



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY 14TH MARCH 2016
AT 6.00 P.M.

PARKSIDE SUITE, PARKSIDE HALL, PARKSIDE, MARKET STREET,
BROMSGROVE, B61 8DA

MEMBERS: Councillors B. T. Cooper (Chairman), J. M. L. A. Griffiths (Vice-Chairman), M. T. Buxton, P. Lammas, K.J. May, C. M. McDonald, S. R. Peters, S. P. Shannon, P.L. Thomas, L. J. Turner and S. A. Webb

AGENDA

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
3. To confirm the accuracy of the minutes of the meeting of the Licensing Committee held on 9th November 2015 (Pages 1 - 10)
4. Presentation from the Head of Community Services - Worcestershire's Child Sexual Exploitation Strategy Action Plan
5. Draft Sex Establishment Licensing Policy - Consultation Results (Pages 11 - 56)
6. Approval of amendments to the Hackney Carriage and Private Hire Taxi Handbook (Pages 57 - 112)

7. Licensing Committee Work Programme 2015/2016 (Pages 113 - 114)
8. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS
Chief Executive

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

2nd March 2016



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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY, 9TH NOVEMBER 2015 AT 6.00 P.M.

PRESENT: Councillors B. T. Cooper (Chairman), J. M. L. A. Griffiths (Vice-Chairman), M. T. Buxton, K.J. May, C. M. McDonald, S. R. Peters, S. P. Shannon, P.L. Thomas, L. J. Turner and S. A. Webb

Officers: Mrs. V. Brown, Mr. D. Etheridge, Mrs. A. May and Mrs. P. Ross

17/15 **APOLOGIES**

An apology for absence was received from Councillor P. Lammas.

18/15 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

19/15 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 14th September 2015 were submitted.

RESOLVED that the minutes of the meeting be approved as a correct record.

20/15 **VERBAL UPDATE FROM THE SENIOR LICENSING PRACTITIONER, WORCESTERSHIRE REGULATORY SERVICES, ON CHILD SEXUAL EXPLOITATION AWARENESS RAISING**

At the request of the Chairman and as noted during the Licensing Committee meeting held on 14th September 2015, Members received a verbal update with regard to Safeguarding Children and the role of Licensing Officers, Worcestershire Regulatory Services (WRS) in raising awareness with licensed premises and hackney carriage and private hire drivers with regard to Child Sexual Exploitation (CSE).

The Senior Licensing Practitioner, WRS, gave apologies on behalf of the Licensing and Support Manager, WRS, who was unable to attend.

The Senior Licensing Practitioner, WRS, informed Members that following on from the recent high profile independent inquiries into CSE, in Rotherham; WRS were keen to show support and to play a key role in raising awareness of CSE and would look for every opportunity to raise awareness of CSE.

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WRS were carrying out a series of awareness raising initiatives on behalf of Worcestershire County Council, Safeguarding Children Board, as detailed in their Child Sexual Exploitation (CSE) Strategy Action Plan. The action plan was a multi-agency approach which highlighted the complexity of CSE and the need to raise awareness of CSE. There were four key priorities to the action plan:-

1. Prevention and Education
2. Recognition and Identification
3. Intervention and Support
4. Pursue and Disrupt

As part of the Intervention and Support key priority, WRS were responsible and tasked to:-

- Undertake a CSE awareness raising campaign with hackney carriage
- Undertake a CSE awareness raising campaign with licensed premises in partnership with the Community Safety Partnerships District Tasking Groups.
- District Council Licensing Committee Members to be made aware of CSE responsibilities.

In line with its responsibilities under the action plan, WRS had incorporated information leaflets within its application processes in order to raise awareness of CSE amongst the licensed trade, both for premises licence holders and the taxi trade. The information leaflets were routinely added to outgoing granted licence packs. Raising CSE awareness had also been an agenda item at Taxi Forum meetings so that trade representatives could pass the relevant information onto their members. Licensing Committee Members were provided with a copy of both information leaflets.

The hackney carriage and private hire trade and licensed premises were an integral part of the local working economy. They could often be seen as the eyes and ears of the community, so raising awareness within these groups was a vital link within the action plan.

As detailed on the Licensing Committee work programme, a further in depth presentation on CSE, from the Head of Community Services, was scheduled to take place on 14th March 2016.

Further discussion followed with questions raised on how information from Worcestershire Safeguarding Children Board meetings was disseminated to Members. It was suggested that the District Councils representative on the Worcestershire Safeguarding Children Board be invited to attend the next meeting of the Licensing Committee.

The Chairman thanked the Senior Licensing Practitioner, WRS, for his verbal update, Members had welcomed the input from WRS with regard to their CSE awareness raising initiatives and involvement.

21/15

GAMBLING ACT 2005 - REVIEW OF STATEMENT OF PRINCIPLES - CONSULTATION RESULTS

Following on from the Licensing Committee meeting held on 8th June 2015, when Members approved for the purpose of consultation, the draft Statement of Principles; Members were asked to consider the responses received to the consultation and the changes incorporated into the draft Statement of Principles as a result of those responses.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS), presented the report and in doing so informed Members that during the consultation period two responses had been received, one from Wythall Parish Council and one from the Gambling Commission. Wythall Parish Council had confirmed that they did not have any adverse comments to make. The Senior Licensing Practitioner, WRS, drew Members' attention to the response received from the Gambling Commission, as detailed at Appendix 1 to the report.

Productive meetings had taken place with WRS officers and the Gambling Commission. The Gambling Commission were more than happy with their input and their suggested changes being incorporated into the draft Statement of Principles.

Members were further informed that the suggestions made by the Gambling Commission had been incorporated into the draft Statement of Principles, as detailed at Appendix 2 to the report. These included:-

- A new section that set out the Council's intention to develop a 'Local Area Profile', as detailed in section 3.0 of the draft Statement of Principles.
- Guidance for operators on the matters that the Council believed they should consider when compiling their own local risk assessments. This will be a requirement from 6th April 2016, as detailed in section 9.0 of the draft Statement of Principles.
- Further detail in relation to the way the Council would approach its enforcement and compliance role under the Gambling Act 2005, as detailed in sections 19.6 and 19.7 of the draft Statement of Principles

In response to questions from Members, the Senior Licensing Practitioner, WRS, informed the Committee that, operators would have to assess local risks, including 'whether the premise is in an area of deprivation'. The Local Authority could then decide if any additional measures were necessary in order to protect vulnerable people who may gamble beyond their means.

In order to ensure compliance with the law the Council would prepare a risk based Inspection Programme and would carry out regular 'routine' day time programmed inspections, as detailed in sections 19.6 and 19.7 of the draft Statement of Principles.

RECOMMENDED:

- (a) that Council approve the Statement of Principles, as detailed at Appendix 2 to the report, and
- (b) that the Statement of Principles be published by 31st January 2016.

22/15

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICIES - CONSULTATION RESULTS

During the Licensing Committee meeting held on 23rd March 2015, Members received a report detailing some potential changes to the Council's existing policies and procedures for hackney carriage and private hire licensing.

The Senior Licensing Practitioner, WRS, introduced the report and in doing so reminded Members that the potential changes had originated from the Bromsgrove Taxi Association and trade forums held in February and March 2015. After considering a summary of the responses to the proposals from the trade forums; Members had agreed that a formal consultation on the proposals be carried out by Worcestershire Regulatory Services.

The consultation exercise had commenced in late April 2015 and had ended on 31st July 2015. The consultation was also advertised on the Council's website and via social media channels. Further consultation was also carried out with Bromsgrove Engagement and Equalities Forum. Members' attention was drawn to section 3.7 of the report which detailed all of those consulted with. A summary of the consultation results was shown at Appendix 2 to the report.

The Senior Licensing Practitioner, WRS, further informed the Committee that a total of twenty five responses had been received; twenty four from licensed drivers / operators and one from a Traffic Management Advisor for West Mercia Police.

Members unanimously agreed that each question and the comments received to each question should be considered individually. In depth discussions took place on each question with the following being agreed:-

Questions:-

- **“The Council is considering introducing a “private hire only” licence alongside the dual hackney carriage and private hire driver licence it currently issues”.**

The licensing requirements for this new type of licence would be the same as for the dual licence, but the “knowledge test” taken would be tailored to the private hire sector of the trade only with less emphasis placed on elements of local geographic knowledge that is more relevant those licensed to drive hackney carriage vehicles.

The Council's Legal Advisor informed the Committee that this question was considered, as legislation was designed so as licences could be seen as individual licences, and not just as currently offered by the Council, as dual licences. Members should therefore consider offering applicants the

opportunity and choice to apply for either of the three licences, a hackney carriage driver licence, a private hire driver licence and a dual hackney carriage and private hire driver licence.

Members were in agreement that three types of licenses should be introduced; hackney carriage driver licences, private hire driver licences and dual hackney carriage and private hire driver licences. Private hire driver licence applicants would undertake a different knowledge test to those applicants who applied for hackney carriage or dual driver licences.

- **“The Council is considering requiring all new applicants for licences to drive Hackney Carriage and/or Private Hire vehicles to undertake a driving standards test”.**

Members were in agreement that all new applicants should undertake a driving skills assessment conducted by Worcestershire County Council, Road Safety Unit.

- **“The Council is also considering requiring all licence holders who accumulate more than six penalty points on their DVLA licence to undertake a driving standards test”.**

Members were not in agreement. It was felt that with regard to this, and as stated in the current Guidelines Relating to the Relevance of Convictions and Cautions, each case should be considered on its own individual merit. Licensing Sub-Committee Members when determining applications could, if needed, request that the licensed driver completed a driving standards test.

- **“The Council is considering requiring all new applicants for licences to drive Hackney Carriage and/or Private Hire vehicles to undertake an “essential skills” test which would cover matters such as basic mathematics, map reading, communication skills etc.”**

Members were in agreement, that both knowledge tests for private hire and hackney carriage/dual licences included a section to ensure that the ‘essential skills’ for a licence holder were in place. Following further information provided by the Senior Licensing Practitioner and the Technical Officer, WRS; Members further agreed that any applicant who failed either knowledge test on three occasions would be barred from taking the knowledge test for a further six months.

- **“The Council is considering limiting new applicants to three attempts at passing both the knowledge and essential skills tests before they are barred from attempting the tests again for six months”.**

Following information provided by the Senior Licensing Practitioner and the Technical Officer, WRS; Members agreed that any applicant who failed the knowledge tests and essential skills test after three attempts would be barred from taking the tests again for a period of six months.

- **“The Council is considering introducing a requirement that new hackney carriage vehicles entering the licensed fleet are under five years of age when first licensed. Currently a vehicle can be anything up to ten years of age when first licensed as a hackney carriage”.**

This policy change would affect both new applicants for Hackney Carriage vehicle licences and those who are replacing their Hackney Carriage vehicles for any reason.

Several questions were raised with Members agreeing that there was a need to maintain a certain standard of vehicle within the district.

The Council’s Legal Advisor reminded Members that licensed drivers whose vehicles fell outside of the Council’s Taxi Handbook policy had the opportunity to present their vehicle to a meeting of a Licensing Sub-Committee for Members to determine, following an inspection of the vehicle, if the age limit should be waived.

Members agreed that, in order to ensure that a high standard of vehicle was maintained within the district, that any new or replacement Hackney Carriage Vehicles must be under seven years old from the date of first registration on the day the application was made. Members also agreed that a review should be undertaken after two years in order to measure any impact.

- **“The Council is considering introducing a requirement that, from a specified future date, all new vehicles being licensed at Hackney Carriage Vehicles must be a wheelchair accessible vehicle (WAV). WAV means a vehicle capable of carrying a wheelchair user whilst they remain seated in their wheelchair”.**

The effect of this policy change would be to see the gradual phasing out of “saloon” type vehicles so that ten years after the Policy comes into effect all vehicles licensed by the Council to be used as Hackney Carriages should be WAVs.

Members felt that further consultation work was required in order to ascertain if there was currently an unmet demand for WAVs as Hackney Carriages within the district or if this was the perception. The replies received from the trade highlighted that there was little demand for WAVs in the district.

The Senior Licensing Practitioner, WRS, informed the Committee that members of Bromsgrove Engagement and Equalities Forum and Bromsgrove Older People’s Forum had been consulted with and that neither had responded or provided evidence that there was a demand for WAVs within the district. It was agreed that WRS licensing officers would conduct a further comprehensive consultation with relevant agencies / organisations in order to ascertain if there was a demand and if that demand was being met; also taking into account visitors accessing Bromsgrove via the railway station. The Senior Licensing Practitioner, WRS, also agreed to organise a press release in order to inform residents of the consultation.

Members also discussed the possibility of introducing incentives to encourage drivers to purchase and operate WAVs. The Senior Licensing Practitioner, WRS, agreed that licensing officers could carry out an additional consultation with the taxi trade and look at possible ways to incentivise them to purchase and operate WAVs.

In light of the outcome, as detailed in the preamble above and with regard to WAVs, the three questions that followed; in respect of policy changes relating to new Hackney Carriages being WAVs and existing licence holders “grandfather rights, were no longer relevant.

- **“Do you have any other suggestions or comments in relation to the Council’s existing policies and procedures in relation to Hackney Carriage and Private Hire Licensing”?**

Further discussion took place on the suggestions, as detailed on page 56 in the report. The Senior Licensing Practitioner, WRS, informed Members that, with regard to the suggestion of having more surgeries or longer surgeries, he was willing to consult with the taxi trade and look at additional or alternative times / days for licensing surgeries within the district.

With regard to the suggestion that the Council’s current policy needed to be reviewed in respect of providing a spare wheel and not being allowed tinted windows. The Chairman highlighted to the Committee that vehicles had been presented at recent Licensing Sub-Committee Hearings, as the vehicles had fallen outside of the Council’s Taxi Handbook policy due to no spare wheel and / or tinted windows. The Council’s Taxi Handbook stated that ‘tinted windows will not be permitted where they conceal the identity of the passenger inside’ and ‘Boot – this should be clean, tidy and empty, except for the spare wheel and essential tools’.

It was noted that new vehicles often had manufactured fitted tinted windows and / or ‘run flat’ tyres.

Further discussion followed on the possibility of WRS purchasing and using a light meter that measured the percentage of visual light transmission through tinted windows. The Council’s Legal Advisor advised Members that passenger safety was of paramount concern.

Members were in agreement that passenger safety was of paramount concern and agreed that the Council’s Taxi Handbook policy on no tinted windows remained. Members, however, also agreed that the Senior Licensing Practitioner, WRS, investigated the purchase of a light meter to determine if a more acceptable manufactured factory fitted level of tint could be set.

With regard to the issues raised in respect of ‘run flat’ tyres, Members agreed that the Council’s Taxi Handbook policy be updated to take into account wheels fitted with a suitable ‘run flat’ tyre mechanism on all four wheels, and that in the case of a ‘run flat’ tyre getting a puncture, the tyre must be replaced at the earliest opportunity or in any case on or before the maximum number of miles as recommended by the manufacture has been travelled; or another

means of conveying passengers to their destination safely and without inconvenience can be called upon.

The Chairman thanked the Senior Licensing Practitioner and Technical Officer, WRS, for the work carried out during the consultation exercise and for their valuable contribution.

RESOLVED

- (a) that the proposed changes as agreed and detailed in the preamble above, be incorporated in to the Council's Taxi Handbook and;
- (b) that the revised Council's Taxi Handbook be presented to the next meeting of the Licensing Committee for consideration.

23/15

UBER INFORMATION REPORT

As requested at the previous meeting of the Committee, Members were provided with an update from the Senior Licensing Practitioner, Worcestershire Regulatory Services, (WRS), on the company that trades as Uber.

The Senior Licensing Practitioner, Worcestershire Regulatory Services, (WRS), informed the Committee that Uber was growing rapidly and now operated in Birmingham, under Birmingham City Council's private hire operator's licence.

Uber Technologies Inc. was an American international transportation network company, with its headquarters in San Francisco, California. The company developed, marketed and operated the Uber mobile application (app), which allowed consumers with smartphones to submit a trip request which was then routed to Uber drivers. Essentially it was an online booking service for private hire vehicles.

The activities of Uber had provoked controversy in some countries. Questions were raised about the legalities of their operating model. However, it should be stressed that in the UK, Uber appeared to be operating entirely lawfully within the private hire licensing regimes.

The controversy surrounding Uber's operation in London related to the way that fares were calculated and charged to passengers who used the Uber app; and the fact that the fares were generally cheaper than those charged by London's world famous 'Black Cabs'. In London only licensed hackney carriages could use taximeters, under section 11 of the Private Hire Vehicles (London) Act 1988. Recently the transport regulator Transport for London (TfL) had brought a case to the high court following pressure from the city's black-cab and minicab drivers. But the high court ruled that Uber's app was legal in London.

The Senior Licensing Practitioner, WRS, responded to Members' questions and explained that fares were calculated via GPS. Fares were cheaper due to the number of taxis available. Uber was very streamlined. The Uber app

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calculated the nearest available driver and allocated the job to that driver. Drivers paid a rental fee to Uber.

As with all licensed private hire operators, Uber could dispatch vehicles and drivers to carry out work anywhere in the country; provided that the vehicle and driver allocated the booking were licensed with the local authority that had issued the relevant private hire operator licence. Due to the relaxation on sub-contracting rules for private hire vehicles, which came into effect on 1st October 2015, Uber could also sub-contract bookings to other licensed private hire operators in other local authority areas so that, that operator could then dispatch an appropriately licensed vehicle and driver.

The Chairman and Committee Members thanked the Senior Licensing Practitioner, WRS, for his comprehensive update report on Uber.

RESOLVED that the Uber update report be noted.

24/15

LICENSING COMMITTEE WORK PROGRAMME 2015/2016

The Committee considered the Work Programme for 2015/2016.

RESOLVED that the Licensing Committee Work Programme be updated to include the items discussed and agreed during the course of the meeting.

The meeting closed at 8.15 p.m.

Chairman

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LICENSING COMMITTEE

14th March 2016

DRAFT SEX ESTABLISHMENT LICENSING POLICY CONSULTATION

Relevant Portfolio Holder	Councillor Peter Whittaker
Portfolio Holder Consulted	Yes
Relevant Head of Service	Simon Wilkes - Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

Bromsgrove District Council does not currently have an adopted Policy on the licensing of Sex Establishments. The Licensing Committee has considered a draft Policy and approved it for the purposes of consultation with relevant stakeholders and the general public in September 2015.

This consultation has now taken place and the responses received are reported to the Licensing Committee.

2. RECOMMENDATIONS

Members are asked to RESOLVE;

To adopt the draft Sex Establishment Licensing Policy (attached at Appendix 3) with effect from 1st April 2016.

3. KEY ISSUES

Financial Implications

- 3.1 The costs involved in carrying out the consultation were met by existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 The Local Government (Miscellaneous Provisions) Act 1982 (“the Act”), as amended, allows local authorities to adopt provisions concerning the regulation of sex establishments. Under the Act there is no legal requirement for the Council to adopt a policy on how it proposes to license sex establishments under the Act. However, it is considered best practice for a Council to adopt such a policy to encourage consistency and transparency in the way that its licensing functions are carried out.

Service / Operational Implications

- 3.3 The Local Government (Miscellaneous Provisions) Act 1982, when originally enacted, allowed for the licensing of Sex Establishments (i.e. sex shops and sex cinemas) by those local authorities, like Bromsgrove District Council, that adopted Schedule 3 of the Act.
- 3.4 The Council resolved to adopt the original provisions at a meeting on 3rd July 1984.
- 3.5 On 15th September 2010 the Council resolved to adopt the amended provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, which were amended by virtue of Section 27 of the Policing and Crime Act 2009.
- 3.6 The adoption of the provisions as amended by the Policing and Crime Act 2009 meant that “sexual entertainment venues” in the District are subject to the same licensing requirements as sex shops and sex cinemas.
- 3.7 The new controls strengthened the role that local communities can play in deciding whether, for example, a lap dancing premises is appropriate for the locality. The adoption of the amended provisions brought lap dancing and other similar premises in line with other sex establishments such as sex shops and sex cinemas and recognised that local people have legitimate concerns about where such premises are located.
- 3.8 Despite having adopted controls over sex establishments, the Council does not currently have an adopted Policy on the licensing of sex establishments under the Local Government (Miscellaneous Provisions) Act 1982.
- 3.9 Members of the Licensing Committee have considered a draft Policy and approved it for the purposes of consultation with relevant stakeholders and the general public in September 2015.
- 3.10 The draft Policy sets out how Bromsgrove District Council would approach its licensing functions under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).
- 3.11 It will provide guidance to Members and Officers when considering applications and will inform potential applicants, relevant stakeholders and the general public of the principles which will be applied by the Council when carrying out its licensing functions.

- 3.12 The draft Sex Establishment Licensing Policy has been subject to consultation with relevant stakeholders and the general public. Those contacted regarding the consultation included the West Mercia Police, the Police and Crime Commissioner, the local MP, Bromsgrove District Councillors, Parish Councils, Trading Standards, Environmental Health, Fire Safety, Planning, Public Health, the Worcestershire Safeguarding Children Service, Safer Bromsgrove, the Local Enterprise Partnership and other groups and bodies representing local businesses.
- 3.13 The consultation documents were also hosted on the Council's website and advertised via social media channels.
- 3.14 Responses were received during the consultation from West Mercia Police and Hereford and Worcester Fire and Rescue Service. The response received from the Police can be seen at **Appendix 1** and the response from the Fire and Rescue Service can be seen at **Appendix 2**.
- 3.15 West Mercia Police asked for a number of additional conditions to be applied to licences issued in respect of sexual entertainment venues. The vast majority of these conditions have been inserted into Annex E of the draft Policy.
- 3.16 However some of the requested conditions were already included in the draft Policy and those relating to membership of Pubwatch were not considered appropriate to attach as licence conditions. This is because the National Pubwatch organisation has in the past made clear that in its view, conditions that require premises to join Pubwatch contravene the basic principle that Pubwatch has always been a voluntary activity, engaged in by operators of licensed premises primarily for their own benefit which also results in a positive outcome for the wider community.
- 3.17 The changes made to the conditions as a result of the Police response to the consultation, can be seen highlighted in Annex E of the draft Policy shown at **Appendix 3**.
- 3.18 The Fire and Rescue Service asked for a condition to be added in Annex D of the Policy that the licensee should carry out a fire risk assessment in order to comply with The Regulatory Reform (Fire Safety) Order 2005. It is not considered good practice to impose a licence condition that replicates a legal duty that the licence holder is already under as a result of other legislation, therefore this condition has not been added to Annex D.

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- 3.19 The Fire and Rescue Service also asked for the draft Policy to be amended at paragraph 2.2.2 to state that the required plan should also contain details of all passive and active fire safety provisions including but not limited to fire extinguishers, emergency lighting, fire signage and fire detectors. The draft Policy has been amended accordingly.
- 3.20 The Licensing Committee are now asked to note the responses received during the consultation and resolve to adopt the amended draft policy at **Appendix 3** with effect from 1st April 2016.

4. RISK MANAGEMENT

- 4.1 Application of the policy will provide clarity when determining applications and reduces the risk of challenge and appeal. Consultation with relevant stakeholders has been carried out to minimise the risk of legal challenge.

5. APPENDICES

- | | |
|--------------|--|
| Appendix 1 – | Police Response |
| Appendix 2 – | Fire and Rescue Response |
| Appendix 3 – | Draft Sex Establishment Licensing Policy
(amended following consultation) |

AUTHOR OF REPORT

Name: Dave Etheridge – Senior Licensing Practitioner
Worcestershire Regulatory Services

E Mail: dave.etheridge@worcestershire.gov.uk

Tel: (01905) 822799



Bromsgrove
District Council

www.bromsgrove.gov.uk

Consultation on Draft Sex Establishment Licensing Policy

Bromsgrove District Council is currently seeking views on a draft policy in relation to the licensing of sex establishments in the District including sex shops, sex cinemas and sexual entertainment venues.

This draft policy sets out how applications should be made and how they will be processed.

The draft policy also sets out what will be considered when determining applications and sets out the grounds on which the Council can refuse applications. The draft policy also sets out the standard conditions that will be attached to licences granted.

The Council is interested in receiving views on the content of the draft policy generally, but also wishes to seek opinions on the following questions in particular:

Do you have any comments to make on the arrangements for consultation on applications?
(see parts 2.3 and 2.4 of the draft policy)

NO

Comments:

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Do you have any comments to make on the way in which the suitability of the applicant will be assessed by the Council? (see part 3.5 of the draft policy)

NO

Comments:

Do you have any comments to make on the factors that will be taken into account by the Council when assessing the suitability of a location to be used for a sex establishment? (see part 3.6 of the draft policy)

NO

Comments:

Do you have any comments to make on the standard conditions that the Council proposes to prescribe in relation to different types of sex establishment? (see Annex D and Annex E of the draft policy)

YES

Comments: I do not feel that the existing draft standard conditions are sufficiently comprehensive and suggest the following:-

1. Security Industry Authority (SIA) door supervisors shall be on duty at the premises and employed as follows:

From the commencement of opening hours on (all days or specific days of the week), there will be a minimum of two (02) SIA registered door supervisors. Where the numbers of persons at the premises reach 150 (including all staff) three (03) SIA door staff shall be employed. These numbers will be maintained until the end of licensable activities.

2. The Premises Licence Holder or Designated Premises Supervisor (DPS) or a person nominated by them in writing for the purpose, shall maintain a register of door supervisors, which shall be kept on the premises, showing the names and addresses of the door supervisors, their badge numbers and shall be signed by the door supervisors as they commence and conclude duty. The register shall be made available on demand for inspection by Officers of the Fire Authority, Police, Licensing Authority or any other authorised body.

2. CCTV will be provided in the form of a recordable system capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where adult entertainment occurs. Equipment MUST be maintained in good working order and be correctly time and date stamped. Recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand. The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format, EITHER DISC or VHS to the Police / Local Authority on demand. The recording equipment and tapes / discs shall be kept in a secure environment under the control of the DPS or other responsible named Individual. An operational daily log report must be maintained, endorsed by signature, indicating the system has been checked and is compliant. In the event of any failings actions taken are to be recorded. In the event of technical failure of the CCTV equipment the Premises Licence Holder / DPS MUST report the failure to the Police on contact number '101' immediately.

3. An incident log must be kept at the premises and made immediately available on request to an authorised officer of the Council or the Police. Incident log records will be retained for a period of 12 months from the date it occurred. The incident log must record the following:

- all crimes reported to the venue

- all ejections of patrons

- any complaints received

- any incidents of disorder

- seizures of drugs or offensive weapons

- any faults in the CCTV system or searching equipment or scanning equipment

- any visit by a relevant authority or emergency service

4. The premises shall be an active member of the Bromsgrove "Pub Watch" scheme for the area for the duration it is in existence.

5. A Bromsgrove "Pub Watch" radio shall be held at the premises. A responsible person shall log on at the Control Centre at the commencement of licensable activities. A responsible person shall monitor the radio throughout the period which the premises are open for licensable activities. Any information likely to have an impact on any of the licensing objectives shall be transmitted on the radio immediately.

5. A dispersal policy in relation to the premises shall be kept on the premises and produced to the Police and authorised Local Authority Licensing Officers on request.

6. The interior of the premises shall not be visible to passers-by and to that intent the licensee shall ensure the area of the premises in which relevant adult entertainment is offered shall not be capable of being seen from outside the premises.

7. The windows, doors, fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for:

- (a) the address of the premises

- (b) the licensed name of the premises

(c) a notice stating the opening hours of the establishment

8. The lettering used in respect of such permitted items shall be of such colour and style as may be approved by the Licensing Authority.
9. The Premises Licence Holder shall not permit the display outside of the premises of photographs or other images which indicate or suggest that relevant entertainment takes place in the premises.
10. No person under the age of 18 shall be on the licensed premises. A notice shall be clearly displayed at the entrance to the premises in a prominent position stating that "No person under 18 will be admitted" so that it can be easily read by persons entering the premises.
11. Each area where relevant entertainment is conducted shall be supervised and contain a panic alarm for the safety of performers.
12. All areas within the premises shall display signs advising clients of the club rules and conditions of the licence regarding improper performances.
13. Performers shall be aged not less than 18 years.
14. Full nudity is only permitted in the approved designated areas, as stipulated or shown on the approved plan attached to the licence with the exception of the designated areas. In all other areas within the premises the performers and employees must at all times wear at least a G-string (female) and or pouch (male) covering the genitalia as well as one other over layer of clothing.
15. During any performance (including performances usually termed "private dances") there must not be any deliberate contact, by the performer with any patron or person within the viewing audience except:
 - (a) Leading a patron hand in hand to and from a chair or private room or designated dance area
 - (b) Simple handshake greeting at the beginning and / or end of the performance.

(c) A customary "peck on the cheek" kiss at the end of the performance.

(d) The placing of monetary notes or dance vouchers into the hand or garter worn by the performer.

16. No performances shall include any sex act with any other performers, patrons, employees, contractors, or with the use of any objects.

17. A price list shall be displayed in a prominent position giving the price and the time allowed for any of the performances.

18. Any person connected with or employed by the business who can be observed from outside the premises must be dressed. Scantily clad individuals must not exhibit in the entrance way or in the area surrounding the premises. (Scantily clad shall mean that nudity or underwear is visible).

19. No fastening or lock of any description shall be fitted upon any booth or cubicle or other area within the premises except within the toilets or within the performers' dressing rooms and staff areas.

20. At all times during a performance, performers shall have unrestricted access to a dressing room.

21. Patrons or members of the audience shall not take photographs or record digital images of performers within the premises via a camera or mobile phones.

22. The licensee shall not allow the use of vehicles, including limousines, for the promotion of the relevant adult entertainment.

23. The collection of patrons and or potential clients is not permitted unless the vehicle is licensed in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

24. The licensee or its agents, servants, employees, contractors or performers shall not tout for business and or customers outside of or away from the licensed premises by any means unless authorised by the Council in writing.

25. The licensee shall ensure that any marketing communications associated with the

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licensed premises or relevant entertainment shall comply with the code of practice as issued by the Advertising Standards Authority.

Please use this space to make any other comments you wish to make in relation to the draft policy?

I feel that the draft policy is sufficient as it will give the police the opportunity to make necessary objections or observations on a case by case basis. I do, however, feel that the conditions relating to Sex Establishments are not as comprehensive as they could be. I have included suggested conditions in the comments section on standard conditions.

Once complete, please return this consultation questionnaire by email to wrsenquiries@worcesterservices.gov.uk using the subject line "Bromsgrove Sex Establishment Licensing Policy Consultation"

Alternatively you can post your response to:

Bromsgrove Sex Establishment Licensing Policy Consultation
Worcestershire Regulatory Services
Wyre Forest House
Finepoint Way
Kidderminster
Worcestershire
DY11 7WF

This consultation will be open for responses until **29th January 2016** and all responses received will be given consideration by the Council before a finalised policy is approved and implemented.

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Bromsgrove
District Council

www.bromsgrove.gov.uk

Consultation on Draft Sex Establishment Licensing Policy

Bromsgrove District Council is currently seeking views on a draft policy in relation to the licensing of sex establishments in the District including sex shops, sex cinemas and sexual entertainment venues.

This draft policy sets out how applications should be made and how they will be processed.

The draft policy also sets out what will be considered when determining applications and sets out the grounds on which the Council can refuse applications. The draft policy also sets out the standard conditions that will be attached to licences granted.

The Council is interested in receiving views on the content of the draft policy generally, but also wishes to seek opinions on the following questions in particular:

Do you have any comments to make on the arrangements for consultation on applications? (see parts 2.3 and 2.4 of the draft policy)	
	NO
Comments: N/A	
Do you have any comments to make on the way in which the suitability of the applicant will be assessed by the Council? (see part 3.5 of the draft policy)	
	NO
Comments: N/A	

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Do you have any comments to make on the factors that will be taken into account by the Council when assessing the suitability of a location to be used for a sex establishment? (see part 3.6 of the draft policy)

NO

Comments:

N/A

Do you have any comments to make on the standard conditions that the Council proposes to prescribe in relation to different types of sex establishment? (see Annex D and Annex E of the draft policy)

YES

Comments:

Annex D

Amend / insert

40 The licensee should carry out a fire risk assessment in order to comply with The Regulatory Reform (fire safety) Order 2005

Please use this space to make any other comments you wish to make in relation to the draft policy?

Insert

2.2.2

The plan should also contain details of all passive and active fire safety provisions including but no limited to. Fire Extinguishers, Emergency Lighting, Fire Signage & Fire detectors

Once complete, please return this consultation questionnaire by email to wrsenquiries@worcsregservices.gov.uk using the subject line "Bromsgrove Sex Establishment Licensing Policy Consultation"

Alternatively you can post your response to:

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This consultation will be open for responses until **29th January 2016** and all responses received will be given consideration by the Council before a finalised policy is approved and implemented.



Bromsgrove
District Council

www.bromsgrove.gov.uk

Sex Establishment Licensing Policy

Adopted with effect 1st April 2016

FOREWORD

Bromsgrove District Council is situated in the County of Worcestershire, which contains six District Councils in total. The Council area has a population of approximately 93,600 and in terms of area it covers approximately 84 square miles.

The Council area is mainly rural in character (90% of the area is classed as Green Belt) with two central urban areas of Bromsgrove Town and Rubery.

Whilst it is only 14 miles from central Birmingham, the Clent and Lickey Hills provide an important dividing line between the industrial Midlands and the rural landscape of North Worcestershire.

Bromsgrove District Council's overall vision is "working together to build a district where people are proud to live and work, through community leadership and excellent services." This policy statement accords with our vision and Council objectives.

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1. INTRODUCTION

1.1 The Policy

- 1.1.1 This document states Bromsgrove District Council's policy on the regulation of sex establishments.
- 1.1.2 This Policy was consulted upon between 26th October 2015 and 29th January 2016 and approved on 14th March 2016.
- 1.1.3 Consultation was carried out with local residents, relevant trade organisations, the Chief Officer of Police and other relevant organisations.
- 1.1.4 In developing this Policy Statement, we took into account the legal requirements of the 1982 Act and our duties under:-
- (a) Section 17 of the Crime and Disorder Act 1998 to take all reasonable steps to reduce crime and disorder within the District;
 - (b) The Regulators Compliance Code (set out under the legislative and Regulatory Reform Act 2006) not to impede economic progress by the regulations we set out and to particularly consider the impact of regulations on small businesses; and
 - (c) The Provisions of Services Regulations 2009 to ensure requirements are:
 - (i) Non-discriminatory
 - (ii) Justified by an overriding reason relating to the public interest
 - (iii) Proportionate to that public interest objective
 - (iv) Clear and unambiguous
 - (v) Objective
 - (vi) Made public in advance, and
 - (vii) Transparent and accessible.
- 1.1.5 This Policy should be read in conjunction with, and without prejudice to, other existing National and European Union legislation, such as the Human Rights Act 1998 and the Disability Discrimination Act 1995.

1.2 The Law

- 1.2.1 The Local Government (Miscellaneous Provisions) Act 1982 Bromsgrove District Council adopted Schedule 3 on 3rd July 1984. This meant that the Council controlled and regulated the operation of "sex shops" and "sex cinemas" within the district from this date.
- 1.2.2 The Local Government (Miscellaneous Provisions) Act 1982 was amended by the Policing and Crime Act 2009 to extend the licensing regime to include "sexual entertainment venues" within the definition of sex establishments. Bromsgrove District Council adopted the amended provisions of Schedule 3 on 15th September 2010. This meant that the Council now controls and regulates all types of sex establishment – sex shops, sex cinemas and sexual entertainment venues.
- 1.2.3 A list of definitions of the key terms used throughout the legislation and this Policy can be found at **Annex A** to this Policy.

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- 1.2.4 No sex establishment can operate unless it has obtained a licence from the Council – any such licence will contain conditions that will restrict how that premises may trade.
- 1.2.5 The Council does not take any moral stand in adopting this Policy. The Council recognises that Parliament has made it lawful to operate Sex Establishments, and that such businesses are a legitimate part of the retail and leisure industries. It is this Council's role as the Licensing Authority to administer the licensing regime in accordance with the law.

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LICENCE APPLICATIONS

2.1 Right to Waiver

- 2.1.1 Bromsgrove District Council may, upon application, waive the requirement for a licence in any case where it considers that to require a licence would be unreasonable or inappropriate.
- 2.1.2 Each application for a waiver will be considered on its own merits, however, any establishment that would normally require licensing under the provisions of the Act is unlikely to be granted a waiver other than in exceptional circumstances.
- 2.1.3 A waiver may be for such period as the Council think fit. Where the Council grant an application for a waiver, it will give the applicant for the waiver notice that they have granted the application.
- 2.1.4 The Council may at any time give a person who would require a licence but for a waiver notice that the waiver is to terminate on such date not less than 28 days from the date on which they give the notice as may be specified in the notice.

2.2 Application Details

- 2.2.1 The applicant will be required to make their application in accordance with Clause 10, Schedule 3, of the Act.
- 2.2.2 To apply for the grant of a new sex establishment licence, an applicant must submit:-
- A completed application form;
 - A plan to the scale of 1:100 of the premises to which the application relates showing (inter alia) all means of ingress and egress to and from the premises, parts used in common with any other building, and details of how the premises lie in relation to the street.
 - **The above plan should also contain details of all passive and active fire safety provisions including but no limited to: fire extinguishers, emergency lighting, fire signage & fire detectors.**
 - A site plan scale 1:1250.
 - Drawings showing the front elevation as existing and as proposed to a scale of (1:50).
- 2.2.3 All applications must be accompanied by the relevant fee. In the event of an application being refused, the application fee may be refunded less an appropriate charge for the administrative process undertaken in determining the application, including any hearing before the Licensing Committee.

2.3 Consultation Arrangements - Public

2.3.1 The applicant must advertise any application for grant of a new licence or renewal, transfer or variation of an existing licence in accordance with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

2.3.2 This states that:-

- An applicant for the grant, renewal or transfer of a licence shall give public notice of the application.
- Notice shall in all cases be given by publishing an advertisement in a local newspaper circulating in the appropriate authority's area
- The publication shall not be later than 7 days after the date of the application.
- Where the application is in respect of premises, notice of it shall in addition be displayed for 21 days beginning with the date of the application on or near the premises and in a place where the notice can conveniently be read by the public.
- Every notice which relates to premises shall identify the premises
- Every such notice which relates to a vehicle, vessel or stall shall specify where it is to be used as a sex establishment.
- A notice shall be in such form as the appropriate authority may prescribe. (The form prescribed by Bromsgrove District Council for such notices is shown at **Annex B** to this Policy)

2.4 Consultation Arrangements – Relevant Bodies

2.4.1 The Council will also notify all applications for grant, renewal, transfer or variation of a licence to the following bodies who may comment on or object to the application within 28 days of the date of the application:-

- Chief Officer of Police
- Local Safeguarding Children Board
- Fire Safety Officer
- Trading Standards
- Planning Authority
- Any relevant Parish Council
- Relevant Bromsgrove District Council Ward Members

2.5 Objections

2.5.1 When considering an application for the grant, renewal, variation or transfer of a Sex Establishment Licence the Council will have regard to any observations submitted to it by the Chief Officer of Police and any objections that have been received from anyone else within the statutory 28 day period from the date of the application being given to the Council.

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- 2.5.2 Any person can object to an application but the objection should be relevant either to the **mandatory grounds** for refusal set in **Section 3.3** or to the **discretionary grounds for refusal** set out in **section 3.4** below.
- 2.5.3 Objections should not be made on moral grounds or values. Any decision to refuse a licence will be relevant to one or more of the grounds in **3.3 and 3.4** below.
- 2.5.4 Objectors must give notice of their objection in writing, stating the general terms of the objections.
- 2.5.5 Where the Council receives notices of any objections it will, before considering the application, give notice in writing of the general terms of the objection to the applicant. However, the Council shall not without the consent of the person making the objection reveal their name or address to the applicant.

2.6 Variation of a Licence

- 2.6.1 The holder of a Sex Establishment Licence may apply at any time for any variation of the terms, conditions or restrictions on or subject to which the licence is held.
- 2.6.2 The process of applying for a variation is the same as that for applying for an initial grant except that a plan of the premises is not required unless the application involves structural alterations to the premises.

2.7 Renewal of a Licence

- 2.7.1 The holder of a Sex Establishment Licence may apply for renewal of the licence. In order for the licence to continue to have effect during the renewal process, a valid application form together with the appropriate fee must be submitted before the current licence expires.
- 2.7.2 The process of applying for the renewal of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required.

2.8 Transfer of a Licence

- 2.8.1 A person may apply for the transfer of a licence at any time.
- 2.8.2 The process of applying for the transfer of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required.

3. DETERMINATION OF APPLICATIONS

3.1 Decision Making – Delegation of Functions

3.1.1 Decisions relating to Sex Establishment licensing will be delegated in accordance with the table of delegated functions shown at **Annex C**.

3.2 General Principles

3.2.1 In determining an application relating to a sex establishment licence the Council will assess the application on its merits having regard to the content of this Policy, the relevant legislation and any relevant guidance that may be issued from time to time.

3.2.2 Where it is necessary for the Council to depart substantially from this policy, clear and compelling reasons for doing so will be given. Only a Licensing Committee may authorise a departure from the policy if it feels it appropriate for a specific application.

3.2.3 In determining an application for the grant, renewal, transfer or variation of a licence, the Council will have regard to any representations that it has received that are relevant to the grounds set out in **3.3 and 3.4**.

3.2.4 The Council will consider granting licences of 12 months duration or for a shorter term if deemed appropriate.

3.3 Mandatory Refusal of Applications

3.3.1 A licence under the Act cannot be granted —

- to a person under the age of 18; or
- to a person who is for the time being disqualified having had a licence revoked in the past 12 months; or
- to a person, other than a body corporate, who is not resident in an European Economic Area state or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- to a body corporate which is not incorporated in an European Economic Area state; or
- to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

3.4 Discretionary Refusal of Applications

3.4.1 The Council may refuse an application for grant or renewal of a licence on one or more of the grounds specified below:-

- (a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- (b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- (c) that the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality (nil may be an appropriate number);
- (d) that the grant or renewal of the licence would be inappropriate, having regard—
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

3.4.2 The Council may refuse an application for the transfer of a licence on either or both of the grounds specified below:-

- (a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- (b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;

3.5 Applicant Suitability

3.5.1 In determining applicant suitability for the grant of a new licence, renewal of a licence, or the transfer of an existing licence, the Council will take the following into account:

- Previous relevant knowledge and experience of the applicant;
- Any evidence of the operation of any existing or previous licence(s) held by the applicant, including any licence held in any other District or Borough;
- Any report about the applicant and management of the Premises received from objectors.

3.5.2 In particular the Council will liaise closely with the Police and any other relevant appropriate agencies in determining the fitness of the applicant.

3.5.3 Whilst every application will be considered on its merits, the Council will be unlikely to grant an application from any person, or for the benefit of any person, with unspent criminal convictions.

3.6 Location of the Premises

3.6.1 In accordance with relevant case law, the Council shall decide on the suitability of a particular locality for a sex establishment as a matter of fact to be determined by the particular circumstances of each case and not by the prescription of boundaries as stated on a map.

3.6.2 The Council is mindful of its power to determine that no sex establishments should be located in a particular locality.

3.6.2 In determining whether the proposed location of a sex establishment is appropriate, the Council will have regard to all of the relevant circumstances including the following:-

- The general character of the relevant locality
- The proximity of residential premises
- The proximity of any places of public religious worship
- The proximity of any schools or other educational establishments
- The proximity of any playing fields and play areas
- The proximity of any leisure centres or swimming pools
- The proximity of any libraries or other public buildings
- The proximity of any youth clubs
- The proximity of any other licensed sex establishments
- The proximity of any premises authorised under the Licensing Act 2003 for the sale or supply of alcohol for consumption on the premises.

3.7 Renewal Applications

3.7.1 When considering an application for renewal of a sex establishment licence the Council will have due regard to how long the premises have existed and been licensed.

4. **POWER TO PRESCRIBE STANDARD CONDITIONS**

- 4.1 Schedule 3 Section 13 of the Act provides a power for the Council to specify Standard Conditions in relation to sex establishment licences.
- 4.2 The Council's Standard Conditions for sex shops and sex cinemas are detailed in **Annex D** of this Policy. The Council's Standard Conditions for sexual entertainment venues are detailed at **Annex E** of this Policy.
- 4.3 All licences will be granted, renewed, transferred or varied subject to these Standard Conditions unless expressly excluded, varied or added to by a Licensing Sub-Committee.

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5. HEARINGS

- 5.1 Where the Council is required to determine an application by reference to a Licensing Sub-Committee, the applicant and objectors will be advised of the date, time and venue of the hearing.
- 5.3 Hearings will be carried out in accordance with the Council's agreed procedure for Licensing Hearings.

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6 OPERATION AND MANAGEMENT OF PREMISES

- 6.1.1 The Council requires all licensees to ensure that they and their employees comply with all relevant licence conditions and health and safety regulations.
- 6.1.2 In terms of the management of licensed Premises, the Council strongly encourages where possible and appropriate, that licensees:
- a) Work with statutory agencies such as the Police, and the Council in order to create and maintain a safe environment, both within licensed Premises and in the environs around them;
 - b) Particularly those licence holders whose Premises are located in areas with high levels of recorded crime, develop crime prevention strategies in consultation with the Police and the Council.
 - c) In terms of the management of licensed Premises, the Council strongly encourages and where possible and appropriate all licensees to develop strategies and procedures to increase access for disabled people to the Premises.
 - d) In terms of the employment of staff in licensed Premises, the Council requires that all relevant staff be appropriately trained in areas such as health and safety, first aid, and fire precautions.

7. ENFORCEMENT

7.1 General

7.1.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the trade.

7.1.2 In pursuing its objective of encouraging responsible businesses, the Council will operate a proportionate enforcement regime in accordance with the Council's Corporate Enforcement Policy. This has been drafted with reference to the Statutory Regulator's Compliance Code.

7.1.3 The responsibility for the overall supervision of sex establishment licensing lies with the Head of Worcestershire Regulatory Services.

7.2 Offences

7.2.1 The offences under Schedule 3 are set out in paragraphs 20 to 23 of that schedule and include:

- Knowingly causing or permitting the use of any premises as Sex Establishment without a licence;
- Being the holder of a licence, knowingly employing a person in a Sex Establishment who is disqualified from holding a licence;
- Being the holder of a licence, knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in a licence
- Being the servant or agent of the holder of a licence, without reasonable excuse knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in a licence
- Being the holder of a licence, without reasonable excuse knowingly permits a person under the age of 18 years to enter the establishment;
- Being the holder of a licence, employs a person known to them to be under 18 years of age in the business of the establishment.

7.2.2 A person guilty of any of the above offences is liable on summary conviction to a fine not exceeding £20,000.

7.2.3 It is also an offence for the holder of a licence, without reasonable excuse to fail to exhibit a copy of the licence and any standard conditions applicable to the licence in a suitable place as specified in the licence. A person guilty of this offence shall be liable on summary conviction to a fine not exceeding level 3 on the Standard Scale.

8. REVOCATION OF LICENCES

- 8.1 The Council may, after giving the holder of a licence an opportunity of appearing before and being heard by them, at any time revoke the licence on any of the following grounds:-
- (a) that one of the mandatory grounds for refusing to grant a licence exists and has come to light since the grant of the licence.
 - (b) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
 - (c) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself
- 8.2 The Council will consider whether or not to revoke a licence upon a request to do so from the Police or at the recommendation of the Head of Worcestershire Regulatory Services following representations from any other person or body.

9. AMENDMENTS TO THIS POLICY

9.1 Any significant amendment to this policy will only be implemented after further consultation with the trade and the public. All such amendments to this Policy will be undertaken in accordance with the Council's Constitution.

9.2 For the purpose of this section, any significant amendment is defined as one that:

- a) is likely to have a significant financial effect on licence holders, or
- b) is likely to have a significant procedural effect on licence holders, or
- c) is likely to have a significant effect on the community.

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ANNEX A - KEY DEFINITIONS

TERM	DEFINITION
the Act	Local Government (Miscellaneous Provisions) Act 1982
Authorised Officer	any Officer of the Council authorised under the Council's Scheme of Delegation as contained within the Constitution
the Council	Bromsgrove District Council
he, his	all references to 'he' or 'his' also include 'she' or 'hers'
Licence Holder	a person who holds a Sex Establishment Licence under the Act
this Policy	Bromsgrove District Council's Sex Establishment Licensing Policy
Premises	A building or part of a building and any forecourt, yard or place of storage used in connection with a building or part of a building which is the subject of a Sex Establishment Licence granted under the Act
Sex Establishment	As defined in Schedule 3 of the Act (as amended) A sex establishment means a sex shop, sex cinema or sexual entertainment venue as defined below in extracts from the Act.
Sex Cinema	As defined in Schedule 3 of the Act (as amended) 3. — (1) In this Schedule, "sex cinema" means any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which— (a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage— (i) sexual activity; or (ii) acts of force or restraint which are associated with sexual activity; or (b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions, but does not include a dwelling-house to which the public is not admitted. (2) No premises shall be treated as a sex cinema by reason only— (a) if they may be used for an exhibition of a film (within the meaning of paragraph 15 of Schedule 1 to the Licensing Act 2003) by virtue of an authorisation (which the meaning of section 136 of that Act), of their use in accordance with that authorisation; or (b) of their use for an exhibition to which section 6 of that Act (certain non-commercial exhibitions) applies given by an exempted organisation within the meaning of section 6(6) of the Cinemas Act 1985.

Sex Shop

As defined in Schedule 3 of the Act, as amended

4. —

(1) In this Schedule “sex shop” means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating—

- (a) sex articles; or
- (b) other things intended for use in connection with, or for the purpose of stimulating or encouraging—
 - (i) sexual activity; or
 - (ii) acts of force or restraint which are associated with sexual activity.

(2) No premises shall be treated as a sex shop by reason only of their use for the exhibition of moving pictures by whatever means produced.

(3) In this Schedule “sex article” means—

- (a) anything made for use in connection with, or for the purpose of stimulating or encouraging—
 - (i) sexual activity; or
 - (ii) acts of force or restraint which are associated with sexual activity; and
- (b) anything to which sub-paragraph (4) below applies.

(4) This sub-paragraph applies—

- (a) to any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and
- (b) to any recording of vision or sound, which—
 - (i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
 - (ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

Sexual Entertainment Venue

As defined in Schedule 3 of the Act (as amended)

2A

(1) In this Schedule “sexual entertainment venue” means any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

(2) In this paragraph “relevant entertainment” means—

- (a) any live performance; or
- (b) any live display of nudity;

which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

(3) The following are not sexual entertainment venues for the

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purposes of this Schedule—

- (a) sex cinemas and sex shops;
- (b) premises at which the provision of relevant entertainment as mentioned in sub-paragraph (1) is such that, at the time in question and including any relevant entertainment which is being so provided at that time—
 - (i) there have not been more than eleven occasions on which relevant entertainment has been so provided which fall (wholly or partly) within the period of 12 months ending with that time;
 - (ii) no such occasion has lasted for more than 24 hours; and
 - (iii) no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasion falls within the 12 month period mentioned in sub-paragraph (i));

“audience” includes an audience of one;

“display of nudity” means—

- (a) in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and
- (b) in the case of a man, exposure of his pubic area, genitals or anus;

“the organiser”, in relation to the provision of relevant entertainment at premises, means any person who is responsible for the organisation or management of—

- (a) the relevant entertainment; or
- (b) the premises;

“premises” includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted;

ANNEX B - FORM OF PUBLIC NOTICE

Local Government (Miscellaneous Provisions) Act 1982

Schedule 3

NOTICE OF APPLICATION FOR GRANT / RENEWAL/ VARIATION / TRANSFER OF A SEX ESTABLISHMENT LICENCE

Name/s of Applicant/s	
Postal address of premises including name of the premises and post code (where possible) or a description to enable the location to be identified.	
Summary of application (hours of trading, type of licence, etc):	
<p>NOTICE IS HEREBY GIVEN that an application has been made to Bromsgrove District Council for a licence to use the above premises as a sex establishment.</p> <p>Copies of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (which defines the type of activity that may be carried on under a licence) and of the application may be inspected at the Customer Service Centre, Parkside, Market Street, Bromsgrove, Worcestershire, B61 8DA between 9.00 am and 5.00 pm (Monday to Friday except public holidays).</p> <p>Any objections in respect of the above application must be made in writing to the council at the above address by</p> <p>_____</p> <p>(28 days after the date of the application)</p> <p>It is an offence knowingly or recklessly to make a false statement in connection with an application punishable on summary conviction by a maximum fine of £5,000.</p>	

ANNEX C - TABLE OF DELEGATED FUNCTIONS

Matter to be dealt with	Licensing Committee	Licensing Sub-Committee	Officers
Approval of any sex establishment licensing policy	All cases		
Application for a new sex establishment licence		In all cases	
Application for variation of a sex establishment licence		In all cases	
Application for transfer of a sex establishment licence		Where objections are received	In all other cases
Application for renewal of a sex establishment licence		Where objections are received	In all other cases
Application for waiver from the requirement for a licence		In all cases	
Consideration of the revocation of a sex establishment licence		In all cases	

ANNEX D

STANDARD CONDITIONS

APPLICABLE TO LICENCES FOR SEX SHOPS AND SEX CINEMAS

Definition

1. In these conditions save when the context otherwise requires the following expressions shall have the following meanings:-
 - (i) "Sex Establishment" "Sex Cinema" "Sex Shop" and "Sex Article" shall have the meanings ascribed to them in the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.
 - (ii) "Premises" means a building or part of a building and any forecourt, yard or place of storage used in connection with a building, or part of a building which is the subject of a Licence for a Sex Establishment granted under the said Third Schedule.
 - (iii) "Approval of the Council" or "Consent of the Council" means the approval or consent of the Council in writing.
 - (iv) "Approved" means approved by the Council in writing.
 - (v) "The Council" means Bromsgrove District Council.
 - (vi) "Film" shall have the meaning ascribed to it in the Films Acts 1960 – 1980.

General

2. In the event of a conflict between these Regulations and any special conditions contained in a Licence relating to a Sex Establishment the special conditions shall prevail.
3. The grant of a Licence for a Sex Establishment shall not be deemed to convey any approval or consent which may be required under any enactment by law order or regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.
4. The marginal notes inserted in these Regulations are inserted for the purpose of convenience only and shall not affect in any way the meaning or construction thereof.

Hours of opening

5. Except with the previous consent of the Council, a Sex Establishment shall not be open to the public before 9.30 a.m. and shall not be kept open after 6.00 p.m. on Mondays to Saturdays inclusive (Fridays to 8.00 p.m.).
6. Except with the previous consent of the Council, a Sex Establishment shall not be open to the public on Sundays or any Bank Holidays or any public holidays.

Conduct and Management of Sex Establishments

7. Where the Licensee is a body corporate or an unincorporated body any change of Director, Company Secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days of such change and such written details as the Council may require in respect of any new Director, Secretary or Manager are to be furnished within 14 days of a request in writing from the Council.
8. The Licensee, or some responsible person nominated by him in writing for the purpose of managing the Sex Establishment in his absence and of whom details (including photographs) have been supplied to and approved in writing by the Council, shall be in charge of and upon the Premises during the whole time they are open to the public.
9. The name of the person responsible for the management of a Sex Establishment shall be the Licensee or a Manager approved by the Council and shall be prominently displayed within the Sex Establishment throughout the period during which he is responsible for its conduct.
10. The Licensee shall maintain a daily register in which he shall record the name and address of any person who is to be responsible for managing the Sex Establishment in his absence, and the names and addresses of those employed in the Sex Establishment. The register is to be completed each day within thirty minutes of the Sex Establishment opening for business and is to be available for inspection by the Police and by authorised Officers of the Council.
11. The Licensee shall retain control over all portions of the Premises and shall not let, licence or part with possession of any part of the Premises.
12. The Licensee shall maintain good order in the Premises.
13. No person under the age of 18 shall be admitted to the Premises or employed in the business of a Sex Establishment and the Licensee must operate an age verification policy (Challenge 25 or similar) to ensure no person under the age of 18 is admitted to the Premises.
14. The Licensee shall ensure that the public are not admitted to any part or parts of the Premises other than those which have been approved by the Council.
15. No part of the Premises shall be used by prostitutes (male or female) for the purpose of solicitation or of otherwise exercising their calling.
16. Neither the Licensee nor any employee or to the person shall seek to obtain custom for the Sex Establishment by means of personal solicitation outside or in the vicinity of the Premises.
17. The Licensee shall comply with all statutory provisions and any regulations made thereunder.
18. The Licensee shall ensure that during the hours the Sex Establishment is open for business every employee wears a badge of a type to be approved by the Council, indicating his name and that he is an employee.
19. The copy of the Licence and of these Regulations required to be exhibited in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 shall be reproductions to the same scale

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as those issued by the Council. The copy of the Licence required to be displayed as aforesaid shall be suitably framed and the copy of these Regulations shall be retained in a clean and legible condition.

Use

20. A Sex Shop shall be conducted primarily for the purpose of the sale of goods by retail.
21. No change of use of any portion of the Premises from that approved by the Council shall be made until the consent of the Council has been obtained thereto.
22. No change from a Sex Cinema to a Sex Shop or from a Sex Shop to a Sex Cinema shall be effected without the consent of the Council.
23. Neither Sex Articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a Sex Cinema.

Goods Available in Sex Establishments

24. All Sex Articles and other things displayed for sale, hire, exchange or loan within a Sex Shop shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged.
25. All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the Sex Establishment.
26. No film or video film shall be exhibited sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified.
27. The Licensee shall without charge display and make available in the Sex Establishment such free literature on counselling in matters related to sexual problems as may be published by the Family Planning Association and by such other similar organisations as may be specified by the Council. Such literature is to be displayed in a prominent position approved by the Council adjacent to all cash collection points in the Sex Establishment.

External Appearance

28. No display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the Premises except:-
 - (i) Any notice of a size and in a form approved by the Council which is required to be displayed so as to be visible from outside the Premises by law, or by any condition of a Licence granted by the Council.

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- (ii) Such display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any matter or thing as shall have been approved by the Council.
29. The entrances to the Premises shall be of a material or covered with a material which will render the interior of the Premises invisible to passers by.
30. Windows and openings to the Premises other than entrances shall not be obscured otherwise than with the consent of the Council but shall have suspended behind them, in a position and at an attitude approved by the Council, opaque screens or blinds of a type and size approved by the Council. This regulation shall not be construed as lessening the obligation of the Licensee under Regulation 28 hereof.

State Condition and Layout of the Premises

31. The Premises shall be maintained in a good repair and condition.
32. Lighting in all parts of the Premises as approved by the Council shall be in operation continuously during the whole of the time that the Sex Establishment is open to the public.
33. The number, size and position of all doors or openings provided for the purposes of the ingress and egress of the public shall be approved by the Council and shall comply with the following requirements:-
- (i) All such doors or openings approved by the Council shall be clearly indicated on the inside by the word "exit".
 - (ii) Doors and openings which lead to parts of the Premises to which the public are not permitted to have access shall have notices placed over them marked "private".
 - (iii) Save in the case of an emergency no access shall be permitted through the Premises to any unlicensed premises adjoining or adjacent.
34. The external doors to the Sex Establishment shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
35. The Licensee shall make provision in the means of access both to and within the Sex Establishment for the needs of members of the public visiting the Sex Establishment who are disabled.
36. No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment nor shall more than one person (including any employee) be present in any such booth or cubicle at any time.
37. Alterations or additions either internal or external and whether permanent or temporary to the structure, lighting, or layout of the Premises shall not be made except with the prior approval of the Council.
38. All parts of the Premises shall be kept in a clean and wholesome condition to the satisfaction of the Council.

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Safety

39. The Licensee shall take all reasonable precautions for the safety of the public and employees.
40. The Licensee shall comply with any fire prevention and safety measures that may be required of him by the Council.
41. The Premises shall be provided with fire appliances suitable to the fire risks of the Premises and such fire appliances shall be maintained in proper working order and shall be available for instant use.

ANNEX E

STANDARD CONDITIONS

APPLICABLE TO LICENCES FOR SEXUAL ENTERTAINMENT VENUES

General

1. Only activities which have previously been agreed in writing by the Licensing Authority shall take place
2. The agreed activities shall take place only in designated areas approved by the Licensing Authority
3. Each area where relevant entertainment is conducted shall be supervised and contain a panic alarm for the safety of performers.
4. Full nudity is only permitted in the approved designated areas, as stipulated or shown on the approved plan attached to the licence with the exception of the designated areas. In all other areas within the premises the performers and employees must at all times wear at least a G-string (female) and or pouch (male) covering the genitalia as well as one other over layer of clothing.
5. No fastening or lock of any description shall be fitted upon any booth or cubicle or other area within the premises except within the toilets or within the performers' dressing rooms and staff areas.
6. At all times during a performance, performers shall have unrestricted access to a dressing room.
7. The entertainment will be provided only by the entertainers and no members of the audience shall be permitted to participate
8. No audience participation shall be permitted
9. There must not be any contact by the performer with the patron immediately before, during and immediately after the performance of striptease except:
 - (a) the leading of a patron hand in hand to and from a chair or to and from a designated dance area
 - (b) the simple handshake greeting
 - (c) the placing of monetary notes or dance vouchers into the hand or garter worn by the performer
 - (d) the customary kiss on the cheek of the patron by the dancer at the conclusion of the performance
 - (e) if the contact is accidental
10. Any bodily contact between entertainers or performers or any movement that indicates sexual activity or simulated sex between entertainers or performers is strictly forbidden

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11. No performances shall include any sex act with any other performers, patrons, employees, contractors, or with the use of any objects.
12. Entertainers or performers not performing must not be in a licensed area in a state of undress
13. A clear notice shall be displayed at each entrance to the premises or to the licensed area in a prominent position stating "No persons under the age of 18 years will be admitted.
14. No entertainers under the age of eighteen shall take part in the entertainment, and an adequate record must be maintained of the names, addresses and dates of birth of all performers including adequate identity checks
15. No person under the age of eighteen will be allowed on the premises where the entertainment is taking place and the Licensee must operate an age verification policy (Challenge 25 or similar) to ensure no person under the age of 18 is admitted to the Premises.
16. The entertainment shall under no circumstances be visible to members of the public from outside the premises
17. The windows, doors, fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for:
 - (a) the address of the premises
 - (b) the licensed name of the premises
 - (c) a notice stating the opening hours of the establishment
18. The lettering used in respect of such permitted items shall be of such colour and style as may be approved by the Licensing Authority.
19. The Licence Holder shall not permit the display outside of the premises of photographs or other images which indicate or suggest that relevant entertainment takes place in the premises.
20. The licensee or a nominated manager shall be present on the premises at all times whilst the entertainment is taking place
21. A nominated person shall be present to oversee the activities of performers
22. A register shall be maintained and kept on the premises and be available for inspection at any time by police or officers of the Licensing Authority at all times, to clearly record the identity of the licensee(s) on duty, the day and times of start and finish of the duty, and the record shall be retained for a period of not less than 12 months after the last entry in the register

CCTV

23. CCTV will be provided in the form of a recordable system capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.

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24. Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where adult entertainment occurs.
25. Equipment MUST be maintained in good working order and be correctly time and date stamped.
26. Recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand.
27. The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format, EITHER DISC or VHS to the Police / Local Authority on demand.
28. The recording equipment and tapes / discs shall be kept in a secure environment under the control of the DPS or other responsible named individual.
29. An operational daily log report must be maintained, endorsed by signature, indicating the system has been checked and is compliant.
30. In the event of any failings actions taken are to be recorded. In the event of technical failure of the CCTV equipment the Premises Licence Holder / DPS MUST report the failure to the Police on contact number '101' immediately.

Door supervisors

31. Security Industry Authority (SIA) door supervisors shall be on duty at the premises and employed as follows:
32. From the commencement of opening hours on (all days or specific days of the week), there will be a minimum of two (2) SIA registered door supervisors. Where the numbers of persons at the premises reach 150 (including all staff) three (3) SIA door staff shall be employed. These numbers will be maintained until the end of licensable activities.
33. The Premises Licence Holder or Designated Premises Supervisor (DPS) or a person nominated by them in writing for the purpose, shall maintain a register of door supervisors, which shall be kept on the premises, showing the names and addresses of the door supervisors, their badge numbers and shall be signed by the door supervisors as they commence and conclude duty. The register shall be made available on demand for inspection by Officers of the Fire Authority, Police, Licensing Authority or any other authorised body.

Incident Log

34. An incident log must be kept at the premises and made immediately available on request to an authorised officer of the Council or the Police. Incident log records will be retained for a period of 12 months from the date it occurred. The incident log must record the following:

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- all crimes reported to the venue
- all ejections of patrons
- any complaints received
- any incidents of disorder
- seizures of drugs or offensive weapons
- any faults in the CCTV system or searching equipment or scanning equipment
- any visit by a relevant authority or emergency service

Club rules / Price List

35. A code of conduct for dancers shall be produced by the licensee together with a disciplinary procedure for breaches of the code which shall be implemented if approved in writing by the Council. The code of conduct for dancers shall prohibit activities that might be thought to lead to prostitution or other unlawful activities. No amendments shall be made to the code or disciplinary procedure without the prior written consent of the Council
36. Rules shall be produced by the licensee for customers indicating conduct that is deemed acceptable. These rules shall be prominently displayed at all tables and at other appropriate locations within the club.
37. In relation to points 35 and 36 above, these procedures and rules must be produced for inspection by the Licensing Authority and the Police within 14 days of issue of the licence.
38. Patrons or members of the audience shall not be permitted to take photographs or record digital images of performers within the premises via a camera or mobile phones.
39. A price list shall be displayed in a prominent position giving the price and the time allowed for any of the performances.

Dispersal Policy

40. A dispersal policy in relation to the premises shall be kept on the premises and produced to the Police and authorised Local Authority Licensing Officers on request.

Advertisements and Marketing

41. Any person connected with or employed by the business who can be observed from outside the premises must be dressed. Scantily clad individuals must not exhibit in the entrance way or in the area surrounding the premises. (Scantily clad shall mean that nudity or underwear is visible).
42. The licensee shall not allow the use of vehicles, including limousines, for the promotion of the relevant adult entertainment.
43. The collection of patrons and or potential clients is not permitted unless the vehicle is licensed in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

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44. The licensee or its agents, servants, employees, contractors or performers shall not tout for business and or customers outside of or away from the licensed premises by any means unless authorised by the Council in writing.
45. The licensee shall ensure that any marketing communications associated with the licensed premises or relevant entertainment shall comply with the code of practice as issued by the Advertising Standards Authority.

Admission of Authorised Officers

46. Officers of the Council, Police, and other agencies having authorisation (which will be produced on request) shall be admitted immediately to all parts of the premises at all reasonable times and at any time the premises are open for business.

DRAFT

LICENSING COMMITTEE

14th March 2016

APPROVAL OF UPDATED HACKNEY CARRIAGE AND PRIVATE HIRE HANDBOOK

Relevant Portfolio Holder	Councillor Peter Whittaker
Portfolio Holder Consulted	Yes
Relevant Head of Service	Simon Wilkes - Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

In 2015, at the direction of the Licensing Committee, Worcestershire Regulatory Services carried out formal consultation on a number of proposed changes to the Council's policies and procedures relating to hackney carriage and private hire licensing.

The results of this consultation were reported back to the Licensing Committee for consideration in November 2015 when a number of amendments to the Council's policies and procedures relating to hackney carriage and private hire licensing were agreed.

The Licensing Committee are now asked to approve an updated version of the Council's Hackney Carriage and Private Hire Handbook, which has been amended to reflect the decisions taken by the Committee in November 2015.

2. RECOMMENDATIONS

Members are asked to RESOLVE to approve the amended Hackney Carriage and Private Hire Handbook at Appendix 1 to take effect on 1st April 2016.

3. KEY ISSUES

Financial Implications

- 3.1 The costs involved in carrying out the consultation and updating the handbook were met from existing budgets held by Worcestershire Regulatory Services.

LICENSING COMMITTEE

14th March 2016

Legal Implications

- 3.2 The Council's current policies in relation to the operation of Private Hire Licences and Hackney Carriage Licences are set out in the Taxi Handbook and associated guidance issued by the Council.

Service / Operational Implications

- 3.3 At its meeting held on 23rd March 2015 the Licensing Committee considered a report on some changes that were being considered in relation to the Council's existing policies and procedures for hackney carriage and private hire licensing.
- 3.4 These proposals originated from the Bromsgrove Taxi Association and had been discussed by the Committee in November 2014 after which trade forums were arranged in February and March 2015.
- 3.5 The Committee considered a summary of the general response to the proposals from the trade forums and resolved to instruct Worcestershire Regulatory Services to carry out formal consultation on the proposals under consideration.
- 3.6 The consultation exercise was commenced in late April 2015 and originally ran until 31st July 2015. Further consultation was then undertaken with Members of Bromsgrove Engagement and Equalities Forum until 9th October 2015.
- 3.7 The Licensing Committee considered the results of the consultation exercise at their meeting on 9th November 2015 and resolved to amend the Council's existing policies and procedures in a number of ways which can be summarised as follows:
- The Council will begin to offer three types of driver licence – hackney carriage, private hire and a combined hackney carriage and private hire licence.
 - All new applicants for licences to drive hackney carriage and/or private hire vehicles to undertake a driving standards test.
 - All new applicants for licences to drive hackney carriage and/or private hire vehicles to undertake an examination of their "essential skills" as part of their knowledge test.

LICENSING COMMITTEE

14th March 2016

- Any applicant who failed either knowledge test or essential skills test on three occasions would be barred from taking the test again for a further six months.
 - Any new or replacement hackney carriage vehicles must be under seven years old from the date of first registration on the day the application was made.
 - Removal of the requirement to carry a spare wheel if the vehicle has a suitable alternative method to enable a passenger's journey to continue in the event of a puncture.
- 3.8 In order to put into practise the decisions made by the Licensing Committee on 9th November 2015, officers have updated the Councils Hackney Carriage and Private Hire Handbook. The amended version of this can be seen at **Appendix 1**.
- 3.9 The amended version of the handbook has also been updated to reflect changes in the law since the last version was approved and to reflect up to date contact information for Worcestershire Regulatory Services.
- 3.10 Members are now asked to resolve to approve the new Hackney Carriage and Private Hire Handbook to come into effect on 1st April 2016.

4. RISK MANAGEMENT

- 4.1 The carrying out of consultation on the proposals under consideration was intended to mitigate any risks associated with changing the Council's policies without sufficient evidence to justify such changes.

5. APPENDICES

Appendix 1 – Amended Hackney Carriage and Private Hire Handbook

AUTHOR OF REPORT

Name: Dave Etheridge – Senior Practitioner (Licensing)
Worcestershire Regulatory Services

E Mail: dave.etheridge@worcsregservices.gov.uk

Tel: (01905) 822799

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Bromsgrove District Council

www.bromsgrove.gov.uk



Hackney Carriage and Private Hire Handbook

www.bromsgrove.gov.uk/licensing

Adopted from 1st April 2016

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Definitions used throughout this Handbook

The Council	Bromsgrove District Council
Authorised Officer	Head of Worcestershire Regulatory Services Licensing and Support Services Manager Senior Practitioner (Licensing) Technical Officer (Licensing)
The Owner	The person shown on the hackney carriage or private hire vehicle licence as the owner of the vehicle.
The Driver	The person to whom the Council has granted a licence to drive either hackney carriage vehicles and/or private hire vehicles.
The Vehicle	The subject of the hackney carriage or private hire vehicle licence to which conditions are attached.
Private Hire Vehicle	A licensed vehicle which can carry passengers for hire or reward, but only by being pre-booked through a licensed private hire operator. It may not stand on any taxi rank or ply for hire anywhere.
Hackney Carriage Vehicle	A licensed vehicle which can carry passengers for hire or reward, can be hailed by a prospective passenger and can stand on a rank to await the approach of passengers.
Private Hire Operator	Any person who is licensed in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle and manages, controls or allocates work to drivers through a central system or mobile telephone. The private hire operator's base must be located in the district of Bromsgrove.
Plate	The licence plate issued by the Council which must be displayed on the outside rear of the vehicle.
Nominated Garage	The Council's approved mechanical testing centre. The Depot, Sherwood Road, Aston Fields, Bromsgrove, B60 3EX.
Wheelchair Accessible Vehicle	A vehicle that enables a wheelchair user to remain in their wheelchair whilst entering and being conveyed in that vehicle. The vehicle must be fit for this purpose at all times and carry all necessary equipment.

EXPLANATORY NOTES

A Disclosure and Barring Service Vetting Form

The DBS vetting form must be completed by the applicant and then countersigned by a duly authorised person employed by the Council and registered with the DBS. This form will then be sent to the DBS. A licence will not be issued until the DBS has provided a certified reply. It is essential that you submit your DBS vetting form in sufficient time as the period for processing of these forms rests with the DBS and not the Council.

The procedure is as follows:

- The applicant must complete a DBS **enhanced** check form;
- The applicant attends one of the Licensing Surgeries, bringing the completed application form with proof of identification, such as passport, birth or marriage certificate and driving licence showing current name and address.
- An officer will sign the form to verify having seen the applicant's proof of identification.
- The applicant will need to pay the relevant fee, as the DBS charge for this service.
- The Council will send the form to the DBS

Only the applicant will receive the disclosure certificate (the DBS result). Therefore once this has been received, the applicant must bring the disclosure certificate to a Licensing Surgery to be checked by an officer. Please note that it can take at least 6-8 weeks for the disclosure certificate to be sent back. Your DBS application can be tracked online if you enter your form reference number at <https://www.gov.uk/disclosure-barring-service-check/tracking-application-getting-certificate>

If the applicant is already in possession of an enhanced DBS Certificate which is less than one month old at the time of making the application, then this will be accepted by the Council.

Likewise if the applicant has registered with the DBS Update Service, this process can be used as an alternative to applying for a new disclosure. Information on the DBS Update Service can be found here:

<https://www.gov.uk/dbs-update-service>

B DVLA Mandate

The applicant will complete a DVLA mandate form in order that the Council can have an up to date record of their driver licence records. Alternatively the applicant can share their driving licence details with the Council by creating and providing the Council with a DVLA checking code, which can be done using the following website <https://www.gov.uk/view-driving-licence>.

C DVLA Licence

The applicant must produce a full DVLA or EU Drivers Licence to cover them for the class of vehicle they will be driving. If it is a photocard licence, then the card should be produced showing the holder's current address.

D Passport Photographs

The applicant will provide two recently taken passport size photographs for their hackney/private hire driver licence. The photographs should be to the same criteria as for passport application.

E Fee

The fee to be paid will be determined each year by the Council as part of setting the Council's budget. The change will generally come into effect on 1 April each year.

Fees and charges for all licences are payable at the same time as making your application and are not refundable under any circumstances once the licence has been granted.

Full details of all current fees and charges are set out in a separate leaflet which accompanies this handbook. Cheques should be made payable to Bromsgrove District Council. Dishonoured cheques will invalidate any licence which has been issued. For licences to be re-instated, payment must be made in cash at the Customer Service Centre.

F Medical Authorisation

The Council's medical form, completed by a doctor, must be submitted on the initial application stating that the applicant is physically fit to be the driver of a hackney carriage/private hire vehicle. The examination will be to the DVLA Group 2 Medical Standard. Drivers between 45 & 64 years old must provide a medical certificate every five years for licence renewal. When a driver reaches the age of 65 years, a medical certificate is required annually on licence renewal.

G MOT certificates

The nominated garage will issue a Council pass certificate once the vehicle has passed the vehicle test. It is possible to also obtain a MOT Certificate, the nominated garage will need to be informed at the time of booking the vehicle test that one is required.

H Vehicle Registration Document (V5)

The full vehicle registration document should be submitted. However if this is not possible as the document has been forwarded to DVLA for the registered keepers name or address to be altered, then the "new keeper supplement" may be submitted instead. However a copy of the full vehicle registration document should be forwarded to the Licensing Section as soon as possible.

If the vehicle is brand new and the vehicle registration document has not yet been issued by DVLA, then the "Confirmation of Registration Details" document may be submitted instead. However a copy of the full vehicle registration document should be forwarded to the Licensing Section as soon as possible.

I Insurance Certificates

A valid insurance certificate or cover note must be submitted proving the vehicle is correctly insured. Hackney carriage vehicles need to be insured for "public hire use" whilst private hire vehicles need to be insured for "private hire use." The insurance should be valid for a period of no less than 14 days.

J Vehicle Inspection Certificates

Your vehicle must be confirmed as fit for use as a hackney carriage or private hire vehicle by the Council's nominated garage before it can be considered for licensing purposes.

INTRODUCTION

This guide has been written to advise and assist both new applicants and existing licence holders on how to apply for various licences relating to the operation of private hire and hackney carriage vehicles. This guide contains Council Policy which is used to determine applications; administrative procedures the Council follows when determining an application; the conditions attached to each type of licence; Hackney Carriage Byelaws together with a summary of legislation which affects the operation of each type of taxi licence.

The Council issues the following types of licences:

- Hackney Carriage Driver Licence
- Private Hire Driver Licence
- Dual drivers licence which allows the holder to drive both Hackney Carriage and Private Hire
- Hackney Carriage Vehicle Licence
- Private Hire Vehicle Licence
- Private Hire Operators Licence

This guide is not exhaustive and, if you are in any doubt, please refer to the legislation governing the licensing of private hire and hackney carriages vehicles, drivers and operators which can be found in:-

The Town Police Clauses Act (TPCA) 1847

The Local Government (Miscellaneous Provisions) Act 1976 (LGMPA)

The Transport Act 1985 (TA)

If you require further advice or assistance, please contact us at:

In writing:

The Licensing Section
Bromsgrove District Council
Parkside
Market Street
Bromsgrove
Worcestershire
B61 8DA

Telephone enquires:

01905 822799

Email: wrsenquiries@worcsregservices.gov.uk

Personal visits:

Can be made at the Customer Service Centre where a Customer Service Advisor will be able to help you. The Customer Service Centre is open Monday – Friday from 9.00am to 5.00 p.m., at Parkside, Market Street, Bromsgrove, B61 8DA.

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If you need to speak directly with a Licensing Officer, please can you arrange to attend one of the surgeries at the Customer Service Centre, they operate:

Tuesday from 1.30 p.m. to 3.00 p.m.

Wednesday and Friday from 9.30 a.m. to 11 a.m.

All application forms are available to request either by phone or email. You may also download these forms from the Council's website.

Guidance on completing these forms can be obtained by attending a licensing surgery at the Customer Service Centre, however officers cannot complete the forms for you.

You are required to ensure that you are familiar with the contents of this Handbook, that it is kept up to date and made available for inspection upon request by an authorised officer of the Council.

Data Protection

Bromsgrove District Council is under a duty to protect the public funds it administers. To achieve this, the Council may use the information you have provided for the prevention and detection fraud.

The Council may also share this information with other departments within the Council and other bodies administering or auditing public funds for the prevention and detection of fraud, the investigation of any criminal offence, or in the performance of its statutory duties for the exercise of public functions.

SECTION A – DRIVER’S LICENCE

APPLICATION FOR A DRIVER’S LICENCE AND BADGE

A Hackney Carriage driver’s licence authorises an individual to drive licensed Hackney Carriages.

A Private Hire driver’s licence authorises an individual to drive licensed Private Hire Vehicles.

The dual driver’s licence authorises an individual to drive both licensed Hackney Carriage and Private Hire Vehicles.

All driver licences issued by the Council are valid for three years from the date of grant unless the applicant has requested that their licence only lasts for one year from the date of grant.

It is Council Policy that the following minimum standards are achieved before making your application including renewals.

Criteria for Grant of Driver Licences:

- Applicants must be over 21 years of age and have the right to work in the United Kingdom.
- Applicants must hold a DVLA driver’s licence or an equivalent E.U. member state driving licence;
- Applicants should have at least 12 months driving experience in the relevant class of vehicle in the UK;
- Applicants must be able to demonstrate that they have good conversational English in order to be able to communicate with passengers. If officers have any concerns that the applicant cannot demonstrate good conversational English, the application will be referred to a Licensing Sub-Committee;
- New applicants for Hackney Carriage or Dual Driver licences must pass the Council’s Hackney Carriage knowledge and skills test before issue of licence;
- New applicants for Private Hire Driver licences must pass the Council’s Private Hire knowledge and skills test before issue of licence;
- All new applicants must pass a driving standards test conducted on the Council’s behalf by the Driver Training Team at Worcestershire County Council.
- New applicants with previous criminal convictions, cautions or pending criminal matters should refer to the Council’s Guidance Relating to the Relevance of Convictions and Cautions;
- New applicants should have no more than 6 current penalty points on their DVLA licence; The applicant will be required to complete a DVLA mandate or provide a DVLA licence checking code so the Council can obtain a copy of their current driving record;
- Applicants for renewal of licences should have no more than 9 current penalty points for motoring offences on their DVLA licence; The applicant will be required to complete a DVLA mandate or provide a

- DVLA licence checking code to obtain a copy of their current driving record;
- Applicants applying for a new or renewal licence shall be required to provide proof of their medical fitness by completing and submitting a medical certificate carried out by a GP under the DVLA Group 2 standards:
 - If aged 21-45 years a medical certificate will be required on the granting of an initial application;
 - Where the driver is aged between 45 and 64 years old, a medical certificate will be required every five years;
 - Where the driver is 65 years old or over, a medical certificate will be required annually.
 - New holders of driver licences are required to be awarded an NVQ Level 2 in Road Passenger Vehicle Driving or equivalent qualification within twelve months from the date of the grant of their initial licence.

Foreign Nationals and other persons who have lived aboard

If you are a foreign national and/or have lived abroad within the last twenty years for a period of 16 weeks or more, you will be required to produce a document from the relevant Government or Embassy of your country of origin, or last place of residence if more appropriate, which provides a comprehensive criminal record. This document must provide contact details for the Embassy or Government, in order that officers can verify its authenticity.

Any relevant offences will be put before the Council's Taxi Licensing Sub-Committee so that an informed decision can be made as to the suitability of the applicant, in the same way as any matters disclosed on a DBS check.

How to make your first application

The following stages set out the Council's administrative procedure in processing your application.

Step 1 – Attend Licensing Surgery with Documents

You must attend a licensing surgery in order to submit a completed application form, proof of identity, DVLA driving licence, two passport sized photographs and make payment of the appropriate fee.

If you are not a citizen of the United Kingdom, Switzerland or any another country in the European Economic Area (EEA), you will also need to provide original documentation to prove you have the right to work in the United Kingdom.

Step 2 – Knowledge and Skills Tests

Before you can proceed with your application for a driver's licence an appointment will be made for you to take the relevant knowledge and skills test.

Bromsgrove District Council covers a large and mainly rural area of 88 miles square and includes the villages of Wythall, Hollywood, Alvechurch, Barnt Green, Hagley and Stoke Prior. It is imperative that new applicants thoroughly research and have an excellent knowledge of the area before requesting a knowledge test appointment with the Licensing Officer.

The knowledge and skills tests consist of the following:-

Hackney Carriage Knowledge and Skills Test

- A number of questions that will assess the applicant's "essential skills" including basic mathematics, map reading, receipt writing etc.
- A number of questions whereby the applicant is required to identify the road or street on which general places of interest within the Council's area are located. These may include doctor's surgeries, schools, pubs, restaurants etc.
- A number of questions whereby the applicant is required to describe the shortest available route between two points in the Council's area.
- A number of questions regarding the Council's licensing policy, conditions and the law which are set out in this handbook.

Private Hire Knowledge and Skills Test

- A number of questions that will assess of the applicant's "essential skills" including basic mathematics, map reading, receipt writing etc.
- A number of questions whereby the applicant is required to identify the road or street on which key places on interest within the Councils area are located. These may include transport interchanges, hospitals, medical centres etc.
- A number of questions regarding the Council's licensing policy, conditions and the law which are set out in this handbook.

The pass mark for both tests is 80%. If you fail the test or any part of it at the first attempt, then you can take a further test at a later date subject to payment of the relevant fee.

If an applicant fails three knowledge and skills tests, they will not be allowed to take a further test for a period of six months.

Step 3 – DVLA and DBS Checks

- Your original DVLA or equivalent driver's licence (photocopies will not be accepted). The licence must cover you for the category of vehicle you will be driving. If it is a photo card licence, then the card must be produced showing your current address. (see explanatory note C).
- DVLA mandate form or valid DVLA licence checking code - applicants must provide their permission for the Council to undertake a check with the Driver and Vehicle Licensing Authority in order to obtain an up to date record of their driver licence history. (see explanatory note B).
- Disclosure and Barring Service application form and fee - a search is carried out via the DBS Service for previous criminal matters on all new applicants and then every 3 years. (see explanatory note 'A').

When completing the application form, you must declare all previous and pending criminal matters. Please note that the Rehabilitation of Offenders Act 1974 does not apply to taxi drivers and convictions are never spent. If you are in any doubt as to whether a licence will be granted, you can get advice (in confidence) from the Licensing Section. If you are unsure how to complete any part of the application the Licensing Section will provide assistance.

If any convictions or other criminal matters arise during the application process, the Licensing Section must be informed in writing within 7 days.

Step 4 – Medical and Driving Standards Assessments

Once you have submitted the documentation to allow a DVLA and DBS check to be undertaken, you can make arrangements with your GP to undergo a Medical Assessment. The Medical Assessment must be completed on the Council's prescribed form and applicants must meet the DVLA Group 2 Medical Standards.

You will also need to contact the Driver Training Team to arrange your Driving Standards Assessment. Contact details are provided at the back of this Handbook.

Step 5 – Determination of Application

Once you have returned your DBS disclosure certificate, completed Medical Assessment form and proof that you have passed the Driving Standards Assessment your application is complete and provided that officers do not have any concerns about your fitness to hold a licence, a licence can be issued to you.

If on receipt of the above documents, for any reason officers have any concerns about your fitness to hold a licence, your application cannot be granted and you can request that it be considered at a Licensing Sub-Committee.

Step 6 – Licensing Sub-Committee and Appeals (if applicable)

Under taxi licensing legislation, the Council has to ensure that anyone holding a licence is a 'fit and proper person'. Obviously, when all the checks and tests set out above are satisfactory then the applicant is judged to be 'fit and proper' and a licence is granted.

However, where there is any doubt as to whether the applicant is a 'fit and proper' person, officers are not able to grant or renew that application. In such circumstances the applicant can request to have their application determined by the Council's Taxi Licensing Sub-Committee. Such a request must be made in writing

Applicants are entitled to attend the meeting to explain the circumstances of their conviction (or other reason for referral) and speak in support of their application. They are entitled to be accompanied by a representative (whether they are legally qualified or not). Applicants are also entitled to bring along any other person in support of their application.

After considering the applicant's representations, the Sub-Committee will decide whether or not to grant the application. If the applicant is not satisfied with the decision of the Taxi Licensing Sub-Committee, there is a right of

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appeal to the Magistrates Court within 21 days of being notified in writing of the Sub-Committee's decision.

Step 7 – Obtaining an NVQ or Equivalent Qualification

New holders of driver licences are required to be awarded an NVQ Level 2 in Road Passenger Vehicle Driving or equivalent qualification within twelve months from the date of the grant of their initial licence.

APPLICATION TO RENEW A DRIVER'S LICENCE

You should apply for renewal of your licence whilst the existing one is still in force. If you submit your renewal application after your existing licence has expired you will not be authorised to drive licensed vehicles until a new licence has been issued to you. Furthermore you may be treated as a new applicant, so please ensure adequate time for renewal.

When renewing your licence you must submit the completed renewal application form, to a licensing surgery, together with the following supporting documentation:

- application form for DBS check (where applicable);
- medical report (where applicable);
- DVLA licence showing current address;
- DVLA mandate or valid DVLA licence checking code;
- licence fee;
- a recent passport sized photograph
- Certificate for the NVQ or equivalent qualification.

“UPGRADING” YOUR DRIVER'S LICENCE

If you hold a private hire driver's licence and wish to upgrade this to a hackney carriage or dual driver's licence you will need to pass the Council's Hackney Carriage Knowledge and Skills Test.

Once you have passed the test and on payment of the appropriate administration fee, your private hire driver's licence will be substituted for a hackney carriage or dual licence.

INFORMATION COMING TO LIGHT ABOUT A LICENCE HOLDER

If at any time when you are the holder a licence to drive hackney carriage and/or private hire vehicles, information comes to light that raises concerns about your fitness to hold such a licence, you will be referred to a Licensing Sub-Committee for consideration.

If it is considered that the information received indicates a risk to public safety, your licence may be suspended or revoked with immediate effect.

CONDITIONS RELATING TO DRIVER'S LICENCES

The Council reserves the right to amend the conditions relating to Hackney Carriage and Private Hire licensing in light of changing circumstances or changes in legislation. These conditions should be read in conjunction with the Council's Policy.

Failure to comply with the following conditions may result in the licence being suspended or revoked and/or lead to prosecution. A revoked or suspended licence must be surrendered to the Council on demand.

Copy of conditions

When you are driving a vehicle, you must have a copy of these conditions with you.

Driver's Licences

Every driver of a private hire car or hackney carriage must be licensed by the Council.

Driver's Badge

All drivers must wear the badge provided, when driving, in a position so as to be plainly visible. The badge need not be worn if:-

- (a) the vehicle is being used in connection with a wedding or a funeral;
- (b) the vehicle is carrying written permission by the Council that the badge need not be carried.

The driver shall upon the expiry, revocation or suspension of the licence immediately return the badge and licence to the Council.

Direct route

The most direct route shall be taken unless the hirer directs otherwise.

Your behaviour

- (a) You must offer and, if accepted, give passengers all reasonable help with their luggage, including conveying it to or from the entrance of any building, station or place at the time of pick up or set down.
- (b) You must always be clean and respectable in your dress and appearance, and you must always behave in a civil and orderly manner.
- (c) You must take all reasonable steps to make sure that your passengers are safe when they are using your vehicle, and when they are getting into or out of it.
- (d) You must not smoke in the vehicle at any time. When you have a passenger in the vehicle, you must not eat or drink in the vehicle without your passenger's permission.
- (e) When you have a passenger in the vehicle, you must not play a car radio or music system (except the radio which you use for arranging journeys), without your passenger's permission.

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- (f) You must never allow your radio or music system to be loud enough to annoy anyone, whether that person is inside or outside your vehicle.
- (g) You shall not sound your horn to announce your presence to the hirer.

Prompt Attendance

You shall be in attendance at the appointed pick-up at the time arranged, unless prevented by sufficient cause. A driver shall familiarise himself with the layout and whereabouts of all streets and roads in the district.

Passengers

- (a) Your vehicle must not carry more passengers than allowed by its licence, regardless of the age of any passenger carried.
- (b) The driver shall at all times comply with the latest legislation regarding the use of seat belts and restraints by all passengers including children and young persons.
- (c) When your vehicle has been hired by someone, you must not let anyone else get into the vehicle, unless the person who hired the vehicle has given permission.

Lost Property

You shall immediately after the termination of any hiring of the vehicle or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there.

Any property found if not returned to the hirer must be handed to the police within 48 hours of finding.

Receipts

Any passenger requesting a receipt for payment made will be provided with a receipt showing the date, fare paid and will be signed by you. It shall be in such a form as to identify the company and/or individual providing the receipt.

Insurance

You must make sure that any vehicle you drive has a valid Insurance Certificate or Cover Note.

Plying for Hire - Private Hire Vehicle

If you are driving a Private Hire Vehicle, you must not ply for hire, or do anything which might make anyone else think that you are plying for hire.

Taximeter

If the vehicle is fitted with a meter, the following conditions must be complied with:

- (a) The driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare. The fare must be properly illuminated during the hours of darkness or at any other time at the request of the hirer.

- (b) The driver shall not tamper with or permit any person to tamper with any taximeter with which the vehicle is provided, or with the fittings thereof or with the seals affixed thereto.
- (c) Vehicles fitted with a meter may not operate unless the meter is in working condition and has been checked and sealed by an authorised officer.
- (d) All vehicles fitted with a meter must display a current tariff card.

Plying for Hire - Hackney Carriage

If you are driving a Hackney Carriage, and you are on a Taxi rank, your vehicle must not be hired until it is the vehicle on the rank which has been there for the longest period and is in the front position on the rank. If at the time of arrival at the stand, there are no authorised spaces available, it will be necessary for you to proceed to another rank.

Fare to be demanded

Private Hire Vehicles – The driver shall not demand from any hirer, a fare in excess of any previously agreed fare for that hiring, or if the vehicle is fitted with a meter and there has been no previous agreement as to the fare, any fare greater than that shown on the taxi meter.

Hackney Carriages – The driver shall not demand from any hirer, any fare greater than that shown on the taxi meter. The meter must be calibrated to the current table of fares.

Animals

The driver may not carry his/her or an operator's animals whilst engaged in carrying a fare. If a passenger asks you to carry an animal, it is at your discretion whether or not you do so.

Assistance Dogs

You must not refuse to carry an assistance dog which is in the charge of a fare paying passenger and no charge shall be made for the carriage of such a dog whilst in the company of a disabled person or a person training such a dog.

Deposit of your licence

If you drive a vehicle which belongs to someone else, you must give your Hackney Carriage and Private Hire Driver's Licence to that person before you are allowed to drive the vehicle. Your Licence must be kept by that person until you stop driving their vehicle.

Change of circumstances

You shall notify the Council in writing within 7 days of:

- (a) Change in name or address;
- (b) Change in employer
- (c) Any convictions, motoring or otherwise (including fixed penalty), or any caution you have received.

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- (d) Any medical condition that may affect the ability to drive. A medical examination may be required.

Change of ownership

If the vehicle is sold, both the buyer and the seller must inform the Council of the details of the new owner in writing within 14 days of the sale.

DVLA Driving Licence

You must show your DVLA Driving Licence to any authorised officer of the Council who has asked to see it. You must do this within 5 days of the request being made.

SECTION B – VEHICLES

DO NOT PURCHASE A VEHICLE UNLESS YOU HAVE TAKEN ADVICE FROM A LICENSING OFFICER AND ARE SATISFIED THAT IT MEETS THE COUNCIL'S LICENSING REQUIREMENTS

HACKNEY CARRIAGE VEHICLES

This licence is valid for one year and entitles licensed drivers to use the vehicle to ply for hire on any of the Council's Hackney Carriage ranks or be hailed in the street. (Please note it does not entitle the driver to ply for hire or be hailed outside the District boundary).

The vehicle licence is only issued in the name of the actual owner of the vehicle. Proof of ownership will be required when making an application, such as producing the vehicle registration document.

Taxi ranks currently located within the District can be found at the following locations:

The Strand – outside Oceans Fish Bar	- two spaces
The Bus Station	- five spaces

Evening Ranks

Outside Golden Cross Hotel (7pm – 7am)	- three spaces
Worcester Road – outside Neales Garage (7pm – 7am)	- three spaces
Worcester Road Feeder Rank (11pm – 5am)	- seven spaces

PRIVATE HIRE VEHICLE

This licence is valid for one year and all hirings of the vehicle must be pre-booked through a licensed private hire operator. Private Hire Vehicles are not allowed to ply for hire at any of the Council's Hackney Carriage ranks or be hailed in the streets. Failure to adhere to this is an offence and could invalidate your insurance.

If you intend to operate a Private Hire business rather than obtain bookings via another licensed operator you will require your own Operators Licence, a licence for each vehicle operated and a driver's licence for each driver.

A Private Hire Licence is not needed:

- For a vehicle while it is being used in connection with a funeral or for a vehicle used wholly or mainly, by a funeral director, for funerals;
- For a vehicle whilst it is being used wholly or mainly in connection with a wedding.

Once a vehicle licence has been granted the vehicle remains a taxi until the licence expires or is revoked and only drivers licensed by Bromsgrove District Council may drive the vehicle.

A vehicle that is already licensed as a Taxi with another authority cannot be licensed by Bromsgrove District Council as the vehicle would be unable to meet this Council's policy and conditions of the vehicle licence.

There is no fixed limit to the number of either Private Hire or Hackney Carriage Vehicle Licences which can be issued by Bromsgrove District Council. Each application for a new licence is considered by the Licensing Section who acts under powers delegated by the Council. These powers enable the Licensing Section to grant hackney carriage/private hire vehicle licences where the vehicle fulfils Council Policy and the application procedure.

Council Policy relating to the type of vehicle permitted

All vehicles must pass a vehicle MOT test and inspection before a licence is granted as well as meeting the criteria as outlined below relating to the types of vehicles that are acceptable to the Council:

- (a) Must not be a convertible or similar specification vehicle;
- (b) Must be a four door saloon (or a passenger carrying estate car) or be a minibus or multi purpose vehicle and have not less than 4 road wheels;
- (c) Have a capacity for at least 4 adult passengers but must not exceed 8 passengers.
- (d) The vehicle must be right hand drive.
- (e) If the vehicle is licensed for the carriage of at least 5 passengers but no more than 8, then there must be fitted 2 separate uninterrupted access/exit doors (excluding the boot/rear tailgate) as well as without having the need to collapse or climb over the seats in front of them and sufficient space for luggage still leaving gangways clear. There must be no more than 9 seats fitted which includes the driver's seat.
- f) All vehicles being licensed for the first time must have a type approval certificate to M1 standards, European Whole Vehicle Approval or Low Volume Type Approval.
- g) Vehicles being licensed as a Hackney Carriage for the first time must be no more than 7 years older than the date of first registration when the application is made
- h) Vehicle licences for wheelchair accessible vehicles will not be renewed once a vehicle is over 12 years of age from the date of first registration.
- i) Vehicle licences for all other types of vehicles will not be renewed once a vehicle is over 10 years of age from the date of first registration. The age limit can be waived if the vehicle is special or prestigious as designated by the Licensing Officer.
- j) When a vehicle reaches 7 years of age from the date of first registration, it will be required to undergo a MOT test and vehicle inspection every six months.
- k) Any vehicle to be licensed for the first time, with the exception of special event vehicles, is NOT permitted to have a tint where they conceal the identity of the passenger inside. The Licensing Officer will examine a

vehicle prior to test to ensure that the level of tint on the windows does not conceal the identity of passengers inside the vehicle.

Condition of vehicle

The vehicle must be kept in exceptional condition to include the following:

- (a) **Paintwork** – all panels on the vehicle shall be painted in a manufacturer's standard colour. Panels with unmatched colours or primer should be deemed to be failures.
- (b) **Rust** – any vehicle presented should be free from any significant areas of visible rusting. Minor blemishes may be acceptable.
- (c) **Carpets/floor covering** – all carpets and floor coverings shall be complete and free from cuts, tears or serious staining. The interior must be kept tidy and free from litter.
- (d) **Window operation** – all opening windows must be in good working order.
- (e) **Interior trim** – all interior trim including the headlining shall be clean, properly fitted and free from serious cuts, tears or major soiling.
- (f) **Boot** – this should be clean, tidy and empty, except for the spare wheel and essential tools (where applicable), which should be in good working order. Means of securing luggage should also be provided. If the vehicle is an estate type, some equipment, such as a safety grill, must be carried and capable of being correctly fitted to make sure that things in the luggage section at the rear cannot slide forward into the passenger compartment. This equipment must be in situ at the time of the vehicle inspection at the test centre.
- (g) **Seats** –
 - A distance of 7 inches from the back of the seat in front (when in its rear-most position) to the front of the seat behind.
 - All seats in any vehicle must have a minimum of 16 inches per person and comply with the Road Vehicles (Registration and Licensing) Regulations. Each seat must be fitted with its own seat belt.
 - All seats including the driver's must be free from cuts, tears or cigarette burns except of a very minor nature. Any repairs must have been carried out in a professional and neat manner.
 - Fitted seat covers may be used.
 - In the case of a vehicle with removable seats, when seats have been removed to make way for wheelchairs, luggage or any other reason, the number of passengers authorised will be need to be reduced to match the total number of seats, including wheelchairs, provided that in no circumstances will the number of passengers authorised be greater than that on the licence.
 - Swivel seats must meet with Disability Discrimination Act requirements.
 - There shall be a nearside and offside door for each row of seats. If the vehicle is licensed for more than five passengers but no more than eight, then there must be fitted two separate uninterrupted access/exit doors excluding the boot and sufficient space for luggage still leaving gangways clear. It should also not be

necessary to have to tilt forward or to collapse the seat in front to exit the vehicle. There must be not more than nine seats fitted which includes the driver's seat.

Liquefied Petroleum Gas (LPG)

The following requirements will also apply to proprietors of vehicles presented as running on LPG when applying for the grant or renewal of a licence

- a) To ensure that the vehicle has been converted by or inspected and found safe by a UKLPG Approved Autogas Installer the vehicle must have been placed on the UKLPG Vehicle Register – see www.drivelpg.co.uk. If the vehicle is not on the register the owner should refer to UKLPG via www.drivelpg.co.uk
- b) That if a doughnut tank is fitted in the spare wheel well of the boot, the spare wheel must be securely fixed in a position not obstructing the entire luggage space;
- c) That the proprietor of the vehicle must have notified DVLA Swansea, of the change in fuel from petrol to both LPG and petrol;
- d) That the vehicle be serviced every 12 months by a person competent in LPG powered vehicles as evidenced by service invoice.

Special Events Vehicle (limousines with left hand drive)

- a) Seating capacity to be a minimum of 6 and a maximum of 8.
- b) Seat belts to be provided for all passengers.
- c) All vehicles to have full Department of Transport type approval.
- d) Vehicles to be put through a normal M.O.T. test and then to be brought to the Council Depot for checking and testing of items which are in the Council's test, but not in the M.O.T. test.
- e) These vehicles to be exempt from displaying licence identity plates on the outside, but to display an identity plate inside the driver's compartment and to carry a letter of dispensation.

APPLICATION FOR EITHER A PRIVATE HIRE OR HACKNEY CARRIAGE VEHICLE LICENCE

How to make your first application and/or subsequent renewal applications

You must complete the Council's application form. The application form must be submitted to the Customer Service Centre or by post to the address shown at the front of this handbook, together with the following supporting documentation:

- Full vehicle registration document (V5 Form) or 'new keeper supplement' or 'confirmation of registration details'. In the case of the latter two, a copy of the full vehicle registration document must be forwarded to the Licensing Section as soon as possible. The registration document must be in the name of the applicant and showing the correct address. (see explanatory Note H)
- Insurance Certificate. Hackney Carriage vehicles need to be insured for 'Public Hire', whilst Private Hire must to be insured for 'private hire'. Photocopies will not be accepted. (see explanatory Note I)
- Licence Fee (see explanatory note E).
- Type approval certificate (where necessary)
- A vehicle to be licensed for the first time must be inspected by an officer at a Licensing Surgery prior to the application being made to ensure that it meets with Council Policy.

MOT and vehicle inspection

All vehicles are required to undergo a MOT test and vehicle inspection before a licence is issued and thereafter on an annual basis when the licence falls due for renewal. However when a vehicle reaches 7 years of age from the date of first registration, it will be required to undergo a MOT test and vehicle inspection every six months.

Vehicles are inspected at the Council's nominated garage.

Having obtained a Council pass certificate following the vehicle MOT test and inspection by the Council's nominated garage, this should be taken immediately to the Customer Service Centre. Your application can then be processed and a licence and plate will be issued.

You are also asked to note that appointments are not interchangeable between vehicles. The only vehicle which will be accepted for testing at the nominated garage is the vehicle for which the appointment is made.

The Council's nominated garage is:

Depot Services, Sherwood Road, Aston Fields, Bromsgrove, B60 3EX
01527 881188

Please contact the depot directly to make an appointment.

If your vehicle fails the test, then you will be provided with a copy of the failure report. Re-test appointments are booked through the nominated garage, a fee may be applicable in line with the charges set out by the Department of Transport MOT regulations. Details are available from the nominated garage.

Vehicle Spot Fitness Checks

From time to time your vehicle may be subject to a spot check. The check will be carried out either by the Police, the Council's officers, the Council's nominated garage, or the Driver and Vehicle Standards Agency (DVSA). Spot tests are normally carried out at the roadside. If your vehicle does not pass the spot check, then your vehicle licence will be suspended and your plate may be removed. This suspension may be either immediate or deferred. The type of action taken will depend upon the severity of the defects that have been discovered and will be communicated to you by way of a suspension notice.

Deferred Suspension

This means that, in the opinion of the enforcement officer, the defects are not sufficiently serious to warrant the immediate suspension of your vehicle licence. If this happens, you will be given a deferred suspension notice. The issue of this notice means that you have ten days in which to remedy the defects mentioned in the notice. You may use the vehicle in the interim period. However, if the vehicle has not been re-examined and the suspension notice lifted by the Licensing Officer by the date given on the notice, then from that date the licence is automatically suspended.

Immediate Suspension

This means that your vehicle cannot be used under any circumstances as a licensed vehicle until it has been re-examined and the suspension notice lifted by the Licensing Officer. Re-examination is by a full test being carried out at the nominated garage. If your vehicle licence is immediately suspended, the Licensing Officer will hand you a notice of suspension.

Issue of Licence

A vehicle may not be used as a hackney carriage or private hire vehicle until the relevant application has been processed and the licence granted and issued.

Vehicles are licensed to carry up to a specified number of passengers. The licence plate must be affixed to the outside rear of the vehicle and the 'mini' plate to be fixed to the passenger side on the inside of the windscreen. This specifies the number of passengers that can be carried.

Renewal of a Vehicle Licence

Renewal applications and vehicle MOT/inspection bookings for the renewal of the vehicle licences must be made at least 14 working days prior to the expiry of the existing licence to ensure there is no time when the vehicle is not licensed and therefore not able to be used. This will also reduce any delay in the issue of the vehicle plates.

Late renewals

If a vehicle licence is allowed to expire, and no application has been received to renew the licence within 14 days, the vehicle will be treated as if it has not been licensed before and will have to meet the Council's policy for a vehicle being licensed for the first time.

If an applicant applies for renewal of a vehicle licence after their previous licence has expired, even if this licence has only expired by one day, the driver will not be permitted to continue using the vehicle as a hackney carriage or private hire vehicle until the application has been processed and the new licence granted and issued.

Transfer of Ownership

If you wish to transfer your interest in a vehicle, you will need to notify the Licensing Officer within 14 days from the date of sale. The application to transfer must be made by the new owner within 14 days from the date of purchase and be accompanied by a valid certificate of insurance, vehicle registration document and the transfer fee. If everything is in order, the transfer can take effect and the licence will be issued for the remaining time of the previous licence. If the vehicle is disposed of then the vehicle licence and plates must be returned to the Council within 7 days. No refund of the licence fee will be given if the vehicle is disposed of.

Change of vehicle

If for any reason a vehicle needs to be changed before the expiry of the licence, the licence holder has the following options once they have made an application to licence a new vehicle accompanied by the required documentation and arranged for the vehicle to be inspected by the Licensing Officer and subsequently the nominated garage:

Option 1

Pay the administration fee set by the Council to have the new vehicle licence issued for the remaining time left on the previous licence.

Option 2

Pay the full fee for a new vehicle licence to have a licence issued for 12 months.

You may wish to discuss these options with the Licensing Officer before proceeding.

Taxi Meters in Vehicles

The Council at this time does not require private hire vehicles to be fitted with a taxi meter, but if such a meter is fitted, it must be correctly calibrated, tested and sealed. All Hackney Carriage vehicles must be fitted with a taxi meter which must be calibrated in accordance with the Council's approved table of

fares. The meter will then be tested as part of the vehicle inspection. The table of fares is to be displayed at all times in a Hackney Carriage vehicle.

The table of fares is reviewed by the Council's Licensing Committee and all Hackney Carriage owners are consulted prior to a decision being made.

Accidents

Any accident materially affecting the safety, performance or appearance of a hackney carriage or private hire vehicle must be reported by the proprietor to the Council within 72 hours. (This is in addition to any requirement to notify the Police).

- If a replacement vehicle is to be licensed, the licence plates must be removed from the damaged vehicle and returned to the Council.
- The replacement vehicle must meet the vehicle criteria and be presented to the Licensing Officer (by appointment) with an application form, confirmation of insurance and licence fee. This is usually organised by the insurance rental company. The vehicle will also need to be tested at the Council's nominated garage in the normal way.

When the repairs to the vehicle have been completed the plate will be reissued once the vehicle has been inspected and passed fit by the Council's nominated garage.

Complaints

Any complaint made about a vehicle may result in the vehicle being called in for inspection by an authorised officer. The vehicle must be presented with all documents within one working day from the time the owner/driver/proprietor is informed.

CONDITIONS ATTACHED TO THE ISSUE OF A PRIVATE HIRE VEHICLE LICENCE

The Council reserves the right to amend the conditions relating to Hackney Carriage and Private Hire licensing in light of changing circumstances or changes in legislation. These conditions are not to be treated as exhaustive.

Failure to comply with the following conditions may result in the licence being suspended or revoked and/or lead to prosecution. A revoked or suspended licence must be surrendered to the Council on demand.

Appearance of the vehicle

You must always keep your vehicle, and all its fittings and equipment, in an efficient, safe, tidy and clean condition. Your vehicle must comply with all legal requirements, in particular the requirements of the current Motor Vehicles (Construction and Use) Regulations.

The vehicle must have been issued with a pass certificate by the Council's nominated garage.

Alterations to Your Vehicle

You must not alter your vehicle, or change its specification, design, condition or appearance, unless you have obtained the Council's approval to the changes first.

Trailers

If you intend to use a trailer with your vehicle to carry passengers' luggage, the trailer must be inspected by the Council before you first use it and then once a year after the first inspection. The trailer must conform to the appropriate BSI standard. When used for the carrying of luggage, the trailer must be covered with a waterproof cover to prevent water getting in to the luggage. You must carry a spare wheel for the trailer and enough tools to enable a wheel to be changed.

Equipment in the Vehicle

Your vehicle must carry, at all times:-

- (a) a fire extinguisher; and either
- (b) a spare wheel and enough tools to enable a wheel to be changed; or
- (c) for vehicles which are not manufactured so as to carry a spare wheel, the manufacturers supplied method of repairing a puncture at the roadside so as to enable a passenger's journey to continue safely.

The vehicle registration number must be marked on A and B above, using an indelible marker.

The fire extinguisher must be kept somewhere where it is clearly visible and can be easily reached if there is an emergency and must be marked with the vehicle's registration number, using an indelible marker.

You must maintain all this equipment properly. The fire extinguisher must be a vaporising liquid or dry powder type and comply with the current BSI standard and be periodically replaced at the required date.

Change of Address and change of vehicle ownership

If you change your home address, you must notify the Licensing Officer in writing, within 7 days of the change. If a vehicle is sold, both the buyer and seller must inform the Council of the details of the new owner in writing within 14 days of the sale.

Identification Plate

The Private Hire Licence Plate which is supplied by the Council must be affixed to the rear of the vehicle and must be clearly visible at all times. The mini-plate must be fixed to the passenger side on the inside of the windscreen of the vehicle, so that all the particulars on them are clearly visible to anyone getting into the vehicle.

Should either the plate or the mini-plate become damaged in any way, a replacement is available from the Council, upon payment of the required fee.

Dual Plating

No vehicle may be licensed if it is already licensed by another Council.

Accidents and Damage

Accidents resulting in damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried shall be reported to the Licensing Officer within 72 hours of the accident occurring.

Insurance Cover

The owner of the vehicle must ensure that if another driver uses the licensed vehicle at any time, adequate insurance must be produced to the Council.

You must produce to the Council, at the Customer Service Centre, a new Insurance Certificate or Cover Note for your vehicle at least 24 hours before the previous Insurance Certificate or Cover Note expires.

You must tell the Council immediately about the cancellation of any Insurance Certificate or Cover Note or about any significant changes in the extent of the insurance cover for your vehicle.

Transporting wheelchair users

This condition is only applicable to vehicles which comply with the conditions of fitness as prescribed by regulations made under the Equality Act 2010.

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- (a) A vehicle complying with the specifications required by the Act must be designed or adapted to carry at least one passenger who is seated in a wheelchair.
- (b) There must be sufficient space between the front of the rear seat and any partition for an occupied wheelchair to turn;
- (c) There must be sufficient space for a wheelchair to travel facing forwards or rearwards;
- (d) All wheelchair accessible vehicles shall be equipped with properly mounted fittings for the safe securing of a wheelchair and the passenger seated in it, when carried inside the vehicle;
- (e) Anchorage provided for wheelchair access must be either chassis or floor linked. Restraints for wheelchair and occupant must be independent of each other. Anchorage must be provided for the safe stowage of a wheelchair when not in use when folded or otherwise, if carried within the passenger compartment;
- (f) Wheel ramps must be carried in the vehicle at all times and stowed safely when not in use;
- (g) Any swivel seat fitted must meet the requirements of regulations made under the Equality Act 2010.

Taxi Ranks

A private hire vehicle must not stop on an appointed rank at any time.

Any private hire vehicle that gives the appearance that it is available for immediate hiring commits an offence.

No more than two private hire vehicles may congregate in any one location giving the appearance that they are forming a rank and may be plying for hire, except at the office location of the operator for whom they work.

Signage and Advertising

A sign consisting of the word "TAXI" or "CAB" or "FOR HIRE" or similar words is prohibited. Roof signs are also prohibited.

No signs, advertisements, letters or numbers to be visible inside or outside the vehicle with the exception of the following:

- Signs, letters or numbers required by law;
- Any vehicle licence plate issued by the Council;
- A sign giving the company/operator name and telephone number on the front and rear doors (following approval from the Licensing Section);
- All private hire vehicles must display on the front doors of their vehicle the words "Advance bookings only".
- Sign indicating membership of a national motoring organisation;
- Sign requesting passengers not to smoke in the vehicle;
- Tariff card (if a meter is fitted);
- Any sign provided by Worcestershire County Council to show that the vehicle is used for School Contracts;
- Any sign to indicate that CCTV is in use in the vehicle;

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- The display of advertising material is permitted, providing that it is legal and complies with the codes set down by the Advertising Standards Authority and has been viewed and approved by the Licensing Officer. As a general rule, advertisements for alcohol or tobacco products or are of a sexual nature are not permitted as well as anything that is likely to cause offence are insulting or abusive. The advertisement must not be placed on the windows.

Liquefied Petroleum Gas (LPG)

If you are converting your licensed vehicle to run on Liquefied Petroleum Gas (LPG) you must notify the Council of such a change and it must comply with the Council's Policy as set out above.

Radio transmitters/receivers

All radio equipment fitted to the vehicle must be well maintained, appropriately licensed.

CONDITIONS ATTACHED TO THE ISSUE OF A HACKNEY CARRIAGE VEHICLE LICENCE

The Council reserves the right to amend the conditions relating to Hackney Carriage and Private Hire licensing in light of changing circumstances or changes in legislation. These conditions are not to be treated as exhaustive.

Failure to comply with the following conditions may result in the licence being suspended or revoked and/or lead to prosecution. A revoked or suspended licence must be surrendered to the Council on demand.

If you do not understand anything, ask for help. Not understanding is not an acceptable excuse for breaking the Council's conditions or the law.

Appearance of the vehicle

You must always keep your vehicle, and all its fittings and equipment, in an efficient, safe, tidy and clean condition. Your vehicle must comply with all legal requirements, in particular the requirements of the Motor Vehicles (Construction and Use) Regulations.

The vehicle must have been issued with a pass certificate by the Council's nominated garage.

Alterations to Your Vehicle

You must not alter your vehicle, or change its specification, design, condition or appearance, unless you have obtained the Council's approval to the changes first.

Trailers

If you intend to use a trailer with your vehicle to carry passengers' luggage, the trailer must be inspected by the Council before you first use it and then once a year after the first inspection. The trailer must conform to the appropriate BSI standard. When used for the carrying of luggage, the trailer must be covered with a waterproof cover to prevent water getting in to the luggage. You must carry a spare wheel for the trailer and enough tools to enable a wheel to be changed.

Equipment in the Vehicle

Your vehicle must carry, at all times:-

- (a) a fire extinguisher; and either
- (b) a spare wheel and enough tools to enable a wheel to be changed; or
- (c) for vehicles which are not manufactured so as to carry a spare wheel, the manufacturers supplied method of repairing a puncture at the roadside so as to enable a passenger's journey to continue safely.

The vehicle registration number must be marked on A and B above, using an indelible marker.

The fire extinguisher must be kept somewhere where it is clearly visible and can be easily reached if there is an emergency and must be marked with the vehicle's registration number, using an indelible marker.

You must maintain all this equipment properly. The fire extinguisher must be a vaporising liquid or dry powder type and comply with the current BSI standard and be periodically replaced at the required date.

Change of Address and change of vehicle ownership

If you change your home address, you must notify the Licensing Officer in writing, within 7 days of the change. If a vehicle is sold, both the buyer and seller must inform the Council of the details of the new owner in writing within 14 days of the sale.

Identification Plate

The Hackney Carriage Licence Plate which is supplied by the Council must be affixed to the rear of the vehicle and must be clearly visible at all times. The mini-plate must be fixed to the passenger side on the inside of the windscreen of the vehicle, so that all the particulars on them are clearly visible to anyone getting into the vehicle.

Should either the plate or the mini-plate become damaged in any way, a replacement is available from the Council, upon payment of the required fee.

Dual Plating

No vehicle may be licensed if it is already licensed by another Council.

Accidents and Damage

Accidents resulting in damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried shall be reported to the Licensing Officer within 72 hours of the accident occurring.

Insurance Cover

The owner of the vehicle must ensure that if another driver uses the licensed vehicle at any time, adequate insurance must be produced to the Council.

You must produce to the Council, at the Customer Service Centre, a new Insurance Certificate or Cover Note for your vehicle at least 24 hours before the previous Insurance Certificate or Cover Note expires.

You must tell the Council immediately about the cancellation of any Insurance Certificate or Cover Note or about any significant changes in the extent of the insurance cover for your vehicle.

Transporting wheelchair users

This condition is only applicable to vehicles which comply with the conditions of fitness as prescribed by regulations made under the Equality Act 2010.

- (a) A vehicle complying with the specifications required by the Act must be designed or adapted to carry at least one passenger who is seated in a wheelchair.
- (b) There must be sufficient space between the front of the rear seat and any partition for an occupied wheelchair to turn;
- (c) There must be sufficient space for a wheelchair to travel facing forwards or rearwards;
- (d) All wheelchair accessible vehicles shall be equipped with properly mounted fittings for the safe securing of a wheelchair and the passenger seated in it, when carried inside the vehicle;
- (e) Anchorage provided for wheelchair access must be either chassis or floor linked. Restraints for wheelchair and occupant must be independent of each other. Anchorage must be provided for the safe stowage of a wheelchair when not in use when folded or otherwise, if carried within the passenger compartment;
- (f) Wheel ramps must be carried in the vehicle at all times and stowed safely when not in use;
- (g) Any swivel seat fitted must meet the requirements of regulations made under the Equality Act 2010.

Council Car Parks

A Hackney Carriage vehicle must not be used to ply for hire from any of the Council's car parks, unless you have got the Council's permission first.

Taxi Fares

You must make sure that the fare charged for a journey in the vehicle, when it is hired as a Hackney Carriage, is exactly the fare laid down in the Council's Fares Table. The taximeter must be used at all times, even if a fare has been agreed in advance with the passenger to ensure that no more than the prescribed fare is charged.

Signage and Advertising

No signs, advertisements, letters or numbers to be visible inside or outside the vehicle with the exception of the following:

- Signs, letters or numbers required by law;
- Any vehicle licence plate issued by the Council;
- A sign giving the company/operator name and telephone number on the front and rear doors (following approval from the Licensing Section);
- Sign indicating membership of a national motoring organisation;
- Sign requesting passengers not to smoke in the vehicle;
- Tariff card (if a meter is fitted);
- Any sign provided by Worcestershire County Council to show that the vehicle is used for School Contracts;

- Any sign to indicate that CCTV is in use in the vehicle;
- The display of advertising material is permitted, providing that it is legal and complies with the codes set down by the Advertising Standards Authority and has been viewed and approved by the Licensing Officer. As a general rule, advertisements for alcohol or tobacco products or are of a sexual nature are not permitted as well as anything that is likely to cause offence are insulting or abusive. The advertisement must not be placed on the windows.

Liquefied Petroleum Gas (LPG)

If you are converting your licensed vehicle to run on Liquefied Petroleum Gas (LPG) you must notify the Council of such a change and it must comply with the Council's Policy as set out above.

Radio transmitters/receivers

All radio equipment fitted to the vehicle must be well maintained, appropriately licensed.

Roof Signs

All vehicles shall be fitted with an illuminated roof sign showing only the words in black lettering 'Taxi'. The sign must be illuminated when the vehicle is plying for hire and must comply with any requirements of vehicle lighting regulations at all times. When the vehicle is hired and the meter engaged, the roof sign must no longer be lit.

Taxi Meters

All Hackney Carriage vehicles must be fitted with a taxi meter which must be calibrated in accordance with the Council's approved table of fares. All meters installed must be Public Carriage Office and British Standards Institute approved.

The meter must be switched on immediately before the journey commences and not before. The meter must not be engaged whilst loading a passenger or their luggage into the vehicle. The meter must be kept running until the end of the journey and must not be left running whilst unloading a passenger or their luggage.

Unless directed otherwise by the hirer, a driver must take the most direct available route to the required destination.

Taxi Fares

You must make sure that the fare charged for a journey in the vehicle, when it is hired as a Hackney Carriage, is exactly the fare laid down in the Council's Fares Table. The tariff incorporating any fixed surcharges may only operate during the times specified on the table of fares.

HACKNEY CARRIAGE BYELAWS

Made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the District Council of Bromsgrove with respect to hackney carriages in Bromsgrove.

Interpretation

Throughout these byelaws “the Council” means the District Council of Bromsgrove and “the District” means the District of Bromsgrove.

Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed

- (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto:
- (b) A proprietor or driver of a hackney carriage shall:-
 - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided

The proprietor of a hackney carriage shall:-

- (a) provide sufficient means by which any person in the carriage may communicate with the driver;
- (b) cause the roof or covering to be kept water-tight;
- (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
- (d) cause the seats to be properly cushioned or covered;
- (e) cause the floor to be provided with a proper carpet, mat, or other suitable covering
- (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
- (g) provide means for securing luggage if the carriage is so constructed as to carry luggage; and
- (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
- (i) provide at least two doors for the use of persons conveyed in such a carriage and a separate means of ingress and egress for the driver.

Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments and determining whether such drivers shall wear any and what badges

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A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.

The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage a greater number of persons than the number of person specified on the plate affixed to the outside of the carriage.

If a badge has been provided by the council and delivered to the driver of a hackney carriage he shall when standing or plying for hire, and when hired, wear that badge in such a position and manner as to be plainly visible.

The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:-

- (a) convey a reasonable quantity of luggage;
- (b) afford reasonable assistance in loading and unloading; and
- (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

Provisions fixing the rates or fare to be paid for hackney carriages within the District and securing the due publication of such fares

The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time. Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance, the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

- (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by Council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully nor negligently

cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriage, and fixing the charges to be made in respect thereof

The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may be accidentally left therein.

The proprietor or driver of a hackney carriage shall if any property is accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:-

- (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the Customer Service Centre, Parkside, Market Street, Bromsgrove and leave it in the custody of an authorised officer of the Council on his giving a receipt for it; and
- (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the police station, whichever be the greater) but not more than five pounds.

Penalties

Every person who shall offend against any of these bylaws shall be liable on summary conviction to a fine not exceeding £100 and in the case of a continuing offence to a further fine not exceeding £2 for each day during which the offence continues after conviction thereof.

SECTION C – PRIVATE HIRE OPERATOR

APPLICATION FOR A PRIVATE HIRE OPERATOR LICENCE

A person wishing to operate private hire vehicles requires a licence from the Council to do so. To “operate” means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle, whether or not you own the vehicle.

As a licensed private hire operator, you would be able to accept bookings for any number of private hire vehicles providing all drivers and vehicles are licensed by the same Council.

Bookings can be accepted from hirers both inside and outside the district.

Council Policy relating to a Private Hire Operator’s Licence

- (a) Applicants must be able to demonstrate that they have good conversational English in order to be able to communicate with hirers. If officers have any concerns that the applicant cannot demonstrate good conversational English, the application will be referred to a Licensing Sub-Committee.
- (b) Applicants must be over 21 years of age.
- (c) Applicants for a new licence should be free from previous convictions and cautions, other than for minor traffic offences. Please refer to separate guidance relating to the relevance of convictions.
- (d) Applicants for renewal of licences should be free from new convictions and cautions, since the date of the last grant of their licence, other than for minor traffic offences.

Those who do not meet Council Policy

Officers cannot grant applications for licences to those applicants who do not meet the above criteria. An applicant who does not meet the above criteria may request to have their application determined by the Taxi Licensing Sub-Committee. The Taxi Licensing Sub-Committee will have regard to the guidelines relating to the relevance of convictions.

The licence, if granted, is valid for a period of 5 years unless the applicant has requested that the licence only lasts for one year. All licences are issued subject to conditions.

Premises used in connection with private hire operations may require planning consent. Enquiries about planning should be made to the Development Control Section, at Bromsgrove District Council.

Making an initial application

To apply for a licence to operate private hire vehicles the completed application form should be submitted with the following documents:

- A completed application form
- A DBS application, if applicable (see explanatory note A). If the applicant for an operator licence is already a licensed hackney carriage/private hire driver with the Council, no DBS Disclosure application form needs to be submitted.
- The application fee (see explanatory note E).

The completed application form together with the above documents and fee must be submitted to the Customer Service Centre, Parkside, Market Street, Bromsgrove, B61 8DA or posted to the address at the front of this guide.

INCOMPLETE APPLICATIONS WILL BE RETURNED.

If an applicant is unsure about how to complete any part of the application, he/she should ask for advice from a Council Licensing Officer.

RENEWING A PRIVATE HIRE OPERATOR'S LICENCE

Responsibility for renewal of the operator licence rests solely with the licence holder.

The application procedure for renewal is the same as the procedure for an initial application, with the exception of the DBS application which will need to be renewed every 3 years.

Renewal of Licence

The Operator shall at least 21 days prior to the date of when the licence is due to expiry, make application to the Licensing Section for a renewal.

CONDITIONS ATTACHED TO THE ISSUE OF A PRIVATE HIRE OPERATOR'S LICENCE

The Council reserves the right to amend the conditions relating to Hackney Carriage and Private Hire licensing in light of changing circumstances or changes in legislation. These conditions are not to be treated as exhaustive.

Failure to comply with the following conditions may result in the licence being suspended or revoked and/or lead to prosecution. A revoked or suspended licence must be surrendered to the Council on demand.

Records

You must keep records of your business either in a book or on a computer – this is required by law (Section 56 of the Local Government (Miscellaneous Provisions) Act 1976.) If you use a book, then you must number the pages consecutively. If you use a computer, then you must make security copies of your records each day, in a way approved by the Council.

You must keep two kinds of records:- (a) for journeys and (b) for vehicles and drivers

Journeys

Before each journey begins, you (or somebody who is working for you) must enter the following details of the journey in the book or on the computer:-

- (a) the date and time at which the booking is made;
- (b) the name and address of the person hiring the vehicle;
- (c) the time and date of the pick-up;
- (d) the place of the pick-up;
- (e) the destination;
- (f) the registration number or call sign of the vehicle which is going to do the pick-up;
- (g) details of any sub-contract.

Vehicles and Drivers

You must also keep records of all the vehicles and drivers who are operated by you. These details must include:-

- (a) the vehicle registration number and any call sign of the driver;
- (b) the name and address of the owner of each vehicle;
- (c) the name and address of each driver;
- (d) details of the Private Hire Vehicle Licence including the expiry date;
- (e) Copy of the current insurance document;
- (f) details of the Private Hire Driver's licence number and date of expiry;
- (g) date the driver started working for that operator;
- (h) date the driver ceased working for that operator;
- (i) details of the drivers DVLA licence.

You must keep all your records for at least 12 months following the date of the last entry and you must make them readily available for inspection by one of the Council's Authorised Officers or by a Police Officer. If you keep your records on computer you must, if required to do so by the Council's Authorised Officer or by a Police Officer, provide a print out of any of the details listed above. If, for any reason, you do not have the records at the time such a request is made, you must tell the Council's Authorised Officer or the Police Officer where they are.

Responsibility for Hirings

Every hiring of a hire car is deemed to have been made with the operator who accepted the booking, whether or not he himself provided the vehicle. Operators are therefore directly responsible for the acts or omissions of drivers or proprietors used by them and must therefore ensure that all vehicles and drivers are licensed and insured.

Standard of Service

The Operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times, in particular:

- (a) 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, arrive on time at the appointed place.
- (b) Keep clean, safe, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting;
- (c) Ensure that any waiting area provided by the operator has adequate seating facilities;
- (d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly;
- (e) Ensure that any radio equipment complies with all current codes of practice and legal requirements as to its usage;
- (f) Be in charge of the daily operation of the business;
- (g) The operator shall instruct their drivers not to sound the horn to announce their arrival to the hirer.
- (h) The operator must advise the Council of any changes of drivers within seven days.

Convictions

The operator shall within seven days disclose to the Council in writing details of any conviction imposed on him (or in the event of a partnership, on any of the partners) during the period of the licence.

Change of address or sale of business

The Operator shall inform the Licensing Section in writing within seven days of any change of the Operator's address or the sale of the business.

Avoidance of Nuisance

The Operator shall operate the business in a manner which does not cause any nuisance to the public at large or to person in occupation of the premises adjoining or adjacent to the premises at which he keeps the vehicles when not in use. Any necessary consents (including planning permission) shall be held by the Operator.

SECTION D – OTHER RELEVANT LEGAL INFORMATION

The licensing of hackney carriage and private hire vehicles, drivers and operators is mainly governed by Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. These pieces of legislation create a number of criminal offences which if committed, could lead to prosecution in the Magistrates' Court.

There are also Byelaws adopted by the Council in respect of Hackney Carriages. Offenders against these Byelaws are liable on summary conviction to a maximum penalty of a £500 fine.

Persons convicted of offences under either Act may also have their licences suspended, revoked or not renewed.

Driving of Licensed Vehicles

A licensed hackney carriage or private hire vehicle can only be driven by someone who holds a licence to drive that type of vehicle, that has been issued by the same Council that licences the vehicle.

This is the case regardless of the purpose for which the person was driving the vehicle at the time. This means, for example, that a vehicle licensed by the Council to be used as a private hire vehicle cannot be driven by the spouse or other relative of a licence holder for social and domestic purposes, unless they have also been issued a licence by the Council to drive private hire vehicles.

Removing the vehicle licence plate and any signage displayed on the roof or bodywork of the vehicle does not make a difference as the vehicle remains a licensed vehicle until such time as the licence has expired or has been surrendered, suspended or revoked.

A person driving a licensed vehicle without the appropriate drivers licence would also be very likely to invalidate any insurance policy held in relation to the vehicle and therefore may also be committing further offences of driving without insurance.

Carrying Assistance Dogs

Hackney Carriages

Under the terms of the Equality Act 2010, drivers of hackney carriage vehicles that have been hired by or for a disabled person who is accompanied by an assistance dog, or by another person who wishes to be accompanied by a disabled person with an assistance dog, must:

- (a) carry the disabled person's dog and allow it to remain with that person;
- (b) not make any additional charge for doing so

Private Hire Vehicles

The operator of a private hire vehicle commits an offence by failing or refusing to accept a booking for the vehicle

- (a) if the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and
- (b) the reason for the failure or refusal is that the disabled person will be accompanied by an assistance dog.

The operator also commits an offence if they make an additional charge for carrying an assistance dog which is accompanying a disabled person.

The driver of a private hire vehicle commits an offence by failing or refusing to carry out a booking accepted by the operator—

- (a) if the booking is made by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and
- (b) the reason for the failure or refusal is that the disabled person is accompanied by an assistance dog.

Failure to comply with these duties is an offence and will also put a driver's licence to drive hackney carriage and/or private hire vehicles at risk of suspension or revocation.

An exemption from these duties is available for drivers on medical grounds only. There is no exemption from these duties available on cultural or religious grounds.

The exemption only applies if the driver has applied for and been issued with an exemption certificate by the Council. If you have a medical condition that means you cannot comply with the duty to carry assistance dogs, please contact the Licensing Team for advice on applying for an exemption certificate.

Smoking in Licensed Vehicles

Under the terms of the Health Act 2006 and associated regulations, all licensed hackney carriage and private hire vehicles are designated as smoke free vehicles. This means that it is an offence to smoke in a licensed vehicle at any time, regardless of whether passengers are being carried in the vehicle at the time.

Furthermore it is an offence for the driver of a smoke free vehicle to allow a passenger to smoke in the vehicle.

Smoking or allowing smoking in a licensed vehicle is not only an offence under the Health Act 2006, but may also put a driver's licence to drive hackney carriage or private hire vehicles at risk of suspension or revocation.

Use of Taxi Ranks

Only vehicles licensed by the Council as hackney carriages may stop on an appointed taxi rank. Private hire vehicles may not stop on an appointed taxi rank for any reason including to allow a passenger who has made an advance booking for the private hire vehicle to get in or out of the vehicle.

Unless the passenger has a legitimate reason for choosing to enter another vehicle waiting on a taxi rank, they should normally be directed to enter the vehicle at the front of the rank.

Reporting Accidents

If a licensed hackney carriage or private hire vehicle is involved in an accident that causes material damage affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers, the proprietor of the vehicle must report this to the Council as soon as possible and not later than within 72 hours.

Failure to report an accident within the required timescale is an offence.

Prolonging Journeys

It is an offence to unnecessarily prolong, in distance or in time, the journey for which the hackney carriage or private vehicle has been hired without reasonable cause.

Charging More Than The Prescribed Fare

It is an offence to charge the hirer of a Hackney Carriage vehicle more than the prescribed fare for a journey within the district.

The taximeter should always be used, even if a fare has been agreed before commencement of the journey so as to prove that no more than the prescribed fare for the journey has been charged.

Leaving Hackney Carriage Unattended on a Rank

It is an offence to leave a Hackney Carriage unattended on a taxi rank. If you need to leave your vehicle for any reason, you must park it lawfully away from the taxi rank.

Seatbelts and Child Restraints

Drivers of Licensed Hackney Carriage Vehicles are exempted from the requirement to wear a seatbelt when:

- Using the vehicle to seek hire,
- Answering a call for hire, or
- Carrying passengers for hire.

Drivers of Licensed Private Hire Vehicles are exempted from the legal requirement to wear a seatbelt when the vehicle is being used to carry a passenger for hire.

The driver of a vehicle is responsible for ensuring correct seatbelts or child restraints are worn by any passengers in their vehicle that are under the age of 14.

Responsibility for ensuring the correct use of seatbelts by passengers aged 14 years or above rests with the passenger themselves.

The law requires all children travelling in the front or rear seat of any car, van or goods vehicle must use the correct child car seat until they are either 135 cm in height or 12 years old (whichever they reach first). After this they must use an adult seat belt. There are very few exceptions.

It is the driver's responsibility to ensure that children under the age of 14 years are restrained correctly in accordance with the law.

In a licensed taxi or private hire vehicle, Children under 3 years of age can travel without a child's car seat or seat belt, but only in the rear of the vehicle.

Children aged 3 years or older can travel without a child's car seat if they wear an adult seat belt.

Requests from Authorised Officers and Constables

It is an offence to wilfully obstruct an authorised officer or constable acting in the course of their duties.

It is an offence to fail to comply with any requirement properly made to him by an authorised officer or constable without reasonable cause.

It is an offence to fail to give an authorised officer or constable any other assistance or information which he may reasonably require of you without reasonable cause.

OVERRANKING

If a hackney carriage stand (taxi rank) is fully occupied at the time of your arrival, you must not wait at the rear of the rank for a space to become available. This is referred to as "overranking" and would be a breach of the Hackney Carriage Byelaws.

Refusing a Hiring

It is an offence for the driver of a licensed Hackney Carriage Vehicle to refuse to accept a hiring without reasonable cause.

The fact that a hirer only wants to be transported a short distance is not considered to be reasonable cause for refusing the fare.

Whether the driver of a licensed Hackney Carriage Vehicle has reasonable cause to refuse to accept a hiring will depend of the circumstances of the individual case.

Unlawful Discrimination

Under the Equality Act 2010, it is unlawful for the provider of any good and services (including Hackney Carriage and Private Hire Services) to discriminate against someone either directly or indirectly because of their:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation.

Therefore people accessing Hackney Carriage and Private Hire services cannot be denied service or charged extra for their services on account of one of the above factors.

Child Sexual Exploitation – Guidance For Licensed Drivers

Child Sexual Exploitation involves;

Young people under the age of 18 being encouraged or forced into situations or relationships of a sexual nature by an adult. Often this involves the young person being offered something such as food, accommodation, alcohol, drugs gifts or money in return for performing sexual acts, including posting images on social media. It is not unusual that the young person experiences violence, coercion or intimidation.

Where can it happen?

Young people can be sexually exploited at any time in any location some examples of places are:

- Parks
- Shopping Centres
- Taxi Ranks
- Restaurants/Takeaways/Pubs/Clubs/Bars
- Gyms/Leisure Centres

How does this affect the Taxi Trade?

Drivers can be the eyes and ears of the community as such they can play a crucial part in the fight against child sexual exploitation by reporting potentially important information to the local authority.

What are your responsibilities?

You may be aware of or have suspicions about a child being at risk or about a premise that may be used to sexually exploit children if this is so it should be reported using the Police non-emergency number **101** or **Crimestoppers 0800 555 111**.

Operators may wish to consider conducting driver training to raise awareness of indicators of Child Sexual Exploitation and how this can be reported

What to Look for:

- Taking/collecting young people (girls and boys) hotels/bed and breakfasts/house-parties/pubs
- Picking up young people from other cars
- Young people that look distressed, intimidated or frightened
- Young people under the influence of drugs or alcohol
- Suspicious activity in 'hot spot' areas, this may include a residential premises
- Attempts by young women to avoid paying fares in return for sexual favours
- Men requesting regular taxi rides to and from locations with young people
- Young people with injuries such as bruising or blood stains
- Taking young people to A&E who are not in the presence of parents
- Change in the personality, wellness or demeanour of a child you may transport regularly
- A young person displaying inappropriate sexualised behaviours

What you need to do;

Make a note of the information you have such as

- Locations and/or addresses
- descriptions of people
- Car registration numbers, make and models of vehicles
- Description of the activity that you are concerned about and the time it occurred

Call **101** or **Crimestoppers 0800 555 111** to report any concerns about possible sexual exploitation.

USEFUL CONTACTS

Licensing Team
(Worcestershire Regulatory Services)

Tel: 01905 822799
email: wrsenquiries@worcsregservices.gov.uk
Website: www.bromsgrove.gov.uk/licensing

Nominated Garage
Council Depot, Sherwood Road, Bromsgrove, B60 3EX

Tel: 01527 881188

Customer Service Centre
Parkside, Market Street, Bromsgrove, B61 8DA

Opening Hours:
Monday to Friday 9am – 5pm

Licensing Surgeries
Customer Service Centre, Parkside, Market Street, Bromsgrove,
B61 8DA

Tuesdays	13:30 – 15:00
Wednesdays	09:30 – 11:00
Fridays	09:30 – 11:00

Driver Training (Worcestershire County Council)

Tel: 01905 766827 or 01905 766825

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LICENSING COMMITTEE

14th March 2016

14th March 2016

Presentation from the Head of Community Services – Worcestershire’s Child Sexual Exploitation Strategy Action Plan.

Draft Sex Establishment Licensing Policy – Consultation Results

Approval of Amendments to the Hackney Carriage and Private Hire Taxi Handbook

To Be Allocated To Suitable Available Dates in 2016/2017

Draft Scrap Metal Licensing Policy – Approval for Consultation

Wheelchair Accessible Vehicles (WAV’s) – Consultation results

Street Trading Policy - Review

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