteria detailed in Appendix G and has travelled less than 150,000 miles.

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

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

BF(LC)

10.4 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)

10.5 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)

10.6 The vehicle owner will receive a decision in writing 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 have a minimum of four doors and be capable of carrying at least 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 2014, new vehicle licences shall only be issued for vehicles which fall within the following Euro NCAP categories:

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

BF(LC)

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

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

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

Setting an approved level of tint on the rear passenger windows of licensed vehicles ensures that applicants have no doubt as to what vehicles can be purchased as well as maintaining high safety standards. Many vehicles are used for the carriage of children and vulnerable persons and excessively tinted windows may lead to activities taking place in the vehicle not being visible to persons outside, which poses a risk to both passengers and drivers, and vulnerable passengers such as lone females will feel safer in a vehicle where they can be seen. Officers need to be able to ensure the maximum number of passengers is not being exceeded. In addition, excessively tinted glass may restrict the vision of the driver, especially in dark conditions, which may prevent the driver from seeing other road users or pedestrians.

BF(LC)

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

BF(LC)

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

BF(LC)

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 For any vehicles insured under a fleet policy or temporary cover note, and any temporary replacement vehicles, the vehicle licence holder must ensure that a copy of the vehicle insurance cover note or certificate is

retained in the vehicle at all times and made available on demand.

BF(LC)

13.5 A valid MOT certificate must be submitted with each application for a vehicle licence, if required. 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 the elements of an MOT.

BF(LC)

14. Vehicle Inspection

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

BF(LC)

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

BF(LC)

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

LG(MP)A s68

BF(LC)

14.4 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”
- 20 individually wrapped sterile plasters (assorted sizes)
- 2 sterile eye pads
- 6 medium and 2 large individually wrapped unmedicated wound dressings
- 4 individually wrapped triangular bandages (preferably sterile)
- 6 safety pins
- 1 pair of disposable gloves.

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

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

16.3 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.

TPCA s51

LG(MP)A s48(6)

BF(LC)

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

BF(LC)

20. Private Hire Vehicle Dispensation

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

BF(LC)

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

LG(MP)A s75(3)

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

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

Any vehicles which do not fall within these categories will be considered for dispensation on a case by case basis, in particular those vehicles meeting the definition of a 'prestige vehicle' as defined in Appendix G. It is recommended that prior to purchasing any such vehicle advice be sought from the Licensing Team.

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

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

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

21. Restricted Private Hire Licence Provisions

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

LG(MP)A s46(1a)

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

BF(G)

21.3 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 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; we would normally expect this to be the applicant’s GP. If the exemption is being applied for on the grounds of a chronic phobia to dogs, the report must be provided by a psychiatrist or clinical psychologist.

BF(LC)

27.4 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)

30.5 Only trading or company name(s) that are written on the operator licence, or other trading name approved by the Council in writing, shall be used for trading in the Borough of Bracknell Forest.

BF(G)

30.6 All licensed operators are required to report details of **any** convictions, cautions or fixed penalty fines imposed within 28 days of the conviction, caution or fixed penalty. Details should be entered on the 'Notification of Conviction, Caution or Fixed Penalty' which is available at www.bracknell-forest.gov.uk/licensing and by hard copy on request.

BF(LC)

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

BF(LC)

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

BF(G)

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 The operator shall at all reasonable times provide authorised officers of the Council and the Police with any information necessary for the purpose of checking booking records. Whenever the company office is open for accepting bookings, the operator shall ensure that there is an authorised member of staff present who has received suitable and sufficient training and instruction concerning the provision of information required, including the ability to satisfactorily and competently operate any computer system used for the purpose.

BF(LC)

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/inspection/MOT/DVLA photocard
- 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 Team in writing within 48 hours.

LG(MP)A s56 (3)
BF(LC)

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

- Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall (unless delayed or prevented by sufficient cause) punctually attend at that appointed time and place. Where possible, the operator should contact the customer and inform them of any delay.
- Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public has access whether for the purpose of booking or waiting, and ensure that any waiting area provided by the operator has adequate seating facilities.
- Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- The use of Citizen Band Radio transmitter/ receiver will not be permitted in a licensed vehicle.

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

32. Suspension, Revocation or Refusal of Licences

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

BF(G)

Vehicle Licences

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

- The licensed vehicle is unfit for use as a Hackney Carriage or Private Hire vehicle

LG(MP)A s60

- Any offence under, or non-compliance with, the provisions of the 1847 or 1976 Acts by the proprietor, operator or driver.

*TPCA
LG(MP)A s60*

- Any other reasonable cause.

LG(MP)A s60

Driver Licences

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

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

LG(MP)A s61

Operator Licences

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

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

LG(MP)A s62

33. Appeals Procedure

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

LG(MP)A s52

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

BF(G)

34. Return of Licences

Vehicle Licence

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

LG(MP)A s58

Driver's Licence

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

LG(MP)A s58

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

BF(LC)

35. Offences

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

*LG(MP)A
TPCA*

36. Seat Belts and Child Seats

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

Motor Vehicles (Wearing of Seat Belts) Regulations 1982

36.2 Notwithstanding the legal requirements, where vehicles are fitted with a front passenger seat air bag, the driver must be aware of any manufacturer's instructions in relation to the age and height of the person sitting in the front seat. A failure by a driver to take account of those instructions may be regarded as a breach of their duty of care to customers.

*RTA
BF(G)*

36.3 The law on the use of child car seats is summarised as follows:

	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

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

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

Telephone: 01344 352000

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

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

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

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 Disclosure and Barring Service 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 sound your horn.
- If your customer would like to be accompanied to or from the entrance of a building, offer them your arm (gripping just above the elbow will enable them to be guided more easily).
- Tell your passenger whether they are entering a saloon car or purpose-built cab.
- Demonstrate which way the doors open where appropriate.
- If possible, place a visually impaired person’s hand on the open door and indicate the position of the roof.
- Make sure the passenger(s) know which way the vehicle is facing.
- Make sure the passenger(s) are seated and have secured the seat belt (where applicable) before you move off. They may require assistance with the belt.
- Tell passenger(s) if you are taking a different route from that which they might expect, or if there is a hold-up or diversion.

- Tell passenger(s) the fare and count out the change.
- Set the passenger(s) down in a safe place and make sure they know where they are going.
- Remember guide dogs are trained to remain on the floor of a vehicle and will not abuse your vehicle. Refusal to carry a guide dog without a medical exception is an offence under the 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 points 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	
Illegal tyres (per tyre)	8		Illegal use of bus lane	4	
C&U regulations	8-4		Failure to notify change of details	4	
Too many passengers	8		Horn misuse	3	
Failure to notify conviction, caution or fixed penalty notice	6		Failure to carry required equipment	3	
Failure to display plate or stickers	6		Vehicle in an unclean condition	2	
Use of hand held phone or radio while driving	6		Other:		
Details:					
Plate no: Vehicle reg no: Badge no. Driver's name: The contravention(s) above mean(s) that you have acquired points. If you believe that this notice has been issued in error, or that there are mitigating circumstances not taken into account by the officer, there is a right of appeal to the 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
56(2)	Failure by PH operator to keep records of

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

APPENDIX F

CRITERIA FOR ADVERTISING ON HACKNEY CARRIAGES

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

4. The hackney carriage may be required to attend the Council offices for inspection of the finished livery.
5. The bodywork of the hackney carriage must be maintained in good condition. If any panels on the vehicle are damaged, they must be 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 as a personnel carrier, mini bus, people mover or other like vehicle.

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Comments Received: Consultation on Revisions to Guidance Notes and Conditions Document

NB: Both comments received are from persons licensed as operators of private hire vehicles in Bracknell Forest

	Comment	Officer response
1.	10.1 Why change this it was set at 9 years from first reg now you taking it down to 5 years from first reg Operator like myself will not be able to get a car under 5 years as they are too much money Our cars are better looked after than a TAXI	The provision for prestige vehicles up to 9 years of age is contained within condition 10.2 and there are no proposed changes to this section.
2.	Planning approval should not apply to residential properties where access to members of the public is Not provided. Why would a residential property with a telephone and a computer require planning approval?	This item is being included for guidance so that initial applicants are aware that they should make appropriate enquiries to determine whether planning permission is required.

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Revisions to Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers with effect from 6 January 2017

New condition:

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

New condition:

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

For applicants with a limited time to remain in the UK, the licence will only be granted for the period of permission to remain, and may only be granted for a shorter period. The licence may be extended should the applicant's right to remain in the UK be made permanent.

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

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

New condition:

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

New condition:

Where a licence has been revoked, but the situation which led to the revocation is resolved, the Council will aim to reinstate the licence as soon as practicable. A new application will be required. Existing documents which remain valid from the previous licence will normally be transferred to the new application, but updated documents may be requested by the licensing officer as determined on a case by case basis.

The usual licence fee will be payable and the licence will be issued for the usual licence period. In exceptional circumstances, such as the licence being revoked pending the outcome of a Court Case, no further fee will be payable but the licence will simply be reissued for the period that the revoked licence had left to run.

New condition:

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

New condition:

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

New condition:

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

New condition:

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

New condition:

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

Amend condition 5.5

All licensed drivers are required to report details of **any** convictions, cautions or fixed penalty notices imposed within 28 days of the conviction, acceptance of the caution or issue of the fixed penalty. Details should be entered on the 'Notification of Conviction, Caution or Fixed Penalty' which is available at www.bracknell-forest.gov.uk/licensing and by hard copy on request.

Amend current condition 10.1:

A vehicle submitted for initial licensing must be less than 5 years old from date of first registration.

Amend current condition 30.5:

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

Amend current condition 5.20:

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

**TO: LICENSING AND SAFETY COMMITTEE
5 JANUARY 2017**

PRACTICAL DRIVING ASSESSMENTS FOR LICENSED DRIVERS Chief Officer: Environment and Public Protection

1 INTRODUCTION

- 1.1 Since 1 February 2007, all new applicants have been required to pass the DVSA practical driving assessment specifically designed for taxi and private hire drivers. This was implemented by the Committee with a view to ensuring a consistent standard of assessment of driver competency.
- 1.2 The Driver and Vehicle Standards Agency (DVSA) wrote to local authorities on 12 September 2016, notifying them that they would cease to carry out these assessments with effect from 31 December 2016. This was due to the need to reduce waiting times and the backlog of statutory driving tests. As soon as the announcement was made public, the few remaining available taxi and private hire driver assessment dates were rapidly booked up.

2 SUPPORTING INFORMATION

- 2.1 On receipt of the communication from DVSA, officers immediately began research into alternative providers. Three bodies were found which carry out practical driving assessments specifically aimed at taxi drivers.
- 2.2 An exception to policy was therefore made in agreement with the Chairman of the Committee on Friday 11 November to accept practical driving assessment pass certificates from these three alternative providers. This was with a view to ensuring minimal delay in the issue of licences to new driver applicants. Applicants are able to choose their provider from the list at Annex A. Each of the three providers issues a certificate either directly to the applicant or via email to the Council. They also give feedback at the time of the test to the applicant.
- 2.3 The Council's Guidance Notes and Conditions booklet will also be updated to reflect this change in practice as per the other report considered at this Committee today.

3 EQUALITIES IMPACT ASSESSMENT

- 3.1 None.

4 STRATEGIC RISK MANAGEMENT ISSUES

- 4.1 None.

Background Papers

None

Contact for further information

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Practical Assessments for Licensed Drivers and Applicants**Annex A**

The following providers have been approved to carry out a practical driving assessment for drivers applying for a Private Hire or Dual licence, or those upgrading from Private Hire to Dual. Tests are booked directly with the provider, and any payment due is paid directly to the provider. You must use your own vehicle during the test. If you are taking the enhanced test or wheelchair upgrade, the vehicle must be wheelchair accessible. Once you have made a booking online, you will be contacted by your nearest examiner and a mutually convenient date, time and meeting location will be agreed.

Name of Provider	Provides wheelchair assessment?	Cost		
		Standard test For Private Hire	Enhanced Test For Hackney Carriage	Wheelchair upgrade If you already passed the standard test
Blue Lamp Trust	https://www.bluelamptrust.org.uk/Driver_Training/taxi_driver_assessment.php			
	No	£87	-	-
Diamond Advanced Motorists	http://www.advancedmotoring.co.uk/taxi-test			
	Yes	£78.00	£90.00	-
Green Penny	http://www.greenpenny.co.uk/taxi-driver-assessment			
	Yes	Weekdays: £80.00 Evenings/Weekends: £96.00	Weekdays: £92.00 Evenings/Weekends: £112.00	Weekdays: £26.00 Evenings/Weekends: £32.00

Please be advised that these prices are not set by Bracknell Forest Council and are subject to change.