



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY, 23RD FEBRUARY 2009, AT 6.00 P.M.

COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors D. Hancox (Chairman), Mrs. R. L. Dent (Vice-Chairman), Dr. D. W. P. Booth JP, Miss D. H. Campbell JP, R. J. Deeming, Ms. J. A. Marshall, D. McGrath, S. P. Shannon, Mrs. M. A. Sherrey JP, Mrs. C. J. Spencer, L. J. Turner, M. J. A. Webb and P. J. Whittaker

AGENDA

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest
3. To confirm the accuracy of the minutes of the meeting of the Licensing Committee held on 21st July 2008 (Pages 1 - 4)
4. Designated Public Places Order - Cofton Hackett (Pages 5 - 22)
5. Taxi Handbook - DRAFT (Pages 23 - 82)
6. Guidance Relating to the Relevance of Convictions and Cautions (Pages 83 - 106)
7. Hackney Carriage Stands (Pages 107 - 116)
8. Licensing Sub-Committee Site Visits (Pages 117 - 132)
9. Licensing Sub-Committee revised Hearing Procedures (Pages 133 - 140)
10. 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

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

12th February 2009

K. DICKS
Chief Executive

Agenda Item 3

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY, 21ST JULY 2008 AT 6.00 P.M.

PRESENT: Councillors D. Hancox (Chairman), Mrs. R. L. Dent (Vice-Chairman), Miss D. H. Campbell JP, Ms. J. A. Marshall, D. McGrath, S. P. Shannon, Mrs. C. J. Spencer and L. J. Turner

Also in attendance: Councillor Mrs. C. McDonald

Officers: Mrs. D. Warren, Mrs. S. Smith and Ms. D. Parker-Jones

10/08 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Dr. D. W. P. Booth JP.

11/08 DECLARATIONS OF INTEREST

No declarations of interest were received.

12/08 MINUTES

The minutes of the meeting of the Licensing Committee held on 3rd June 2008 were submitted.

RESOLVED that the minutes be approved as a correct record.

13/08 APPLICATION FOR STREET TRADING CONSENT

Further to the Committee's decision at its meeting on 3rd June 2008 to refuse the application for street trading consent to sell food items from a mobile retail unit in the Bromsgrove High Street, the Committee was informed of the Council's findings in relation to locating an alternative site for this within one of the Council's designated streets. It was noted that, following consultation with the Council's Economic Development Section, no suitable alternative site could be found on this occasion and Members were therefore asked to confirm the decision made on 3rd June.

RESOLVED that the application for street trading consent to permit the sale of ice cream and sorbets in the Bromsgrove High Street area be refused.

14/08 HACKNEY CARRIAGE FARES

The Committee was asked to consider a 15% increase to the mileage rates for Hackney Carriage fares, which had been requested by the Taxi Association

due to the recent significant increase in the cost of fuel. It was noted that the majority of Hackney Carriage owners who had responded to the Council's consultation on this were in favour of such an increase. Details of the proposed variations would be published in the local press. Provided no objections were received to these the variations would come into effect upon the expiry of the period specified in the press notice, with any objections having to be referred to the Committee for consideration.

RESOLVED that, subject to there being no objections received in relation to the proposed variations to the current Table of Hackney Carriage Fares attached at Appendix 1 to the report, the mileage rate set out in section (i) of the Table be increased by 15%.

15/08 **DESIGNATED PUBLIC PLACES ORDER - CHARFORD RECREATION GROUND**

Consideration was given to introducing a Designated Public Places Order (DPPO), which would prevent the consumption of alcohol, on Charford Recreation Ground, Bromsgrove. This matter was being brought before the Committee as the Police, who were responsible for enforcing any restrictions on public drinking in designated areas, were not willing to support this particular request as they had insufficient evidence of anti-social behaviour caused by alcohol consumption in the area, and felt they already had sufficient measures in place to keep any anti-social behaviour occurring in the area under control.

At the Chairman's discretion, Councillor Mrs. C. M. McDonald, Ward Councillor for Charford, spoke in favour of introducing a DPPO on this piece of land. In doing so she stated that Charford was one of the last remaining play areas not to have such an Order in place, which sent out an unwanted message. She added that it was only the part of the play area for young children which needed to be a designated area as it was an inappropriate place for alcohol to be consumed. She stated that Charford had the second highest level of recorded anti-social behaviour incidents in the District and that the introduction of a DPPO on the Recreation Ground would aid in improving the sense of community and well being in the area.

It was noted that information provided by the Council's Community Safety Analyst had shown that there had been only one alcohol related incident on the Recreation Ground over the last two years. As such, in the absence of clear evidence of alcohol related public nuisance or disorder and the lack of Police support in this regard, Members felt unable to support the request. If, however, the number of recorded incidents relating to public drinking increased sufficiently in the future then the position could be reconsidered.

RESOLVED that the request for the creation of a Designated Public Places Order on Charford Recreation Ground be refused.

16/08 **DESIGNATED PUBLIC PLACES ORDER - COMPASS WAY, BREME PARK**

Consideration was given to introducing a Designated Public Places Order (DPPO), which would prevent the consumption of alcohol, on a piece of open space at Compass Way, Breme Park, Bromsgrove. This matter was being brought before the Committee as the Police, who were responsible for enforcing any restrictions on public drinking in designated areas, were not willing to support this particular request as they had insufficient evidence of anti-social behaviour caused by alcohol consumption in the area, and felt they already had sufficient measures in place to keep any anti-social behaviour occurring in the area under control.

At the Chairman's discretion, Councillor Mrs. C. M. McDonald, Ward Councillor for Charford, spoke in favour of introducing a DPPO on this piece of land. In doing so she stated that a petition regarding anti-social behaviour in the area had been handed to the Police at a PACT (Partners and Communities Together) meeting which had taken place some three or four months previously, hence why the request for a DPPO had been made.

It was noted that information provided by the Council's Community Safety Analyst had shown that there had been only two alcohol related incidents in the area in question over the last two years. As such, in the absence of clear evidence of alcohol related public nuisance or disorder and the lack of Police support in this regard, Members felt unable to support the request. If, however, the number of recorded incidents relating to public drinking increased sufficiently in the future then the position could be reconsidered.

RESOLVED that the request for the creation of a Designated Public Places Order at Compass Way, Breme Park, Bromsgrove, be refused.

17/08 **GUIDANCE RELATING TO THE RELEVANCE OF CONVICTIONS AND CAUTIONS - CONSULTATION DOCUMENT**

The Committee considered a proposal to consult on the revision of existing guidance to Licensing Committee members on the relevance of convictions and cautions when granting either a Dual Hackney Carriage and Private Hire Vehicle Driver's Licence or a Private Hire Operator's Licence. It was noted that the document had been developed with other local authorities in the County, and that consultation on this would take place with all licence holders and any relevant public bodies prior to the guidance being brought back to the Committee in the Autumn for final approval.

RESOLVED that the proposed consultation on the revised guidance relating to the relevance of convictions and cautions be supported.

18/08 **COUNTY-WIDE TAXI LICENSING HANDBOOK - CONSULTATION DOCUMENT**

Consideration was given to a proposed consultation on the introduction of a new County-wide Taxi Handbook, which would be issued to all licensed taxi drivers. It was noted that the proposed Handbook would potentially have a

significant impact on current taxi drivers and operators and that the introduction of a transition period for the more significant changes, to lessen the impact on existing businesses, would be looked at. Consultation on the Handbook would take place with the taxi trade, members of the public and any relevant public bodies and voluntary groups prior to the guidance being brought back to the Committee in the Autumn for final approval.

RESOLVED that the proposed consultation on the new County-wide Taxi Handbook be supported.

The meeting closed at 6.58 p.m.

Chairman

BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

23RD FEBRUARY 2009

DESIGNATED PUBLIC PLACES ORDER – COFTON HACKETT

Responsible Portfolio Holder	Cllr. Peter Whittaker
Responsible Head of Service	David Hammond

1. SUMMARY

- 1.1 To consider introducing a Designated Public Places Order in the Cofton Hackett area.

2. RECOMMENDATION

- 2.1 That Members either:

- approve the creation of a Designated Public Places Order as outlined on the attached plan; or
- refuse the request.

3. BACKGROUND

- 3.1 The Council has been approached by the County Councillor representing the County Electoral Division for Beacon to look at introducing a Designated Public Places Order to prevent, when requested, the consumption of alcohol in the Cofton Hackett area in an attempt to reduce anti social behaviour and drinking in these public areas.
- 3.2 The Criminal Justice Police Act 2001 allows local authorities to designate areas for this purpose only where they are satisfied that nuisance or annoyance to the public or disorder has been associated with drinking in a public place.
- 3.3 These powers are not intended to disrupt peaceful activities, for example families having a picnic in a park with a glass of wine. Police Officers can use their discretion when deciding to request an individual to refrain from drinking regardless of their behaviour. Home Office guidance suggests that it is not appropriate to challenge an individual consuming alcohol where that individual is not causing a problem.

- 3.4 The Regulations governing the creation of such an Order do not place a requirement on the local authority to conduct a formal assessment of the area in question, over a given period, of the nature of the problem. However the local authority will want to satisfy itself that the powers are not being used disproportionately or in an arbitrary fashion in the case of say, one isolated incident. Consequently there should be clear evidence of an existing problem, with an assessment as to the likelihood that the problem will continue unless these powers are adopted and the belief that the problem could be remedied by the introduction of such an Order. The Council would look to the Police to provide this evidence.
- 3.5 In December 2008 the Home Office published Guidance relating to Designated Public Place Orders (DPPOs): For Local Authorities in England and Wales. This sets out guidance for local authorities on the issue of evidence required to justify making a DPPO as follows:
- “The evidence you will require for a DPPO is that there is an alcohol related nuisance or annoyance to the public in the proposed area/s. You should make an assessment as to the likelihood that the problem will continue unless these powers are adopted. In addition, you must have a belief that the problem could be remedied by the use of these powers. Evidence should be based not just on information you have obtained, but also from the police and members of the local community who have reported incidents of alcohol-related anti-social behavior or disorder. Evidence of alcohol-related nuisance could for example include litter related to the consumption of alcohol (e.g. bottles and cans) as well as police information and residents’ complaints.”
- 3.6 In order to gain this necessary evidence, the Regulations require local authorities to consult with the Police Authority to seek their views on the nature of the problem and the appropriateness of introducing such an Order, as well as recognising that it will be the Police who will have the responsibility for enforcing the restrictions on public drinking in the designated area.
- 3.7 On this occasion, the Police, at present, are not willing to give their support to this particular request for a Designated Public Places Order, as they have insufficient evidence of anti social behaviour caused by alcohol consumption in this area. They feel that they already have sufficient measures in place to keep any anti social behaviour occurring in this area, under control.
- 3.8 During the period from 1st June 2007 and 27th November 2008 only 4 incidents out of a total of 59 reports of anti social behaviour were linked to the consumption of alcohol in the area.
- 3.9 A plan showing the location of the proposed Order is attached at Appendix ‘A’.

- 3.10 Should Members decide to approve the proposed Order, it will be necessary to consult with the land owners and/or occupiers and a public notice will need to be published in the local press, seeking comments on the proposal.

4. FINANCIAL IMPLICATIONS

- 4.1 The cost of the public notice and other administrative costs will be met from existing budgets held by Planning and Environment Services.
- 4.2 There is no budget available for signage informing the public that an area(s) area is within a Designated Public Places Order. However, if Members agree to introduce the Order in Cofton Hackett, an approach will be made to the Crime and Disorder Reduction Partnership to fund this scheme in conjunction with the Council's Community Safety Team.

5. LEGAL IMPLICATIONS

- 5.1 Licensing Authorities have power under Section 13 of Criminal Justice and Police Act 2001 to introduce and revoke Designated Public Places Orders in association The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.

- 5.2 There is a requirement under the Criminal Justice and Police Act 2001 – Section 13 (2) that:

“A local authority may for the purposes of subsection (1) by order identify any public place in their area if they are satisfied that-

- (a) Nuisance or annoyance to members of the public or a section of the public; or
- (b) Disorder;

has been associated with the consumption of intoxicating liquor in that place.”

- 5.3 With reference to Paragraph 4 of the Regulations, it specifies that when a Local Authority is deciding an application for a Designated Public Places Order, it shall consider any representations as to whether or not a particular public place should be identified in an Order.

6. COUNCIL OBJECTIVES

- 6.1 This proposal contributes to the Council's objective “Sense of community and well being”.

7. RISK MANAGEMENT

7.1 The main risk associated with the detail included in this report are:

- Introduction of a Designated Public Places Order without the support of the Police Authority

7.2 This risk is being managed as follows:

Risk register: Planning and Environment Services

Key Objective Ref No. 7

Key Objective: Effective, efficient and legally compliant Licensing Service

8. CUSTOMER IMPLICATIONS

8.1 All relevant parties will be notified in writing within 5 working days of the Council's decision.

8.2 If Member's decide to adopt this scheme, there is a risk that members of the public may complain to the Council that the Police are not enforcing the terms of the Order, as expected.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

9.1 There are no equalities and diversity implications.

10. VALUE FOR MONEY IMPLICATIONS

10.1 If Members are minded to approve the introduction of the Order, it could be conceived that the Council is not providing value for money as the Police are not in support of the proposal and may not be in a position to enforce the restrictions imposed by the Order. The Police already have alternative powers to deal with anti social behaviour.

11. OTHER IMPLICATIONS

Procurement Issues None
Personnel Implications None
Governance/Performance Management None
Community Safety including Section 17 of Crime and Disorder Act 1998 The creation of the Order would give the Police additional powers to confiscate alcohol from people drinking in public places.
Policy None
Environmental

None

12. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	No
Executive Director (Partnerships and Projects)	No
Executive Director (Services)	No
Assistant Chief Executive	No
Head of Service	Yes
Head of Financial Services	Yes
Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No
Head of Street Scene and Community Services	Yes

13. WARDS AFFECTED

The proposed Order will be situated in the Hillside ward.

14. APPENDICES

Appendix A Location plan of proposed designated area.
Appendix B Request for a Designated Public Places Order
Appendix C Response from the Police Authority

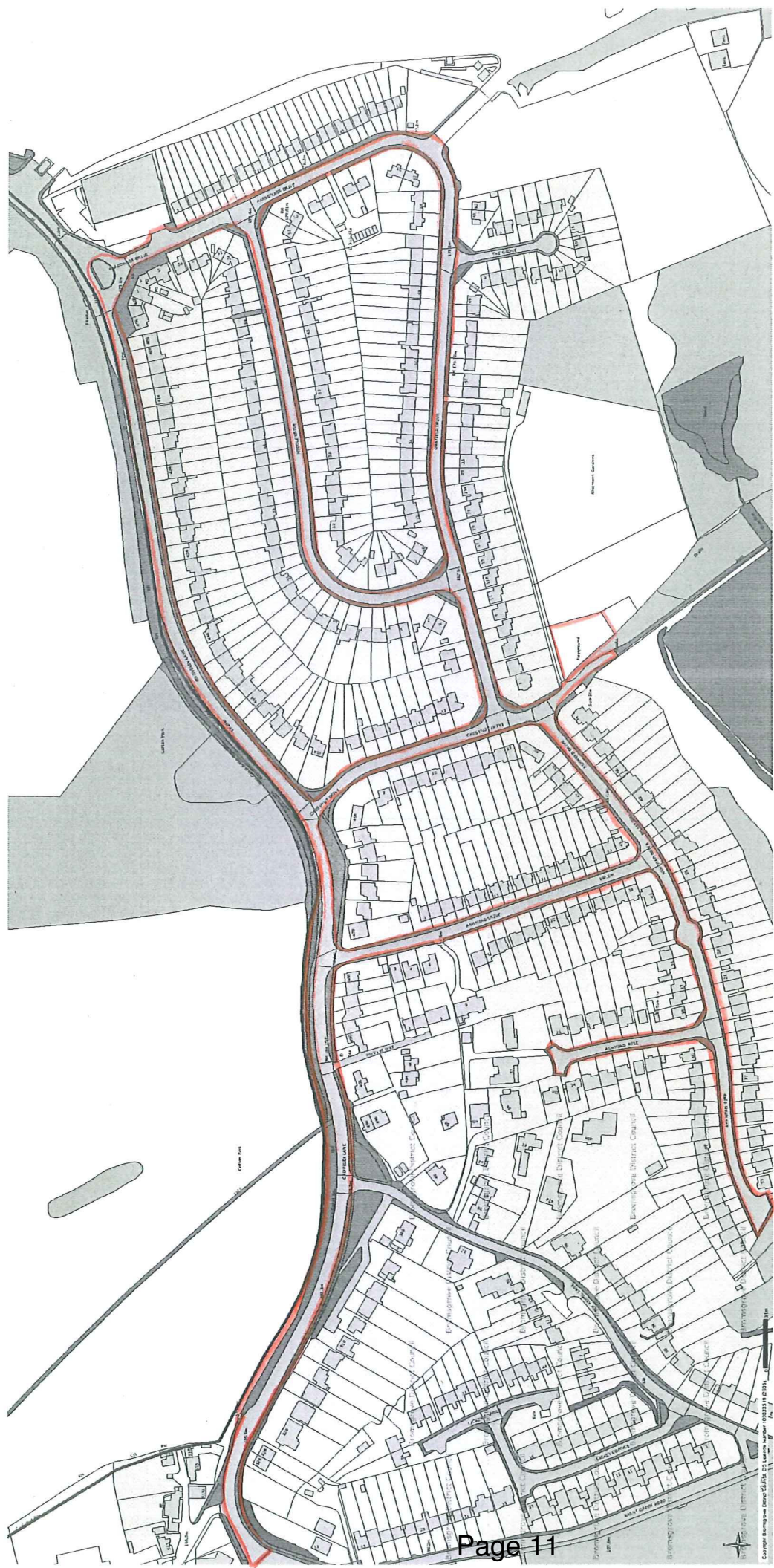
15. BACKGROUND PAPERS

Request received from Cllr. P. McDonald
Response received from the Police Authority
Home Office Guidance on Designated Public Places Orders.

CONTACT OFFICER

Name: Sharon Smith
E Mail: sharon.smith@bromsgrove.gov.uk
Tel: (01527) 881626

This page is intentionally left blank



APPENDIX 'D'

Department:
 Title: Designated Public Places Order -
 Groveley Lane
 Scale: 1:1167



This page is intentionally left blank



**Criminal Justice and Police Act 2001 – Section 13(4)
 Local Authorities (Alcohol Consumption in Designated Public Places)
 Regulations 2007**

**NOTIFICATION OF A REQUEST TO INTRODUCE A DESIGNATED PUBLIC
 PLACES ORDER (Alcohol Free Zone)**

1. Name of Applicant:

P M McDonald – County Councillor

2. Address of Applicant:

10 Waseley Road, Rubery, B45 9TP

3. Contact details:

Telephone No: 0121 453 9267

Email address: p.mcdonald@bromsgrove.gov.uk

4. In what capacity are you applying (ie Ward Councillor, Parish Council, Resident)

County Councillor for the Division

5. Location and/or description of proposed designated area (Please also attach a location plan showing the EXACT area): Do you think the problem will be displaced, if so, where.

Plan attached

6. Why do you feel it is necessary to introduce a designated alcohol free area in this location(s): *(Please use additional sheets if necessary)*

PACT Meeting a top issue and at an additional Public Meeting.
 Neighbourhood Watch Concerned
 Section 30 installed on neighbourhood authority

- [Redacted]
7. Please give details of any evidence you have to suggest that anti-social behaviour is being fuelled by alcohol in this location. Please include details such as the approx. age of people causing the nuisance; the source of the alcohol;
(Please use additional sheets if necessary)

PACT Meetings

Public Meeting

Over four hundred people contacted.

Neighbourhood watch concerned regarding the consumption of alcohol

Section 30 implemented on adjoining authority.

8. Have you liaised with the local police in putting together this request and are they in support? Please give details: *(Please use additional sheets if necessary)*

Police were at the PACT Meetings and aware of the problems both in Cofton Hackett and the neighbouring authority.

The police do not support the consumption of alcohol in the streets or play areas to my knowledge.

Over four hundred residents have been contacted regarding the proposed Alcohol Free Zone.

Neighbourhood watch support the proposals.

9. Signed:

John H. Donald

10. Dated:

21/10/08

Please complete this form in full, together with the location plan outlining the proposed designation area and return it to the Licensing Section, Bromsgrove District Council, Planning and Environment Services, Burcot Lane, Bromsgrove, Worcs., B60 1AA. If you have any queries with regard to completing this form, please telephone (01527) 881626 or email licensing@bromsgrove.gov.uk.

A copy of the completed form and plan will be submitted to the Chief Officer of Police for his/her comments.

This page is intentionally left blank

West Mercia Constabulary
17 The Crescent
Bromsgrove
Worcestershire
B60 2 DF



**WEST MERCIA
CONSTABULARY**
TOGETHER - WORKING FOR SAFETY AND JUSTICE

11th December 2008

Sharon Smith
Principal Licensing Officer
Planning & Environment Services
The Council House, Burcot Lane, Bromsgrove
Worcestershire
B60 1AA

Dear Sharon,

**Local Authorities (Alcohol Consumption in Designated Public Places) Regulations
2007- Application for COFTON HACKETT**

Please find the enclosed response form relating to the above proposed Order. As you will see there is little evidence in support of the application. May I refer you also to the attached CDRP Analyst's report and that of the Local Policing Sergeant for this area.

I understand that PS WILKES has already liaised with Cllr. McDonald as part of this process and in addition let me add a reassurance to Mr McDonald and his constituents that the Local Policing Team and District Support Staff will continue to monitor the situation.

Yours sincerely

**Police Constable
1747 Mark Townsend
Local Policing Support Team
Bromsgrove Police Station**

**Tel. 08457 444 888 x 3217
DD 01527 586217
Mob. 07773 363213**



Awarded for excellence



Uniting against crime



INVESTOR IN PEOPLE



**Criminal Justice and Police Act 2001 – Section 13(4)
Local Authorities (Alcohol Consumption in Designated Public Places)
Regulations 2007**

**RESPONSE TO A REQUEST TO INTRODUCE A DESIGNATED PUBLIC
PLACES ORDER (Alcohol Free Zone)**

1. Proposed designated area:

Areas in Cofton Hackett, Rubery Policing Sector identified as:

GROVELEY LANE
ASHMEAD DRIVE
CHESTNUT DRIVE
PARSONAGE DRIVE
MIDDLE DRIVE
OAKFIELD DRIVE
ASHMEAD RISE

2. Are the Police in support of introducing an Order in the above-mention area?
Please give your reasons:

No, there is insufficient evidence at this time to support the application for an order

3. Does the area identified on the enclosed location plan, accurately cover all known 'hot spots'? If not, please return the enclosed location plan indicating what other areas need to be included or excluded:

Yes

P.T.O

4. If the Police are NOT in support, please give your reasons:

Please see the attached report from Bromsgrove's CDRP Analyst, Emily Humphreys. The Analyst's report is derived from data collated from the Police CRIMES database between 1 June 2007 and 27 November 2008 (18 months).

In summary, during this period, only 4 incidents out of a total of 59 reports of Anti Social Behaviour in the proposed Alcohol Free Zone , were flagged up as Having been alcohol related.

In addition, Rubery Local Policing Sergeant, PS Mark WILKES, having reviewed this data, sees little value in pursuing the application any further. (Copy also attached)

Based on this evidence, we (the Police), under the Alcohol Consumption in Designated Public Places Regulations 2007, cannot be '**satisfied that nuisance or annoyance to the public or disorder has been associated with drinking in the aforementioned place**', and therefore cannot support this application

5. Do you have sufficient resources to make the introduction of this Order effective? Please give details:

Not applicable

Please return this response form to the Licensing Section, Planning and Environment Services, The Council House, Burcot Lane, Bromsgrove, Worcs., B60 1AA, or email it to sharon.smith@bromsgrove.gov.uk no later than 14th November 2008.

If you have any queries with completing this form, please contact Sharon Smith on 01527 881626.

Alcohol-related Disorder in Cofton Hackett – Alcohol Free Zone Proposal

An application has been made for an Alcohol Free Zone (AFZ) in Cofton Hackett. The following report outlines the number and type of anti-social behaviour incidents occurring within the proposed AFZ area (as defined those incidents where the easting and northing given in the incident/offence record places them within the boundary on the below map). All data is collected from the Police CRIMES database. All data collected from the period 01 June 2006 and 27 November 2008 (18 months).

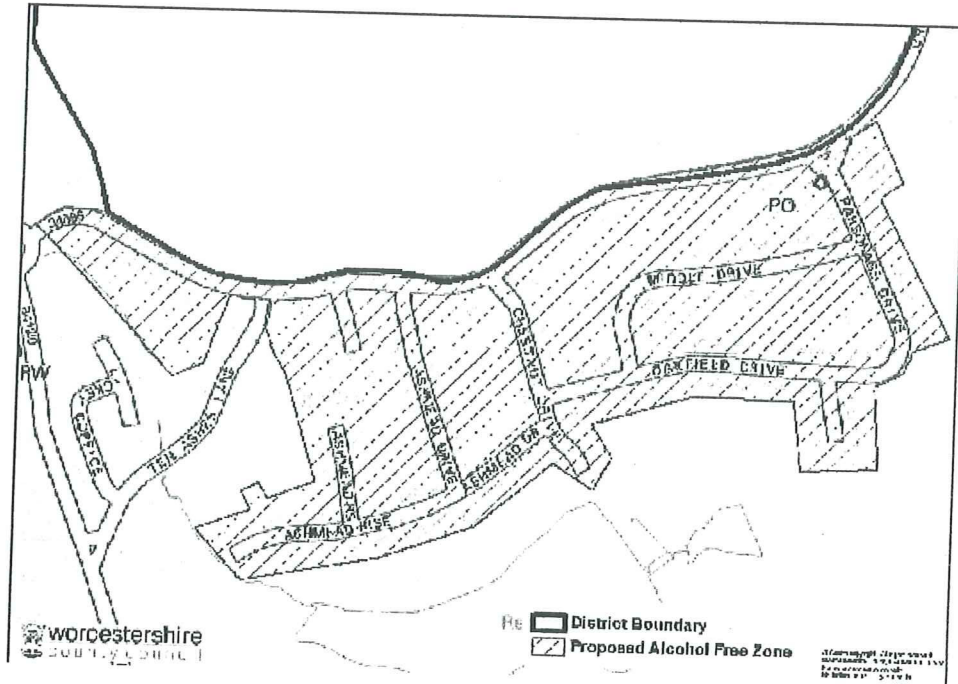


FIGURE 1: LOCATION OF THE PROPOSED AFZ

Anti-Social Behaviour Incidents

59 reports of anti-social behaviour were logged as having occurred in the proposed Alcohol Free Zone area between 01 June 2006 and 27 November 2008.

Incident Category	Total
Rowdy Behaviour	38
Malicious Communications	6
Vehicle Nuisance	5
Nuisance Neighbours	3
Abandoned Vehicles	2
Hoax Call to Emergency Services	2
Environmental Nuisance	2
Fireworks	1
Total	59

FIGURE 2: NO. AND TYPE OF INCIDENTS REPORTED IN PROPOSED AFZ (01 JUNE 2006 TO 27 NOVEMBER 2008)

General ASB Incidents in the AFZ Area – summary of relevant points

- Of a total 38 rowdy behaviour complaints in the area, 31 related to youths, and 26 specifically to youths gathering on the streets.
- More youth related ASB took place on Oakfield Drive than any of the other roads in the AFZ area, with 10 incidents logged there over the last 18 months. Chestnut Drive was the location for 8 incidents, several of which took place in the play area there. 6 Incidents were logged on Parsonage Drive (not including those at the Focus store). The allotments behind Oakfield Drive, and the Myhill fields and play area were also repeat locations, especially for vandalism and graffiti related complaints.
- The Focus store on Parsonage Drive was a specific hotspot location for youth related anti-social behaviour. Complaints included youths gathering on the car park and in the loading area, running in between moving cars and forklift trucks at considerable risk to their own safety, messing around with the trollies and playing football. Of the total 8 incidents reported at Focus in the last 18 months, all but one took place since April 2008, with 3 in July 08 and 3 in September 08, suggesting that this behaviour is increasing in frequency.
- The number of incidents in the AFZ area seems to be following a decreasing pattern with only 8 incidents since June 2008, compared to 13 between June and November 2007.

Alcohol-related Incidents

- Only 4 of the 59 total ASB incidents in the area during the last 18 months were flagged up as being alcohol related, where alcohol consumption was mentioned in the log text of the report.
- 3 of these alcohol related incidents were linked to youths gathering, outside the shops on Groveley Lane/Parsonage Lane, in the park opposite Ashmead Drive, and in a bus stop on Groveley Lane. The other incident related to an intoxicated customer inside the Focus store – and is therefore not relevant to an alcohol free zone application. .
- Aside from the consumption of alcohol by youths in a public place, the other aggravating factors prompting these ASB complaints included the youths being loud, and climbing on the bus stop.
- In one report logged in March 2008, it was mentioned that gatherings of this nature were an ongoing issue.
- All 3 incidents had been logged between 22nd February and 4th April 2008.

Incidents by Month

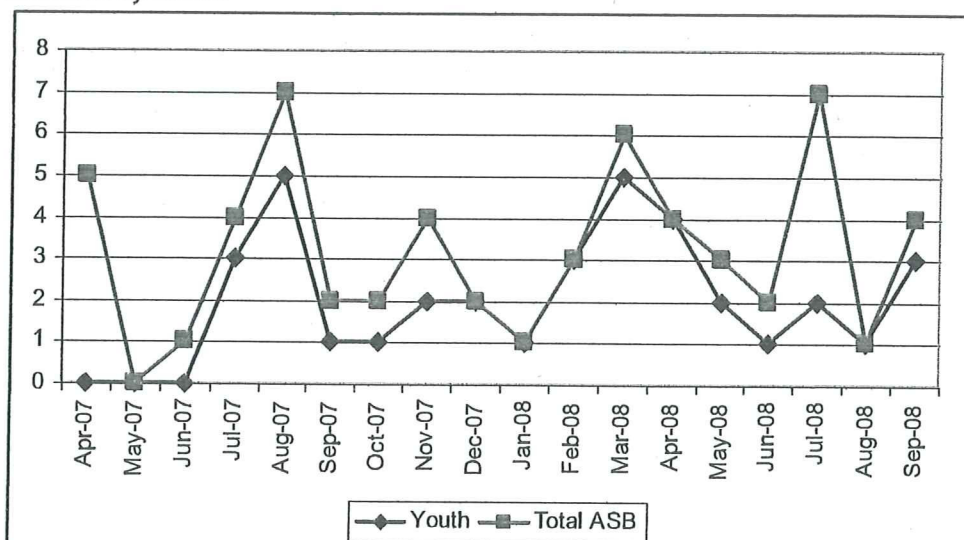


FIGURE 3: NO. OF TOTAL ASB AND YOUTH-RELATED INCIDENTS PER MONTH IN PROPOSED AFZ (01 JUNE 2006 TO 27 NOVEMBER 2008)

- In general, there have been an average of 3 anti-social behaviour incidents per month over the last 18 months within the proposed AFZ area, and an average of 2 youth related incidents per month.
- The total of 4 alcohol related ASB incidents reported in the space of 18 months does not indicate a significant problem with alcohol/street drinking. However, the 3 incidents that were relevant to an AFZ application all took place between 22nd February and 4th April 2008, a period of just over 6 weeks, with none occurring before or after those dates, suggesting alcohol-related ASB may have been a significant issue in the area during that time.
- There does seem to be an ongoing issue with youths gathering in the area, but seldom is alcohol mentioned in the complaints relating to this – indicating that an alcohol free zone may not be effective in reducing this type of behaviour.

It is important to note that alcohol-related incidents are identified as those mentioning one or more of the following key words in the logs text of the incident report:

Drink, drunk, alcohol, intoxicated, public house, licensed premise, wine, beer, vodka, lager, spirit.

This method, though the most effective way of definition available at present, does lead to a certain amount of inaccuracy. If a word is misspelled, or alcohol is not mentioned specifically in the text of a report, then incidents will not be identified and included in analysis.

BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

23RD FEBRUARY 2009

TAXI LICENSING HANDBOOK

Responsible Portfolio Holder	Cllr. Peter Whittaker
Responsible Head of Service	David Hammond

1. SUMMARY

- 1.1 This report seeks approval to adopt revised policy and licence conditions in respect of all taxi licensing matters, which will be incorporated into the Council's Taxi Handbook.

2. RECOMMENDATION

- 2.1 That Members approve
- (a) the policy elements and licence conditions relating to taxi licensing, as set out in the attached Taxi Handbook; and
 - (b) the proposed transition periods for the policy changes to take effect.

3. BACKGROUND

- 3.1 Members will be aware of current guidance for applicants, drivers and owners, which is given out to anyone enquiring about becoming a licensed driver. The purpose of the guidance sets out to applicants and existing licence holders the Council's policies, procedures for applying for each type of licence and the Council's standard licence conditions relating to all aspects of taxi licensing. A copy of the proposed Handbook is attached at Appendix 'A'.
- 3.2 Members will be aware that we have been working with other licensing authorities across Herefordshire and Worcestershire in an attempt to bring together guidance, licence conditions and policies relating to all aspects of taxi licensing, into one handbook, which would be used throughout the County.
- 3.3 Following a period of consultation with the trade and further discussions with County colleagues, it has now become apparent that it is not feasible, at this present time, to bring together all the different policies, conditions and

working practices into one document. There are a number of reasons for this, which include:

- Some County colleagues have received significant objections from their trade with regard to the introduction of new vehicle specifications and driver requirements;
- It has also come to light that one authority had previously entered into a three year agreement with their taxi trade that their policy and/or conditions would not be altered, which does not expire until 2010.
- Furthermore, there are a number of on-going legal challenges on existing policy and licence conditions for one local authority. In view of this they are unable to make any changes at present.

3.4 However, despite this, we feel that there is a need to continue with the revision of our policy and licence conditions. The proposed handbook will provide more clarity on our current administrative procedures as well as introducing further measures to ensure that the public are safe and have received a good level of customer service whilst using a taxi.

3.5 During the consultation exercise, the comments received from the taxi trade were minimal.

3.6 In view of some of the proposed policy changes for existing licensed drivers, it is suggested that we look at introducing transition periods for the more significant changes so as to lessen the impact on existing businesses, particularly in the current economic climate. These are set out at Appendix 'B'.

3.7 If and when our County colleagues are in a position to revisit the idea of having a County-wide document, a further report will be submitted to Members. Until such time we will continue to work closer together and learn from our colleagues, in terms of best practice.

4. FINANCIAL IMPLICATIONS

4.1 One of the changes we are looking to impose, is the introduction of age limits on vehicles that we will licence, as a consequence it is felt that there will not be the need to test vehicles as often, in some cases, three times a year. This will have a small impact on the income generated by the Council's Street Scene and Community Services through the cost of an MOT vehicle test undertaken by the Council's Depot. This will amount to approximately £6000. However, the expenses incurred by the Licensing Section will reduce by a similar amount. The cost of an MOT test at the Depot is currently £53.10. Maximum fee levels for MOT's are prescribed by the Department of Transport.

4.2 Should members agree to reduce the frequency of vehicle testing; this will allow our resources to be channelled to develop enforcement initiatives, such as multi agency inspections, and other areas of best practice.

5. LEGAL IMPLICATIONS

- 5.1 The Council's Legal, Equalities and Democratic Services Department have been consulted on the proposed Handbook and their comments have been incorporated.

6. COUNCIL OBJECTIVES

- 6.1 These guidelines contribute to the Council's objectives "Sense of community and well being" and "Improvement".

7. RISK MANAGEMENT

- 7.1 The main risk associated with the detail included in this report is:

- To ensure that the Council has effective policies in place to assist in decision-making and to maintain the consistency of any decisions made.

- 7.2 This risk is being managed as follows:

Risk Register: Planning and Environment Services

Key Objective Ref No. 7

Key Objective: Effective, efficient and legally compliant Licensing Service

8. CUSTOMER IMPLICATIONS

- 8.1 All existing drivers will be notified in writing of the proposed changes to Council Policy.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

- 9.1 The introduction of disability awareness training will contribute towards achieving level 3 of the Local Government Equality Standard.

10. VALUE FOR MONEY IMPLICATIONS

- 10.1 There are no value for money implications.

11. OTHER IMPLICATIONS

Procurement Issues
None
Personnel Implications
None
Governance/Performance Management
None
Community Safety including Section 17 of Crime and Disorder Act 1998

None
Policy It is intended that the Policy and licence conditions outlined in the proposed taxi handbook will replace all existing policy and licence conditions relating to applicants, drivers, vehicles and operators.
Environmental None

12. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	No
Executive Director (Partnerships and Projects)	No
Executive Director (Services)	No
Assistant Chief Executive	No
Head of Service	Yes
Head of Financial Services	Yes
Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No

13. WARDS AFFECTED

All wards are affected.

14. APPENDICES

Appendix A Draft Taxi Handbook
Appendix B Summary of main policy changes and suggested transition periods.

15. BACKGROUND PAPERS

Model Standard for Taxi and Private Hire Licensing 2007
Existing policy and conditions relating to taxi licensing put forward from the other districts in the County and Herefordshire.

CONTACT OFFICER

Name: Sharon Smith
E Mail: sharon.smith@bromsgrove.gov.uk
Tel: (01527) 881626

This page is intentionally left blank



Taxi Handbook

CONTENTS PAGE

Definitions used throughout handbook	4
Explanatory Notes	6
Introduction	8
Section A – Drivers Licence	
- Council Policy	10
- Foreign Nationals	11
- How to make your first application	12
- Those who do not meet Council Policy	13
- Appealing against a decision of the Council.	14
- Application to renew	15
- Conditions attached to the drivers licence	17
Section B – Vehicle Licences	
- Hackney Carriage Vehicles	21
- Private Hire Vehicles	21
- Council Policy for type of vehicle	22
- Special Events Vehicles	24
- Initial application for a vehicle licence	25
- MOT and vehicle inspection	26
- Renewal of vehicle licence	27
- Late renewals	27
- Transfer of ownership	27
- Change of vehicle	27
- Taxi meters	27
- Accidents	28
- Conditions attached to a Private Hire vehicle Licence	29
- Conditions attached to a Hackney Carriage Vehicle Licence	29
- Hackney Carriage ByELaws	33

Section C – Operator Licences	
- Council Policy	36
- Those who do not meet Council Policy	36
- Initial application	37
- Renewal application	37
- Conditions attached to the operator licence	38
The Law	41

DRAFT

Definitions used throughout this Handbook

The Council	Bromsgrove District Council
Authorised Officer	Head of Planning and Environment Services Principal Licensing Officer Licensing Officer
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 the Hackney Carriage/Private Hire Drivers licence to.
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. It may not stand or ply for hire on a rank.
Hackney Carriage Vehicle	A licensed vehicle which can carry passengers for hire or reward, can be hailed by a prospective passenger and can park 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.
Plate	The licence plate issued by the Council to be displayed in accordance with the Council's conditions.
Nominated Garage	The Council's approved mechanical testing centre. The Depot, Sherwood Road, Aston Fields, Bromsgrove.
Certificate of Compliance	The certificate issued by the Council's nominated garage certifying that the vehicle is mechanically sound and fit for use as a taxi.
Wheelchair Accessible Vehicle	A vehicle whereby a wheelchair user can remain in their wheelchair whilst entering and being conveyed in that vehicle. The vehicle must be fit for this purpose at all times.

Appeal	A means by which a committee decision can be reviewed by the Magistrates Court or the Crown Court. The decision of the Committee may be upheld or overturned.
Conviction	Sentence of a Civil or Criminal Court.
Mitigating circumstances	The conditions surrounding a conviction. The conditions may alter the seriousness of a crime.
Rehabilitation	The period in which the local authority feels a person has repented their crimes.
Revoke	To take back something for an indefinite period of time.
Suspend	To hold something away from its owner for a period of time.

EXPLANATORY NOTES

A Criminal Records Bureau (CRB) Vetting Form

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

The procedure is as follows:

- The applicant must complete a CRB **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.
- The Licensing 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 CRB charge for this service.
- The Council will send the form to the CRB

The applicant and the Council will both receive the disclosure (the CRB result) at the same time. Please note that it can take at least 6-8 weeks for the information to be sent back. Your CRB application can be tracked online at www.crb.org.uk

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

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.

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 both the card and the paper counterpart should be produced showing current address.

D Passport Photographs

The applicant will provide two 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's Executive Cabinet 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 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 Licensing Section 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 inspection garage before it can be considered for licensing purposes.

DRAFT

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:

- Dual drivers licence which covers 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)
Driver Vehicle Licensing Agency
Local Byelaws
Licence conditions

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

In writing:

The Licensing Section
Planning and Environment Services
Bromsgrove District Council
Burcot Lane
Bromsgrove
Worcs., B60 1AA

Telephone enquires:

Customer Service Centre
(01527) 881288

Email address:

licensing@bromsgrove.gov.uk

Fax:

(01527) 881313

Personal visits:

Can be made at the Customer Service Centre where a Customer Service Advisor will be able to help you. The Service Centre is open Monday – Wednesday and Friday from 9.00am to 5.00 p.m., Thursday from 10.00 a.m. to 5.00 p.m. and Saturday from 9.00 a.m. to 12noon at School Drive, Bromsgrove.

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 2.30 p.m.

Wednesday and Friday from 9.30 a.m. to 10.30 a.m.

All application forms are available either by phone or direct from the Customer Service Centre. You may also download these forms from <http://bromsgrove.whub.org.uk/home/bdcindex/bdc-licensing.htm>.

Assistance in completing these forms can be obtained from one of the Customer Service Advisors or by attending a licensing surgery at the Customer Service Centre.

All relevant information will be taken into account when consideration is given to an application for any type of licence. Whilst an application should conform to Council Policy and the administrative procedures set out will be followed, each application will be considered on its own individual merits.

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 DUAL DRIVER’S LICENCE AND BADGE

The dual driver’s licence covers the driving of both Hackney Carriage and Private Hire Vehicles and is valid 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 Hackney Carriage and Private Hire Drivers:

- Applicants must be over 21 years of age;
- 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 have good conversational English. If the Licensing Officer feels that the applicant does not have conversational English, he/she will refer the applicant to another Officer for their view;
- 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 to obtain a copy of their current driving record;
- New applicants must be free from previous convictions and cautions, other than for minor traffic offences. All applicants will be required to have a CRB enhanced check every 3 years. (Please refer to separate guidance on the relevance of convictions);
- New applicants must have passed or be working towards a suitable disability awareness training during the first 12 months of being granted their initial licence. Qualification will be verified by the training provider;
- 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 to obtain a copy of their current driving record;
- Applicants for renewal of licences must be free from new convictions since the date of the grant of their last licence, other than for minor traffic offences. (Please refer to guidance on the relevance of convictions);
- New applicants must pass the Council’s knowledge test before issue of licence;
- Existing drivers must have passed or be working towards a suitable training which incorporates disability awareness. Training to be completed by 1st October 2010.
- 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.

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 CRB check.

Although the Council does not employ drivers who are the recipients of Hackney Carriage and Private Hire Licences, it is recommended in the Department for Transport Best Practice Guidance to establish the right to work, to determine whether an applicant is a 'fit and proper' person. Consequently you will be required to prove your right to work in the UK. This can be done by submitting relevant original documents as outlined in the guidance on the importance of obtaining evidence that you are legally permitted to work in the UK.

Assistance Dogs

Any driver with a medical reason for not complying with this condition must apply to the Council for a certificate of exemption. Any charge for any necessary medical examination is to be paid by the applicant. Such a certificate of exemption shall be displayed in the vehicle at all times whilst the person holding the exemption is driving the vehicle.

You must comply with the Disability Discrimination Act, and any subsequent relevant legislation, at all times.

How to make your first application

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

Stage 1 – Submission of application

Once you have received your application pack and are satisfied that you can meet Council Policy, please make an appointment with the Licensing Officer for an interview and bring with you the following completed documentation:

- Licence application form;
- Licence fee; (see separate sheet for details of fees)
- 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 both the card and paper counterpart must be produced showing your current address. See explanatory note C.
- Provide a recent colour passport sized photograph. See explanatory note D.
- A letter from your prospective employer confirming they will employ you should your application be successful.
- DVLA mandate form - applicants must provide their written permission for the Council to undertake a check with the Driver and Vehicle Licensing Authority at Swansea in order to obtain an up to date record of their driver licence records. See explanatory note B.
- Criminal Records Bureau disclosure application form and fee - a search is carried out by the Criminal Records Bureau (CRB) for previous non-motoring convictions on all new applicants and then every 3 years. See explanatory note 'A'.

When completing the application form, you must declare all convictions imposed by a Civil or Criminal Court. 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 arise during the application process, the Licensing Section must be informed in writing within 7 days from the date of conviction.

Stage 2 – Receipt of CRB/medical/ DVLA check

On receipt of a satisfactory CRB disclosure and DVLA check, you will need to obtain a medical report from your Doctor. Time taken by the CRB and/or DVLA to check your record is out of the Council's control. It is possible to track your CRB application on line at www.crb.org.uk

Stage 3 – Knowledge Test

On receipt of a satisfactory medical report an appointment will be made for you at a mutually convenient date/time, for you to take the knowledge test.

The knowledge test will consist of three parts:-

Part 1 - You will be given a map on which names of streets and popular locations in Bromsgrove District have been blanked out. You will be required to identify these street/locations.

Part 2 - You will be given two locations and you will be asked to describe the shortest convenient route to be taken from the start of the journey to the final destination.

Part 3 - You will be required to answer a number of questions relating to the law, regulations and conditions relating to Hackney Carriage and Private Hire Vehicles and drivers.

In order to pass the test, you will be expected to achieve at least 80% in Parts 1 and 3 and 100% in Part 2.

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 without fee.

Stage 4 - Disability Awareness Training

All new applicants must attend an accredited Training Course which incorporates disability awareness, such as NVQ level 2 in Road Passenger Transport within 12 months of their initial application. Officers may not grant renewal applications if the driver has not undertaken Disability Awareness Training without reasonable excuse. Please contact the Licensing Section for details of training providers.

Stage 5 - Issue of Licence

A licence will normally be granted if:

- you have no “unspent” criminal convictions (see below) and have no pending prosecutions for criminal or motoring offences,
- you have no more than 6 penalty points on your driving licence,
- you have been certified physically fit by a registered medical practitioner to drive a hackney carriage or private hire vehicle, and
- you have passed the geographical knowledge test.

Your Licence can be posted to you or made available for collection at the Customer Service Centre within 5 working days of you being informed that your application has been granted.

If the badge is damaged after being issued to the driver, a replacement shall be provided by the Council, at the driver’s expense.

Those who do not meet Council Policy

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, for instance because the CRB or DVLA checks have shown the applicant has criminal or motoring convictions, including cautions and any other relevant information disclosed by the Chief Police Officer, the Licensing Section may not have authority to grant or renew that application. In that instance the applicant can request in writing to have their application determined by the Council's Taxi Licensing Sub-Committee.

A report will be compiled by the Licensing Officer outlining the application details and they will be presented to the Sub-Committee.

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).

In respect of criminal convictions that are declared, the Sub-Committee will have regard to the guidelines relating to the relevance of convictions.

Appealing against a decision of the Council

After considering the applicant's representations, the Sub-Committee will determine the matter. If the applicant is not satisfied with the decision of the Taxi Licensing Sub-Committee, there is a right of appeal to the Magistrates Court within 21 days of being notified of the Sub-Committee's decision.

Loss or Theft of Driver's Badge and Vehicle Plates

Loss or theft of your badge, or vehicle plates should be reported immediately to the Council and the Police. A replacement licence, badge or plate will be issued once the appropriate fee has been paid.

APPLICATION TO RENEW A DUAL HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE

You must apply for renewal of your licence whilst the existing one is still in force. A reminder letter will be sent to you approximately 4-6 weeks before the current licence expires. (IF AN APPLICATION IS MADE ONE DAY LATE, IT MUST BE TREATED AS A NEW APPLICATION), including having to pass the knowledge test, so please ensure adequate time for renewal. Additionally you will not be permitted to continue to drive a Hackney Carriage or Private Hire vehicle as you do not hold a current licence.

When renewing your licence you must submit the completed renewal application form, to the Customer Service Centre or by post to the address shown at the front of this handbook, together with the following supporting documentation:

- application form for Criminal Records Bureau (where applicable);
- medical report (where applicable);
- DVLA licence showing current address;
- DVLA mandate;
- licence fee;
- a passport sized photograph (if your current one needs updating).
- Qualification certificate for disability awareness training

If you have accumulated more than 9 fixed penalty points for motoring offences during the term of the licence, the renewal application will be refused and you will have the option of referring your application to Taxi Licensing Sub-Committee for determination.

If the CRB or DVLA checks do not arrive prior to the expiry of the existing licence, you will be permitted to carry on driving a hackney carriage or private hire vehicle, providing your application was received prior to the expiry date of your existing licence.

Should the CRB disclosure reveal convictions not disclosed by you, then the licence and badge will not be renewed or if it has already been issued, you will be required to return it immediately to the Licensing Officer and you will have the option of referring your application to the Taxi Licensing Sub-Committee for determination.

If you are going on an extended holiday, you may apply for a renewal before you go or give someone else written permission to renew your licence on your behalf.

If you are unsure as to how to complete any part of the application, he/she should seek advice from a Licensing Officer.

Issue of Licence

An application will only be granted and the licence issued once the application procedure has been satisfactory carried out.

If the badge is damaged after being issued to the driver, a replacement shall be provided by the Council, at the driver's expense.

Disability Awareness Training

Officers may not grant renewal applications if you have not undertaken suitable Training which includes disability awareness, without reasonable excuse. For all existing licensed drivers, training must be completed by 1st October 2010.

DRAFT

CONDITIONS RELATING TO DUAL HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'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 and 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 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 Policy or the law.

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.
- (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.
- (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.

DRAFT

SECTION B – VEHICLES

HACKNEY CARRIAGE VEHICLES

This licence is valid for one year and entitles licensed drivers 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

The first vehicle in line on any rank must take the hirer seeking a Hackney Carriage.

PRIVATE HIRE VEHICLE

This licence is valid for one year and all hirings of the vehicle must be pre-booked through a booking office known as the Operators base. 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 you will require an 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.
- 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.
- k) 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.
- l) 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 passengers can be seen clearly from outside 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. Tinted windows will not be permitted where they conceal the identity of the passenger inside.
- (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, 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 it's 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.

Liquid Petroleum Gas

These conditions will also apply to new vehicles to be licensed for the first time that already run on LPG:

- (a) That the installation of a LPG tank be fitted by an APG approved installer as recommended by the Liquid Petroleum Gas Association;
- (b) That the proprietor produces a certificate of compliance by an approved LPG installer;
- (c) That the LPG tank fitted must be a multi-value tank and be fitted with a sealed tank box made from aluminium and vented to the atmosphere;
- (d) That the vehicle displays on the front and rear screens a round sticker stating that the vehicle has been fitted with a LPG tank for the purpose of the emergency services in the event of an accident;
- (e) 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;
- (f) That the proprietor of the vehicle must notify DVLA Swansea, of the change in fuel from petrol to both LPG and petrol;
- (g) That the vehicle be serviced by a person competent in LPG powered vehicles.

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.

DO NOT PURCHASE A VEHICLE UNLESS YOU ARE SATISFIED IT CAN BE LICENSED

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 at least 7 days prior to the vehicle being inspected:

- 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 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 may need to be inspected by the Licensing Officer at the time the application is 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. Before an applicant takes a vehicle for an inspection it is advisable that it is roadworthy and it complies with Council Policy and vehicle conditions which are set out in this handbook.

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, where your Vehicle Licence and plates 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 Test Centre is the vehicle for which the appointment is made. The vehicle test appointment will be cancelled by the Licensing Section if payment has not been received prior to the appointment time.

The Council's nominated garage is:
Depot Services, Sherwood Road, Aston Fields, Bromsgrove.

Please contact the Licensing Section on (01527) 881405, to make an appointment. The garage has set time slots that it carries out MOT tests and inspections:

- Monday – Thursday 10.00 a.m. or 2.00 p.m.
- Friday – 10.00 a.m.

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 Licensing Section, a fee may be applicable in line with the charges set out by the Department of Transport MOT regulations. Details are available from the testing station.

If you would like an official Department of Transport MOT certificate, please advise the Licensing Officer at the time of booking your vehicle in for testing, as you will not automatically receive one.

Retests are generally carried out Monday – Friday at 11.30 a.m.

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 Vehicle Operator Services Agency (VOSA). Spot tests are normally carried out at the roadside. If your vehicle does not pass the spot test, 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 Test Centre. If your vehicle licence is immediately suspended, the Licensing Officer will hand you a notice of suspension.

Issue of Licence

Completed applications submitted for vehicle licences will be processed within 5 working days of being received by the Licensing Section subject to the vehicle passing its MOT/vehicle inspection. A vehicle may not be used as a hackney carriage or private hire vehicle unless 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 fixed internally on the rear back window and each of the 'mini' plates to be fixed on each passenger door window. 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 should 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, 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 a change of vehicle is required before expiry of a licence, an application for a new licence should be made but a lower fee will be charged to cover the cost of the MOT test and inspections and the issue of a new vehicle licence and plates. The licence will be issued for the remaining time left on the previous licence.

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 annually by the Council's Licensing Committee and all Hackney Carriage owners are consulted prior to a decision being made.

An authorised officer or Police constable has power to inspect and test any licensed vehicle at any reasonable time. (Section 68 LGMPA).

Trailers used for carrying luggage are also inspected annually.

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 plate and window sticker 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 it will need to be re-licensed, by completing an application form, up to date insurance and presenting the vehicle for inspection (by appointment) at the Customer Service Centre.

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 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 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;
- (b) a spare wheel and enough tools to enable a wheel to be changed;

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 securely attached to the rear of the vehicle and must be clearly visible at all times. The four mini-plates must be fixed one to each side window 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-plates become damaged in any way, a replacement is available from the Council, at the driver's expense.

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.

Advertisements on Private Hire Vehicles

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

Transporting wheelchair users

This condition is only applicable to vehicles which comply with the conditions of fitness as prescribed by the Disability Discrimination Act 1995:

- (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 the Disability Discrimination Act 1995.

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

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". Roof signs are not permitted.
- 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 approved by the Licensing Section. 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.

Liquid Petroleum Gas

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

Radio transmitters/receivers

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

DRAFT

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 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;
- (b) a spare wheel and enough tools to enable a wheel to be changed;

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 securely attached to the rear of the vehicle and must be clearly visible at all times. The four mini-plates must be fixed one to each side window 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-plates become damaged in any way, a replacement is available from the Council, at the driver's expense.

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 the Disability Discrimination Act 1995:

- (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 the Disability Discrimination Act 1995.

Taxi Ranks

Your vehicle must not be hired from any taxi rank, unless it is in the front position on the rank.

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.

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 approved by the Licensing Section. 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.

Liquid Petroleum Gas

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

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 during the hours of darkness and must comply with any requirements of vehicle lighting regulations at all times.

Taxi Meters

All meters installed must be Public Carriage Office and British Standards Institute approved.

The meter must be brought into action as soon as, and not before the hirer commences his journey and kept in action until the termination of the hiring.

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

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 Council House, Burcot Lane, 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 have conversational English.
- (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.
- (e) That there is planning permission for the use of the premises as a base for a Private Hire Operators’ business.

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 not exceeding one year and is 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 CRB Disclosure 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 CRB 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, School Drive, Bromsgrove 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.

Applications will be processed within five working days of being received by the Licensing Section.

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 CRB 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. If an application for renewal is not received by the renewal date, the licence will lapse.

Where operations continue after a failure to renew, prosecutions are likely to be authorised without notice.

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 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 rules or the law.

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.

DRAFT

THE LAW RELATING TO HACKNEY CARRIAGES, PRIVATE HIRE VEHICLES AND DRIVER'S

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 have their licences suspended, revoked or not renewed.

The Council may also suspend, revoke or refuse to renew a vehicle licence on the following grounds:-

- (a) the vehicle is unfit
- (b) the commission of an offence under the LGMPA or the TPCA;
- (c) any other reasonable cause (Section 61 LGMPA).

A licence may be suspended by an authorised officer or Police Constable if he considers the vehicle unfit (Section 68 LGMPA).

The Council may suspend or revoke or refuse to renew an Operator's licence on the following grounds:-

- (a) the commission of an offence under the LGMPA
- (b) conduct of the operator which renders him unfit.
- (c) any material change in the operator's circumstances
- (d) any other reasonable cause (Section 62 LGMPA).

Additionally under Section 50 of the Town Police Clauses Act 1847, the Council can suspend or revoke a driver's or proprietor's licence upon the conviction of a second offence under this act.

Below is a table detailing some of the criminal offences created by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

In this table the following abbreviations are used:-

TPCA – Town Police Clauses Act 1847

LGMPA – Local Government (Miscellaneous Provisions) Act 1976

HC – Hackney Carriage

PH – Private Hire

Table of Offences

HACKNEY CARRIAGE PROVISIONS		
Legislation	Offence	Max. Penalty
s.40 TPCA	Giving false information on an application for HC proprietors licence	£250
s. 44 TPCA	Failure to notify change of address of HC proprietor	£250
s. 45 TPCA	Plying for hire without HC proprietor's licence	£2500
s.47 TPCA	Driving a HC without a HC driver's licence	£1000
s.47 TPCA	Lending or parting with a HC driver's licence	£1000
s.47 TPCA	HC proprietor employing an unlicensed driver	£1000
s.48 TPCA	Failing to retain in his possession the licence of a HC driver employed by him.	£250
s.48 TPCA	Failure by HC proprietor to produce HC driver's licence	£250
s.52 TPCA	Failure to display HC plate	£250
s.53 TPCA	Refusal to take a fare unless judged a danger/risk.	£500
s.54 TPCA	Charging more than the agreed fare	£250
s.55 TPCA	Obtaining more than the legal fare	£1000 and 1 months' imprisonment until the excess is refunded
s.56 TPCA	Travelling less than the lawful distance for an agreed fare	£250
s.57 TPCA	Failing to wait after a deposit to wait has been paid	£250
s.58 TPCA	Charging more than the legal fare	£1000
s.59 TPCA	Carrying other person than the hirer without consent	£250
s.60 TPCA	Driving a HC without proprietors consent	£250
s.60 TPCA	Person allowing another to drive HC without proprietors consent	£250
s.61 TPCA	Drunken driving of a HC	£250
s.61 TPCA	Wanton or furious driving or wilful misconduct leading to injury or danger	£250

s.62 TPCA	Driver leaving HC unattended	£250
s.64 TPCA	HC driver obstructing other HCs	£250
s.49 LGMPA	Failure to notify transfer of HC proprietor's licence	£1000
s.50(1) LGMPA	Failure to present HC for inspection as required	£1000
s.50(2) LGMPA	Failure to inform local authority where HC is stored if requested	£1000
s.50(3) LGMPA	Failure to report an accident involving a HC to local authority within 72 hours	£1000
s.50(4) LGMPA	Failure to produce HC proprietors licence and insurance certificate	£1000
s.53(3) LGMPA	Failure to produce HC driver's licence	£1000
s.57 LGMPA	Making false statement or withholding information to obtain HC driver's licence	£1000
s.58(2) LGMPA	Failure to return plate after notice given after expiry, revocation or suspension of HC proprietors licence	£1000 plus daily fine of £10
s.61(2) LGMPA	Failure to surrender drivers licence after suspension, revocation or refusal to renew	£1000
s.64 LGMPA	Permitting any vehicle other than a HC to wait on a HC stand	£1000
s.66 LGMPA	Charging more than the meter fare for a journey ending outside the district, without prior agreement	£1000
s.67 LGMPA	Charging more than the meter fare when HC used as a private hire vehicle	£1000
s.69 LGMPA	Unnecessarily prolonging a journey	£1000
s.71 LGMPA	Interfering with a taximeter	£1000
s.73(1)(a) LGMPA	Obstruction of authorised officer or constable	£1000
s.73(1)(b) LGMPA	Failure to comply with requirement of authorised officer or constable	£1000
s.73(1)(c) LGMPA	Failure to give information or assistance to authorised officer or constable	£1000

PRIVATE HIRE PROVISIONS

Legislation	Offence	Max. Penalty
s.46(1)(a) LGMPA	Using an unlicensed PH vehicle	£1000

s.46(1)(b) LGMPA	Driving a PH vehicle without a PH driver's licence	£1000
s.46(1)(c) LGMPA	Proprietor of a PH vehicle using an unlicensed driver	£1000
s.46(1)(d) LGMPA	Operating a PH vehicle without a PH operator's licence	£1000
s.46(1)(e) LGMPA	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle	£1000
s.48(6) LGMPA	Failure to display PH vehicle plate in prescribed manner	£1000
s.49 LGMPA	Failure to notify transfer of PH vehicle licence	£1000
s.50(1) LGMPA	Failure to present PH vehicle for inspection as required	£1000
s.50(2) LGMPA	Failure to inform local authority where PH vehicle is stored if requested	£1000
s.50(3) LGMPA	Failure to report an accident involving a PH vehicle to local authority within 72 hours	£1000
s.50(4) LGMPA	Failure to produce PH vehicle licence and insurance certificate	£1000
s.53(3) LGMPA	Failure to produce PH driver's licence	£1000
s.54(2) LGMPA	Failure to wear PH driver's badge	£1000
s.56(2) LGMPA	Failure by PH operator to keep a record of bookings	£1000
s.56(3) LGMPA	Failure by PH operator to keep records of PH vehicles operated by him	£1000
s.56(4) LGMPA	Failure to produce PH operator's licence on request	£1000
s.57 LGMPA	Making a false statement or withholding information to obtain a PH driver's or operator's licence	£1000
s.58(2) LGMPA	Failure to return plate after notice given after expiry, revocation or suspension of PH vehicle licence	£1000 plus daily fine of £10 per day
s.61(2) LGMPA	Failure to surrender driver's licence after suspension, revocation or refusal to renew	£1000
s.67 LGMPA	Charging more than the meter fare when HC used as a PH vehicle	£1000
s.69 LGMPA	Unnecessarily prolonging a journey	£1000
s.71 LGMPA	Interfering with a taximeter	£1000
s.73(1)(a) LGMPA	Obstruction of authorised officer or constable	£1000
s.73(1)(b) LGMPA	Failure to comply with requirement of	£1000

	authorised officer or constable	
s.73(1)(c)	Failure to give information or assistance to authorised officer or constable	£1000

DRAFT

Main policy changes and suggested transition periods

Existing policy	Proposed policy change	Suggested transition period	Numbers of driver's/vehicles affected by proposals
There is currently no requirement	Introduction of training to include disability awareness.	New applicants - To take effect from 1 st April 2009. For existing drivers – every licensed driver must have completed their training by 1 st October 2010.	All licensed drivers, however a small number of drivers have already received training to NVQ level 2 standard.
No upper age limit on licensed vehicles	An upper age limit of 10 years be introduced to all licensed vehicles, with the exception of wheelchair accessible vehicles and the upper age limit is 12 years.	To take effect from 1 st April 2009 for new vehicle licence applications. For existing vehicles – Any vehicle that has reached the appropriate upper age limit as at 1 st April 2009, will only be licensed for a further 12 months. Thus giving them a period of 12months in which to purchase a newer vehicle.	As at 1 st April 2009, eight Private Hire vehicles will be affected and 10 Hackney Carriages

<p>Vehicles over the age of 4 years to be tested every six months; vehicles over the age of 7 years to be tested every 4 months</p>	<p>The frequency of vehicle tests to be reduced, so that only vehicles over the age of 7 years are tested every six months.</p>	<p>During the transition period, their vehicles would still need to have additional vehicle tests every four months as per the current arrangements.</p>	<p>As at 1st April 2009, we have 28 Hackney Carriages over 4 years old and 34 Private Hire Vehicles. We also have 29 Private Hire vehicles over 7 years old and 27 Hackney Carriages.</p>
<p>Applicants are required to submit a copy of their DVLA licence with their application form.</p>	<p>All new applicants and existing drivers upon renewal of their licence will be required to complete a DVLA mandate requesting up to date information on their driving record.</p>	<p>New applicants - To take effect from 1st April 2009. For existing vehicles – they will be required to adhere to the new requirements when their vehicle licence becomes due for renewal. Vehicles less than 7 years old will not require any additional tests other than on renewal of their licence.</p>	<p>All licensed drivers</p>

<p>A driver's licence be refused if the applicant has accumulated : More than 6 penalty points in the past 2 years or more than 12 penalty points in the past 5 years</p>	<p>A driver's licence be refused: if a new applicant has more than 6 penalty points at the time of making an application; or if an existing driver has more than 9 penalty points at the time of making a renewal application.</p>	<p>New applicants - To take effect from 1st April 2009. For existing drivers – they will be required to adhere to the new requirements when their licence becomes due for renewal, after 1st April 2009.</p>	<p>All licensed drivers</p>
<p>A medical certificate is required every three years.</p>	<p>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.</p>	<p>New applicants - To take effect from 1st April 2009: For existing drivers – they will be required to adhere to the new requirements when their next medical becomes due for renewal, after 1st April 2009.</p>	<p>All licensed drivers. As at 1st April 2009, we will have 68 driver's between the age of 45 and 64 years old and 9 driver's over the age of 65.</p>

This page is intentionally left blank

BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

23RD FEBRUARY 2009

GUIDANCE RELATING TO THE 'RELEVANCE OF CONVICTIONS AND CAUTIONS'

Responsible Portfolio Holder	Cllr. Peter Whittaker
Responsible Head of Service	David Hammond

1. SUMMARY

- 1.1 This report concerns the proposal to adopt a revision of existing guidance to Licensing Committee Members and applicants on the relevance of convictions when granting either a Dual hackney Carriage and Private Hire Driver Licence or Private Hire Operator's Licence.

2. RECOMMENDATION

- 2.1 That Members adopt the revised guidance on the relevance of convictions and cautions.

3. BACKGROUND

- 3.1 Members will be aware of current guidance on the relevance of convictions when applications for driver or operator licences are determined by the Council's Taxi Licensing Sub-Committee.
- 3.2 These guidelines have been produced to assist the new formed Taxi Licensing Sub-Committee in their decision-making and to maintain the consistency of any decisions made. They have also been formulated as a County-wide document to provide clearer information to current and potential applicants, with a view to minimising cost and time spent by both the Council and the applicant.
- 3.3 The aim of these guidelines is not to punish the applicant twice for a conviction or caution, but to ensure that public safety is not compromised.
- 3.4 As Members are aware the objective of the licensing regime is to ensure that, so far as possible, those licensed to drive taxis are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, mentally and physically fit, honest and not person who would take advantage of their passengers.

3.5 Consultation has taken place with all licence holders and relevant public bodies and no adverse comments have been received.

4. FINANCIAL IMPLICATIONS

4.1 There are no financial implications.

5. LEGAL IMPLICATIONS

5.1 This guide has been based on the Department of Transport Circular 2/92 and the Home Office Circular 13/92. The circulars advise local authorities on the procedures to adopt for checking with the police the criminal convictions of applicants for Hackney Carriage and Private Hire vehicle drivers' licences.

5.2 Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 states "Council shall not grant a licence to drive a Private Hire/Hackney Carriage Vehicle unless they are satisfied that the person is a fit and proper person to hold a driver's licence".

5.3 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 states that ".... The district council may suspend or revoke or refuse to renew the licence of a driver of a hackney carriage or private hire vehicle on any of the following grounds:

(a) that he has since the grant of the licence:

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of his Act; or

(b) any other reasonable cause."

5.4 The Rehabilitation of Offenders Act (Exceptions) (Amendment) Order 2002 specifically excludes taxi drivers (but not private hire operators) from the provisions of the Rehabilitation of Offenders Act 1974.

6. COUNCIL OBJECTIVES

6.1 These guidelines contribute to the Council's objective "Sense of community and well being".

7. RISK MANAGEMENT

7.1 The main risk associated with the detail included in this report is:

- To ensure that the Council has effective policies in place to assist in decision-making and to maintain the consistency of any decisions made.

7.2 This risk is being managed as follows:

Risk Register: Planning and Environment Services

Key Objective Ref No. 7

Key Objective: Effective, efficient and legally compliant Licensing Service

8. CUSTOMER IMPLICATIONS

8.1 Should members adopt the guidelines, all licensed Hackney Carriage and Private Hire Drivers and Private Hire Operators will be informed in writing and a copy of the guidelines will be issued to them for future reference.

8.2 Details will also be added to the Council's website.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

9.1 A full Equalities and Diversity Impact Assessment will be prepared following approval of the guidelines.

10. VALUE FOR MONEY IMPLICATIONS

10.1 The guidelines have been developed as a County-wide document to provide clearer information to current and potential applicants, with a view to minimising cost and time spent by both the Council and the applicant.

11. OTHER IMPLICATIONS

Procurement Issues None
Personnel Implications None
Governance/Performance Management None
Community Safety including Section 17 of Crime and Disorder Act 1998 The Council ensures that licences are only granted to drivers of licensed vehicles if they can demonstrate that they are 'fit and proper'.
Policy None
Environmental None

12. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	No

Executive Director (Partnerships and Projects)	No
Executive Director (Services)	No
Assistant Chief Executive	No
Head of Service	Yes
Head of Financial Services	No
Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No

13. WARDS AFFECTED

All wards are affected.

14. APPENDICES

Appendix 1 Guidelines relating to the 'Relevance of Convictions and Cautions'.

15. BACKGROUND PAPERS

Department of Transport Circular 2/92 and Home Office Circular 13/92.

CONTACT OFFICER

Name: Sharon Smith
E Mail: sharon.smith@bromsgrove.gov.uk
Tel: (01527) 881626



Bromsgrove
District Council

www.bromsgrove.gov.uk

GUIDANCE RELATING TO THE RELEVANCE OF CONVICTIONS AND CAUTIONS

**Supplemental to the Home Office guidance on the Relevance
of Convictions contained in the Department for Transport
Circular 2/92 and Home Office Circular 13/92 as amended.**

Contents

Section	Page Number
Introduction to Guidelines	3
Legislation	3
Convictions	4
Rehabilitation Periods	5
Fit and proper Person	5
Protecting the Public Question	6
Compliance with conditions and requirements of Licensing Authority	6
Matters relating to Motoring/Traffic Offences	
Traffic Offences - New Applications	7
Traffic Offences - Existing Licence Holders	7
Major Traffic Offences	8
Minor Traffic Offences	8
Disqualification	9
Cautions	9
Insurance Offences	9
Matters relating to Medical Offences	9
Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976	9
Matters relating to Sexual Offences	10
Offences relating to Drunkenness	11
Matters relating to Drug Offences	12
Matters relating to Violence Offences	12
Matters relating to Dishonesty Offences	14
Complaints against Drivers	15
Conclusion	15
Appendix A – List of Traffic Offences	

Introduction to the Guidelines Relating to the Relevance of Convictions

The purpose of this document is to formulate guidelines which detail the Council's position on the relevance of convictions and cautions in respect of applications for the grant of new licences, and the renewal of existing hackney carriage and private hire vehicle drivers' and operators licences.

These guidelines have been produced to assist the Taxi Licensing Sub-Committee in their decision-making and to maintain the consistency of the decisions made. They have also been formulated to provide clearer information to current and potential applicants, with a view to minimising cost and time spent by both the Council and the applicant.

The aim of these guidelines is not to punish the applicant twice for a conviction or caution, but to ensure that public safety is not compromised.

The Council will ensure that, so far as possible, those licensed to drive taxis are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault customers.

EACH CASE WILL BE DECIDED ON ITS OWN MERITS.

Legislation

The Local Government (Miscellaneous Provisions) Act 1976 Section 51 and 61 deal with the issue of driver suitability:

"...Council shall not grant a licence to drive a (Private Hire/Hackney Carriage Vehicle) unless they are satisfied that the applicant is a **fit and proper person** to hold a driver's licence."

Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 states:

...the district council may suspend or revoke or refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds

- 1) That he has since the grant of the licence.
 - i) Been convicted of an offence involving dishonesty, indecency or violence; or
 - ii) Been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of Part of this Act; or

- 2) Any other reasonable cause.

Legislation makes it clear that the Council may grant a licence ONLY if it is satisfied that the person is fit and proper - the onus is on the applicant to prove this, NOT the Council to demonstrate that they are not.

Convictions

The Taxi Licensing Sub-Committee is required to look at any past indicators (convictions, motoring offences, cautions etc...) that may affect a person's suitability to hold a hackney carriage/private hire drivers licence and consider the possible implications of granting such a licence.

It is Council Policy that, the applicant is asked to disclose **all** convictions and cautions, including spent convictions and any pending issues - the Rehabilitation of Offenders Act 1974 s 4, and Rehabilitation of Offenders Act (Exceptions) (Amendment) Order 2002.

If a licence has been granted to a person on the basis of false or incomplete information supplied by them, the Sub-Committee may revoke the Licence and require the applicant to submit a further application which will be considered in the light of the full information now available to the Sub-Committee.

A person with a current conviction for a serious crime need not be permanently barred from obtaining a licence but should be expected to (a) remain free of conviction for an appropriate period and (b) show adequate evidence of good character since the time of the conviction. Simply remaining free of conviction will not generally be regarded as sufficient evidence of good character.

All hackney carriage and private hire operators, proprietors and drivers must disclose in writing to the Council within 7 days of conviction or caution imposed on him/her during the period of licence.

Cautions are included under the definition of convictions and they will also be taken into consideration when determining an application as well as endorsable fixed penalties. Although these are generally not as serious as convictions, they can give some indication as to an applicant's character and whether they are a fit and proper person to hold or be granted such a licence.

The Council will only consider spent convictions if it appears to be relevant for deciding whether the applicant is a fit and proper person to hold a licence and that justice cannot be done in the case, except by admitting or requiring evidence relating to that spent conviction.

Patterns

A series of offences over a period of time is more likely to give cause for concern than an isolated conviction. A serious view will be taken when an

applicant shows a pattern of offences. If a pattern is found for any offences, for example, the applicant has received more than one conviction for a violent action, then serious consideration should be made as to the suitability of that person to hold a licence.

The timescale within which any cautions have been issued could increase the severity of the offence, for example, for violent cautions within the space of a few years could portray the applicant as someone prone to violence.

Rehabilitation Periods

These guidelines have separated the various offences into 9 categories, each detailing the period of rehabilitation that must elapse for a particular offence, before an applicant can be considered a fit and proper person to hold licence. After consideration by the Sub-Committee, if a person does not satisfy the test of 'fit and proper', then the application should be refused or the licence revoked or suspended until the applicant is able to satisfy them.

The Sub-Committee cannot hear evidence, or decide, that an applicant did not, in actual fact, commit an offence of which a Court has convicted them. The applicant can, however, explain any mitigating factors, which led to them committing the offence and the Sub-Committee, can take these into account in deciding whether the applicant is a fit and proper person to hold a licence.

If the applicant or holder of a licence has notified the Council of a conviction but is appealing against it to a higher court the matter may be referred to the Sub-Committee for a decision as to whether the licence / application should be suspended until such an appeal is heard.

A “Fit and Proper Person”

There is no absolute definition as to what constitutes a “fit and proper person”, however, considering the range of passengers that a driver may carry (for example, elderly people, unaccompanied children, the disabled, those who have had too much to drink, lone women and foreign visitors), the Council relies on a common sense approach. Some areas give rise to particular concern, including

- Honesty and trustworthiness - taxi drivers often have knowledge that a customer is leaving a house empty; they have opportunities to defraud drunken, vulnerable or foreign people or to steal property left in cars, for example, any passenger would expect to be charged the correct fare for a journey and then given the correct change, they would also expect a driver to hand in any article left by a passenger in a vehicle, and also to maintain confidentiality between driver and fare.
- Not abusive - taxi drivers are often subject to unpleasant or dishonest behaviour. The Council does not consider that this excuses any aggressive or abusive conduct on the part of the driver.

- A good and safe driver - those paying for a transport service rely on their driver to get them to their destination safely. They are professional drivers and should be fully aware of all Road Traffic legislation and conditions attached to the licence.
- They should be expected to have a good knowledge of the area that they are working in.
- Good physical and mental health.
- An ability to read, speak and understand English.

“Protecting the Public” Question

The over-riding consideration for the members of the Sub-Committee is to protect the travelling public; having considered and applied the appropriate guidelines, the following question should be applied:

“Would I allow my daughter or son, granddaughter or grandson, spouse, mother or father, or any other person I care for or any vulnerable person I know, to get into a vehicle with this person alone?”

If answer is yes, then a licence should normally be granted. If the Sub-Committee have any doubts, then an application must be refused until those doubts can be satisfied through further evidence being supplied. It is the applicant’s responsibility to provide sufficient evidence to this effect.

Compliance with conditions and requirements of Licensing Authority

The Sub-Committee may take into account an applicant’s history while holding a licence, from this or any other authority. The Sub-Committee may take into account, in deciding whether a person is a fit and proper person to hold a licence, such matters as their record of complaints, or positive comments from members of the public; their compliance with Licence conditions and their willingness to co-operate with Licensing Officers.

Matters relating to Motoring/Traffic Offences

Motoring/Traffic Offences - New Applicants only

Any new applicant who has 6 current penalty points or more on his driving licence should expect their application to be heard at a hearing of the Council's Taxi Licensing Sub-Committee. The Sub-Committee then have the option of deciding the application on its merits, and may:

- Issue the licence with or without a written warning
- Issue the licence conditionally upon the applicant completing a Driver Correction Training Course at the driver's expense, within 2 months of their decision (if applicable).
- Refuse the application.

A Licence may only be granted on the condition that the Sub-Committee is satisfied that the applicant is a fit and proper person.

For any minor offences totalling no more than 6 points on an applicants licence, a licence may be granted by the Licensing Officer with a formal warning with regards to future conduct.

Traffic Offences - Existing Licence Holders

Private hire and hackney carriage drivers are professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at **all** times. Any traffic offences show a lack of responsibility whilst driving.

Convictions for traffic offences should not prevent a person from proceeding with a renewal of their licence. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving requirements.

Any existing licence holder who has 9 valid penalty points or more on his driving licence will be expected to go before the Taxi Licensing Sub-Committee hearing to explain their convictions. The Sub-Committee then have the option of deciding the application on its merits, and may

- Take no further action
- Give a written warning
- Require the driver to attend a Driver Correction Training Course at the driver's expense, within 2 months of their decision (if applicable).
- Suspend the Licence upon conditions or for a period of time
- Revoke the licence.

Convictions for traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving conduct. If a

significant history of offences is disclosed, refusal of an application may result. All current traffic offences have been separated into two categories: minor and major offences, depending on the seriousness of the offence. Newly created traffic offences will be categorized appropriately. Below are the guidelines as to the rehabilitation period for a specific number of penalty points awarded for offences within that specific category.

Major Traffic Offences

An isolated conviction, without disqualification, for an offence such as dangerous driving or driving without due care and attention will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire vehicle driver. However, where the conviction is within 6 months prior to the date of the application the application will normally be refused.

More than one conviction for this type of offence within the last 5 years is likely to merit refusal.

A list of offences to which this paragraph applies can be found at Appendix 'A'.

Minor Traffic Offences

Isolated convictions for minor traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account and if there are several offences of this nature the applicant will normally be expected to show a period free of conviction of at least 6 months.

A list of offences to which this paragraph applies can be found at Appendix 'A'.

Disqualification

Where an applicant has been disqualified from driving because of a major traffic offence the application will generally be refused unless a period of 5 years free from conviction has elapsed from the restoration of the DVLA licence.

Where several minor traffic offences have resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard. Generally, a period of 12 months free from conviction must have elapsed from the restoration of the DVLA licence.

In "totting-up" cases where disqualification is considered by the court, even if the court does not disqualify (e.g. because of exceptional circumstances) a driver the Council is likely to refuse a hackney carriage or private hire driver's licence because different criteria apply and an applicant will normally be expected to show a period of 12 months free from conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.

Cautions

If an applicant has received a caution for a traffic offence, given the nature of the offence and the profession of a taxi driver, the applicant may be given a warning as to the future conduct.

Insurance Offences

The Council takes a serious view of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past should not necessarily bar an applicant from being issued a licence.

More than one conviction for these offences should raise serious doubts as to an applicant's suitability to hold a hackney carriage or private hire licence. In this instance, at least 3 years should elapse (after restoration of the DVLA driving licence) before an applicant, who has been disqualified from driving for insurance offences, is considered for a hackney carriage or private hire licence.

Matters relating to Medical Grounds

If the applicant's driving licence has been revoked or refused on medical grounds by the DVLA within the last 5 years or the applicant has received a conviction for driving a vehicle after failing to notify a disability or made a false declaration about fitness and medical health, the application for a hackney carriage or private hire licence should be refused until medical proof of current fitness can be provided to the DVLA Group 2 Medical Standard.

The onus is on the applicant to provide appropriate medical proof from their GP/consultant or authorised practitioner at their own expense, which is to be brought to the committee hearing. The committee should consider issuing a licence if they are satisfied that the report shows a clean bill of health, and that the applicant is a fit person to recommence driving and is deemed to be of no threat to the public.

If the committee have any doubts over the applicant's fitness, then the application should be adjourned or refused until further evidence can be produced by the applicant to contest this.

Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976

One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 ("the Acts") is to ensure the protection of the public. For this reason a serious view is taken of convictions for offences under the Acts (including illegally plying for hire) when deciding whether an applicant is to be treated as a fit and proper person to hold a licence.

In particular, an applicant will normally be refused a licence where (s)he has been prosecuted for an offence under the Acts at any time during the 12

months preceding the application or has more than one prosecution within the last 2 years preceding the date of the application.

Matters relating to Sexual Offences

As hackney carriage and private hire drivers often carry unaccompanied passengers, any new applicants with convictions, or cautions, for soliciting, importuning, indecent exposure, or any sexual offence, should expect their application to be heard at a hearing of the Taxi Licensing Sub-Committee. New applicants will normally be refused a licence until they can show a substantial period (usually between 7 and 12 years) free from any conviction.

Any current licence holder, declaring a charge, conviction or caution for any sexual offence, will be expected to attend a hearing of the Taxi Licensing Sub-Committee. Depending on the nature of the conviction, the Sub-Committee may:-

- Take no further action
- Issue a written warning
- Suspend the Licence
- Revoke the licence

The following guidelines illustrate the Council's stance on rehabilitation periods after an applicant has been convicted of a sexual/indecency offence.

- **Rape** - Licence should be revoked / refused until a minimum period of 12 years on completion of sentence.
- **Indecent assault** - Licence should be revoked/refused until a period of 10 years on completion of sentence.
- **Gross indecency with a female** - Licence should be revoked / refused until a period 8 years on completion of sentence.
- **Gross indecency with a male** - Licence should be revoked / refused until a period of 8 years on completion of sentence.
- **Indecent assault on a child** - Licence should be revoked / refused until a period of 12 years on completion of sentence.
- **Buggery** – Licence should be revoked until a period of 8 years on completion of sentence
- Any other offence of a similar nature

Offences relating to Drunkenness

This section has been divided into two separate sections; drink driving with a motor vehicle and drunkenness without a motor vehicle. Both sections apply to new applicants as well as existing licence holders.

- (a) With a Motor Vehicle - The Council views driving or being in charge of a vehicle whilst under the influence of alcohol as a serious offence.

The offences that apply to this section include:

- Driving or attempting to drive with alcohol above the limit;
- In charge of a vehicle, driving or attempting to drive when unfit through drink;
- Refusal to provide a specimen of breath or blood for analysis;
- Any other offence of a similar nature.

New Applicants

Although an isolated incident will not necessarily debar an applicant, a single conviction for any drink driving offence will require a period of 1 year to elapse after the restoration of their DVLA licence, before being considered for a licence.

More than one incident should raise grave doubts as to future behaviour and the applicant's fitness to hold a licence. At least 3 years should elapse (after restoration of the DVLA licence) before an application is considered.

Existing Drivers

A driver found guilty of driving passengers for hire and reward whilst under the influence of drink or of refusing to provide a specimen of breath or blood for analysis. Should expect to have his hackney carriage or private hire drivers licence revoked **IMMEDIATELY and a further application should not normally be considered until a period of 3 years has elapsed after restoration of the DVLA licence.**

If a driver's licence has been revoked by the DVLA for offences relating to drink driving, but not when driving for hire or reward then any application to renew a hackney carriage or private hire vehicle licence should not be considered until a period of 1 year has elapsed, (after restoration of their DVLA licence).

- (b) Without a Motor Vehicle - An isolated conviction for drunkenness not associated with a motor vehicle will not necessarily result in an application being refused, however any new application or current licence holder should expect to attend a hearing of the Sub-Committee.

- One or 2 convictions for drunkenness not confined to one year should result in a warning as to future conduct.

- 2 convictions within a year a current licence should be suspended for a period of no more than 2 weeks, and a new application may be refused, or granted with a written warning.
- 3 or more convictions - any current licence should be suspended for a period of no more than 30 calendar days and a meeting of the Sub-Committee arranged to take place before the end of the suspension period. The Sub-Committee will consider whether the licence should be allowed to continue with a written warning or be revoked. Where the licence is revoked or not re-newed following a written warning any new application should be refused until the applicant can demonstrate a period of 12 months free from convictions.

In both cases

More than one conviction of drunkenness or refusal to provide a specimen may indicate a medical problem and the applicant may be asked to submit to a medical report by a medical practitioner nominated by the Council, before the application is entertained. If the results of the examination show the applicant to have a serious problem with alcohol misuse, a period of 5 years should lapse after treatment is complete and the committee must agree that, that person is a fit and proper person to hold such a licence before a further application is considered. Before granting a new application a medical report from a medical practitioner nominated by the Council may be required.

Matters relating to Drug Offences

A serious view is taken of any drug related offence. An applicant with a conviction for any drug related offence (including the supply or trafficking of drugs) should be required to show a period of at least 3 years free of convictions before an application is entertained.

If the applicant was required to undergo detoxification treatment, a period of 5 years free from conviction after the end of treatment is required. In both instances, before a further application is entertained, a specialist medical examination will be required with negative urine screen for drugs or abuse.

A hackney carriage or private hire driver found guilty of driving whilst under the influence of drugs, or convicted of any other drug-related offence should expect to have their licence revoked immediately. At least five years should elapse from conviction before a new application by that person will be considered.

Matters relating to Violence Offences

As hackney carriage and private hire drivers maintain close contact with the public, any previous convictions for violence will be taken seriously.

- (a) An application/licence will normally be refused for the following offences regardless of the period of time lapsed after the date of conviction:
- Murder

- Manslaughter
 - Causing death by reckless driving, including:
 - Causing death by reckless driving when unfit through drugs:
 - Causing death by careless driving when unfit through drink
 - Causing death by careless driving with alcohol level above the limit
 - Causing death by careless driving then failing to supply a specimen for analysis
 - Manslaughter or culpable homicide while driving a vehicle
 - Causing death by dangerous driving
 - Any other violent offence of a similar nature
- (b) An application/licence should be revoked or suspended where the applicant has a conviction for one of the following offences and where the conviction is **less than 10 years** prior to the date of application:
- Arson
 - Malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998)
 - Actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)
 - Any other violent offence of a similar nature
- (c) An application/licence should be revoked or suspended where the applicant has a conviction for one of the following offences **and** where the conviction is **less than 8 years** prior to the date of application:
- Grievous bodily harm with intent (s.18 Offences Against the Person Act)
 - Grievous bodily harm (s.20 Offences Against the Person Act) « Robbery
 - Racially-aggravated s.4 Public Order Act 1986 offence (fear or provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)
 - Racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress) (s.31 (1)(b) Crime and Disorder Act 1998)
 - Racially-aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998)
 - Racially-aggravated s.4 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32(1)(b) Crime and Disorder Act 1998)
 - Any other violent offence of a similar nature
- (d) An application/licence should be revoked or suspended where the applicant has a conviction for one of the following offences **and** where a conviction is **less than 3 years** prior to the date of application:
- Common assault

- Common assault which is racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)
- Assault occasioning actual bodily harm (s.47 Offences Against the Person Act))
- Assault police
- Affray
- Racially aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)
- Violent disorder
- Any other violent offence of a similar nature

The following offences may be treated as part of sub category (b) if the circumstances are such that there was an element of violence involved:

- Riot
- Obstruction
- Racially aggravated criminal damage
- Criminal damage
- Resisting arrest

Possession of a Weapon

If an applicant has been convicted for possession of a weapon or any other weapon-related offence, then serious consideration must be made as to whether this person is fit and proper to hold such a licence.

If the applicant has been convicted of wielding or using a weapon at someone, then an application should normally be refused or a licence revoked.

More than one offence

The above guidelines are applicable to applicants who have been convicted of one offence.

If an applicant has been convicted of two or three violent offences, the licence should normally be revoked.

If an applicant has a history of violence (more than two convictions of any type of violence) their licence should normally be revoked. If it is a new application, the guidance is to refuse.

Matters relating to Dishonesty Offences

Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public, for example, by demanding more than the legal fare or giving incorrect change. Overseas visitors can be confused by the change in currency and become “fair game” for an unscrupulous driver. Similarly, any customer can be defrauded by a driver taking them by any other than the shortest route or by them retaining any lost property left in their vehicle.

Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. For these reasons a serious view is taken at any convictions involving dishonesty.

In general, a period of 3 to 5 years free of conviction for the following offences should be required before granting/renewing a licence.

- Theft
- Burglary
- Fraud
- Benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception

Other Offences

The above list of offences is not exhaustive. Other offences which are not specifically referred to will need to be considered on their individual merits and in light of the general tone of this advice for similar offences.

Complaints against Drivers

Complaints by passengers are frequently made against hackney carriage and private hire drivers. Such complaints include refusal to assist a disabled passenger, use of abusive language, refusal to accept a fare driving standard, failure to pick-up a passenger etc. Such complaints should be referred in the first instance to the Licensing Officer for consideration. The Licensing Officer may refer a complaint to the Sub-Committee for further consideration in the following circumstances:

- Where there has been one single complaint of a highly serious nature;
- Where the Licensing Officer has received more than four valid complaints relating to the same licensed driver or operator during a 12 month period.

The Sub-Committee should consider the history of all complaints made against the driver to assess any patterns. If a problem is inherent, then the Sub-Committee should consider whether the driver and/or Operator is a fit and proper person to hold such a licence.

Conclusion

The fact an applicant has a previous or current conviction should not debar them from obtaining a hackney carriage or private hire licence. However, it is this Council's policy to consider the protection of the public by ensuring all

licensed drivers are in good health, are safe and competent driver and are able to maintain their vehicles to an acceptable standard.

A man or woman who has committed an offence and who is made to wait for a rehabilitation period to lapse prior to their application being accepted, is more like to value their licence and act accordingly.

Any applicant refused a driver's licence on the grounds that the committee is not satisfied he/she is a fit and proper person to hold such a licence, or who has had their licence suspended or had a condition attached with which they disagree has a right of appeal by way of written complaint, to the magistrates' court within 21 days of the notice of decision.

DRAFT

RELEVANCE OF PREVIOUS CONVICTIONS

MAJOR TRAFFIC OFFENCES

- AC10 Failing to stop after an accident
- AC20 Failing to give particulars or to report an accident within 24 hours
- AC30 Undefined accident offences

- BA10 Driving while disqualified by order of court
- BA20 Attempting to drive while disqualified by order of court

- CD10 Driving without due care and attention
- CD20 Driving without reasonable consideration for other road users
- CD30 Driving without due care and attention or without reasonable consideration for other road users
- CD40 Causing death through careless driving when unfit through drink
- CD50 Causing death by careless driving when unfit through drugs
- CD60 Causing death by careless driving with alcohol level above the limit
- CD70 Causing death by careless driving then failing to supply a specimen for analysis
- CU80 Using a mobile phone while driving a motor vehicle

- DD40 Dangerous driving
- DD60 Manslaughter or culpable homicide while driving a vehicle
- DD80 Causing death by dangerous driving

- DR10 Driving or attempting to drive with alcohol level above limit
- DR20 Driving or attempting to drive while unfit through drink
- DR30 Driving or attempting to drive then failing to supply a specimen for analysis
- DR40 In charge of a vehicle while alcohol level above limit
- DR50 In charge of a vehicle while unfit through drink
- DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
- DR70 Failing to provide specimen for breath test
- DR80 Driving or attempting to drive when unfit through drugs
- DR90 In charge of a vehicle when unfit through drugs

- IN 10 Using a vehicle uninsured against third party risks

- LC20 Driving otherwise than in accordance with a licence
- LC30 Driving after making a false declaration about fitness when applying for a licence
- LC40 Driving a vehicle having failed to notify a disability
- LC50 Driving after a licence has been revoked or refused on medical grounds

MS50 Motor racing on the highway
MS60 Offences not covered by other codes

UT50 Aggravated taking of a vehicle

Aiding, abetting, counselling or procuring
Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12)

Causing or permitting
Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14)

Inciting
Offences as coded above, but with 0 changed to 6 (e.g. IN10 becomes IN16)

MINOR TRAFFIC OFFENCES

MS10 Leaving a vehicle in a dangerous position
MS20 Unlawful pillion riding
MS30 Play street Offences
MS40 Driving with uncorrected defective eyesight or refusing to submit to a test
MS70 Driving with uncorrected defective eyesight
MS80 Refusing to submit to an eyesight test
MS90 Failure to give information as to identity of driver, etc.

MW10 Contravention of Special Road Regulations (excluding speed limits)

PC10 Undefined contravention of Pedestrian Crossing Regulations
PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle

TS10 Failing to comply with traffic light signals
TS20 Failing to comply with double white lines
TS30 Failing to comply with a "Stop" sign
TS40 Failing to comply with direction of a constable or traffic warden
TS50 Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)
TS60 Failing to comply with school crossing patrol sign
TS70 Undefined failure to comply with a traffic direction sign

Aiding, abetting, counselling or procuring
Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)

Causing or permitting
Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. PC10 becomes PC16)

CU10 Using vehicle with defective brakes

CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition

CU30 Using a vehicle with defective tyre(s)

CU40 Using a vehicle with defective steering

CU50 Causing or likely to cause danger by reason of load or passengers

SP10 Exceeding goods vehicle speed limit

SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)

SP30 Exceeding statutory speed limit on a public road

SP40 Exceeding passenger vehicle speed limit

SP50 Exceeding speed limit on a motorway

SP60 Undefined speed limit offence

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16)

This page is intentionally left blank

BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

23RD FEBRUARY 2009

HACKNEY CARRIAGE STANDS

Responsible Portfolio Holder	Cllr. Peter Whittaker
Responsible Head of Service	David Hammond

1. SUMMARY

- 1.1 To consider creating two new Hackney Carriage Stands and re-confirming the existence of two existing Stands.

2. RECOMMENDATION

- 2.1 That Members approve, subject to the necessary amendments being made to Traffic Regulation Orders:
- (a) the creation of a new Hackney Carriage Stand at Worcester Road, Bromsgrove, in accordance with the attached plan;
 - (b) the creation of a new Hackney Carriage Stand at New Road Service Road, Rubery, in accordance with the attached plan;
 - (c) the re-confirmation of an existing Stand at The Strand, Bromsgrove;
 - (d) the re-confirmation of an existing Stand at Market Street Bus Station, Bromsgrove.

3. BACKGROUND

- 3.1 Following a review of all Hackney Carriage Stands in the district, the Council has been approached by the Police Authority to look at introducing an additional Hackney Carriage Stand in the Town area to help reduce crime and disorder during the evenings, as well as enhancing current taxi rank provision by making proper provision for public transport providers and users. In addition, the taxi trade have requested that the Council looks at introducing a new Stand in New Road, Rubery to compliment the busy retail shopping area.

- 3.2 At present the Council operates the following Hackney Carriage Stands:

The Strand (outside Oceans fish bar) - Two spaces

The Bus Station - Five spaces

Hanover Street Car Park (evenings only) - Six spaces

(this rank may be affected by the town centre re-development project)

- 3.3 Members may also recall that an additional Stand was approved in June 2008 that will be positioned outside the Golden Cross Public House, High Street Bromsgrove, which would operate during the evenings only.
- 3.4 At present the Council currently licenses 79 Hackney Carriage owners, who mainly operate from the rank at the Bus Station.
- 3.5 Following meetings with the Police Authority and the Worcestershire County Council, the Highways Authority have put forward the following detailed proposals in respect of the proposed new Stands:

Worcester Road, Bromsgrove

- Proposed loading/unloading 7am-7pm and hackney carriage stand 7pm-7am (equivalent to 4 vehicle spaces). See Appendix 'A'. The location description is: South east side – from it's junction with Station Street for a distance of 27.4 meters in a south-westerly direction; and

New Road Service Road, Rubery

- Proposed hackney carriage stand operating 24 hours (equivalent to 4 vehicle spaces). See Appendix 'B'. The location description is: North side – from a point 12 meters west of the building line of number 215 for a distance of 20 meters in a westerly direction.

- 3.6 Members may wish to note that if the Traffic Regulation Orders are amended to incorporate the new rank at Worcester Road, Bromsgrove, the daytime usage of the loading bay, will prevent any long stay parking (this would also apply to Blue Badge Permit Holders) and would only be used for loading and unloading of any vehicle. If long stay parking was permitted, it could prevent goods vehicles using the lay-by and could encourage them to off-load deliveries elsewhere, possible in hazardous locations.
- 3.7 As part of the review of all Stands, it has been established that the Traffic Regulation Orders were not amended at the time when the Stands at The Strand and Market Street Bus Station were amended to permit these two locations to act as a Hackney Carriage Stand. As a result of this, the local Police are unable to take any enforcement action against illegally parked vehicles waiting on the Stands, which can cause traffic problems in the area.
- 3.8 The two Stands that require re-confirmation as follows:

The Strand, Bromsgrove

- This rank has been in operation for a number of years and consists of two vehicle spaces which operate 24 hours. See Appendix 'C'. The location description is: East side from a point 13.8 meters north of it's junction with Stratford Road to a point 25.5 meters, a distance of 11.7 meters in a northerly direction.

Market Street Bus Station, Bromsgrove

- This rank has been in operation for a number of years and consists of five vehicle spaces which operate 24 hours. See Appendix 'D'. The location description is: East Side – from a point 17.7 meters south east of it's junction with Market Street to a point 23 meters, a distance of 5.3 meters in a southerly direction.

- 3.9 No objections have been received from the public following the publication of a notice in the Bromsgrove Standard. Formal consultation has also taken place with the local Police Authority, the Chief Constable and the Highways Authority, who have no objections to the proposals.
- 3.10 No comments have been received from the County Council with regard to the use of the Market Street Bus Station.
- 3.11 All Hackney Carriage Owners have been consulted as part of the review of Hackney Carriage Stands and would welcome additional the Stands and the ability for the Police Authority to take enforcement action against illegal parking on the existing Stands.
- 3.12 Should Members approve the detailed proposals; the Highways Authority will then be in position to start their consultation process to amend the Traffic Regulation Orders for each Stand.

4. FINANCIAL IMPLICATIONS

- 4.1 The cost of the public notice and other administrative costs will be met from existing budgets held by Planning and Environment Services.
- 4.2 It is likely that funding will not be required to cover the cost of the signage and appropriate road markings for the Stands until 2010/11. In view of this it is not possible at this time to confirm that the appropriate budget will be available, however, it is hoped that the costs may be met through the Crime and Disorder Reduction Partnership.
- 4.3 The Highways Authority has estimated that it will cost in the region of £1,000 per Stand for road markings and signage.
- 4.4 In view of the timescales involved in completing the process of creating Hackney Carriage Stands including the amendment of the Traffic Regulation Orders, it is likely that funding will not be required until 2010/11.
- 4.5 The cost of amended the Traffic Regulation Order will be met by the Highways Authority.

5. LEGAL IMPLICATIONS

- 5.1 Licensing Authorities have power under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 to create and revoke Stands.
- 5.2 The Traffic Regulation Order would need to be amended and the Worcestershire County Council's Highways Unit have the power to do this. There is a statutory 32 week consultation period as part of the process.

6. COUNCIL OBJECTIVES

- 6.1 This proposal contributes to the Council's objective "Sense of community and well being".

7. RISK MANAGEMENT

- 7.1 The main risk associated with the detail included in this report is:
- To ensure that public transport is readily available, accessible and effective in contributing to the night time economy.

- 7.2 This risk is being managed as follows:

Risk Register: Planning and Environment Services

Key Objective Ref No. 7

Key Objective: Effective, efficient and legally compliant Licensing Service

8. CUSTOMER IMPLICATIONS

- 8.1 All Hackney Carriage owners will be notified in writing before the new ranks take effect and will be kept informed of progress via newsletters.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

- 9.1 Although the proposed new rank at Worcester Road, Bromsgrove will provide additional public transport facilities, blue badge permit holders will not be permitted to park on the taxi rank and will only be permitted to park in the loading/unloading lay-by for as long as it takes to load/unload their vehicle. However, permit holders will still be able to park for up to 3 hours on the remaining single and double yellow lines in the vicinity, providing they are not causing an obstruction.

10. VALUE FOR MONEY IMPLICATIONS

- 10.1 The Council is working in partnership with the Police Authority and the Highways Authority to help keep costs down to a minimum.

11. OTHER IMPLICATIONS

Procurement Issues None
Personnel Implications None
Governance/Performance Management None
Community Safety including Section 17 of Crime and Disorder Act 1998 The creation of the additional rank will help reduce crime and disorder and compliment the night time economy
Policy None
Environmental None

12. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	Yes
Executive Director (Partnerships and Projects)	No
Executive Director (Services)	No
Assistant Chief Executive	No
Head of Service	Yes
Head of Financial Services	Yes
Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No

13. WARDS AFFECTED

The proposed Stand at Worcester Road will be situated in the St. Johns ward.

The existing Stand at Market Street Bus Station and The Strand are situated in the St. Johns Ward.

The proposed Stand at New Road, Rubery will be situated in the Waseley Ward.

14. APPENDICES

- Appendix A Location plan of the proposed Stand at Worcester Road, Bromsgrove
- Appendix B Location plan of the proposed Stand at New Road service Road, Rubery.
- Appendix C Location plan of the existing Stand at Market Street Bus Station, Bromsgrove
- Appendix D Location plan of the existing Stand at The Strand, Bromsgrove

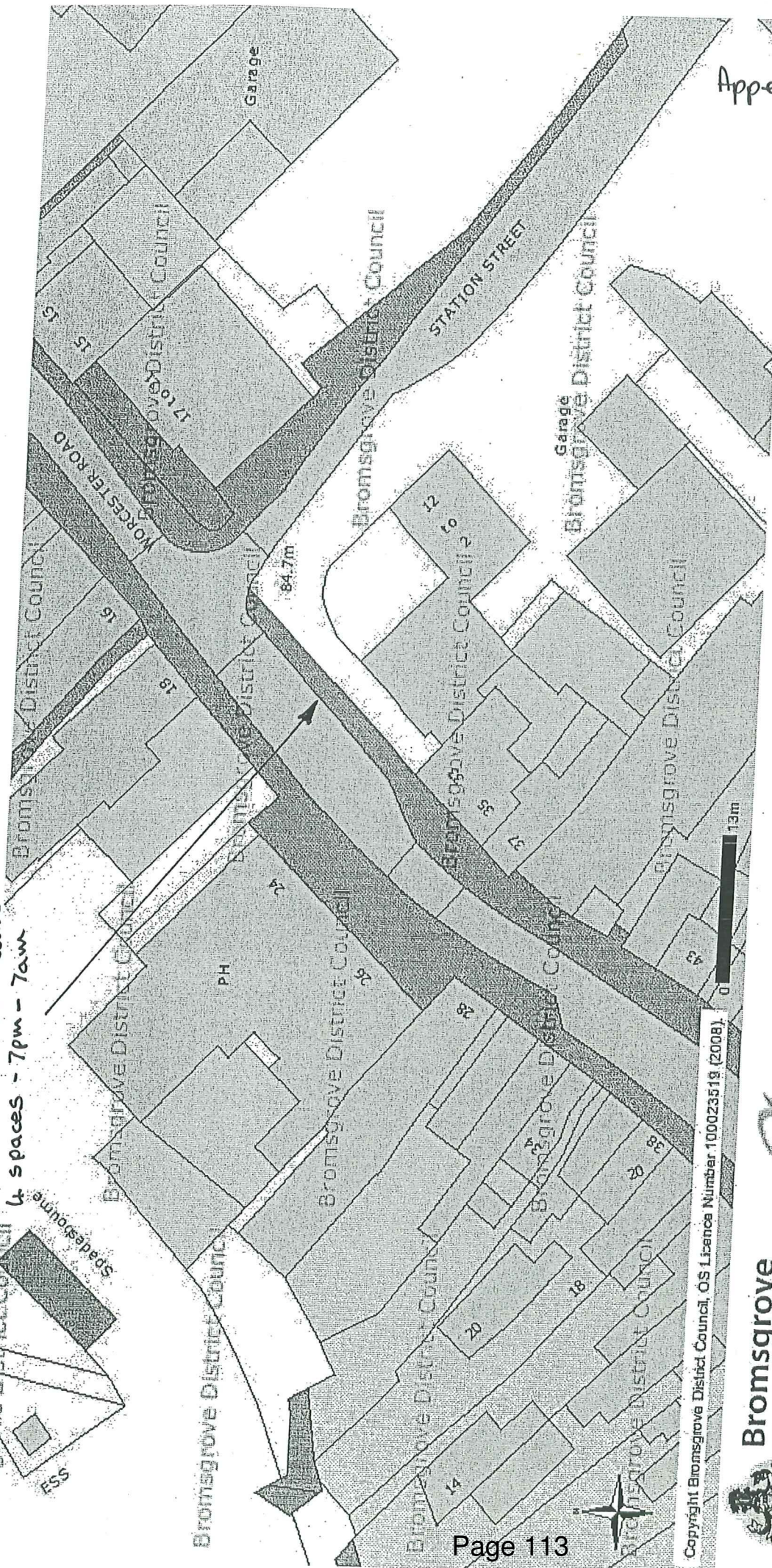
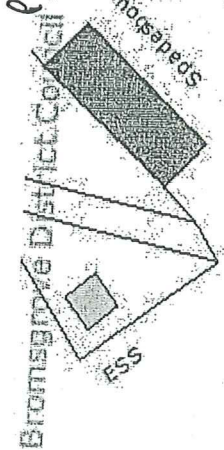
15. BACKGROUND PAPERS

- Letter of response received from the Local Police Authority
- Letter of response received on behalf of the Chief Constable
- Emails received from the Highways Authority
- Response forms received from Hackney Carriage Owners

CONTACT OFFICER

Name: Sharon Smith
E Mail: sharon.smith@bromsgrove.gov.uk
Tel: (01527) 881626

Proposed New Taxi Rank
4 spaces - 7pm - 7am

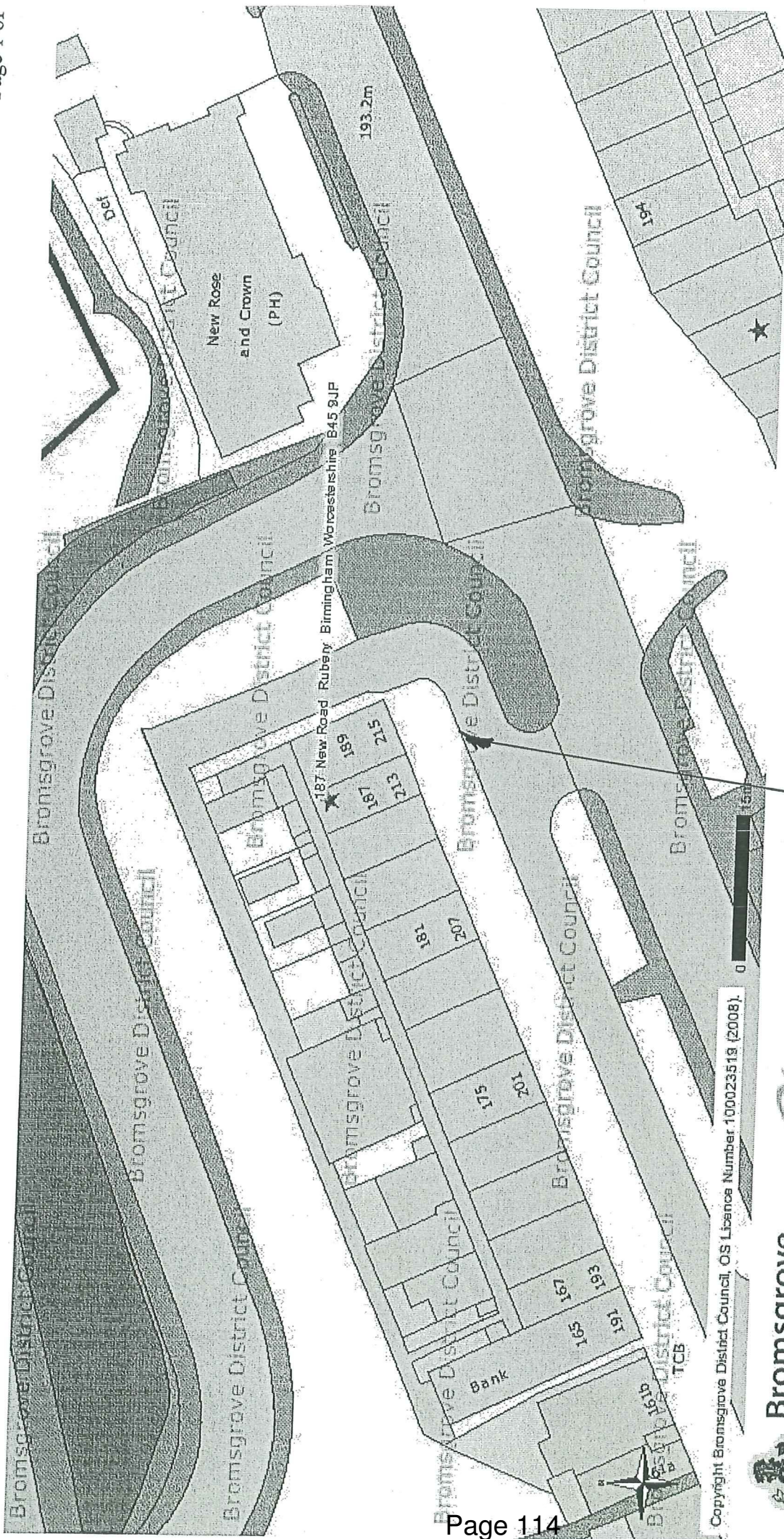


Appendix 'A'

Department:
 Title: Worcester Road - Proposed New Taxi Rank
 Scale: 1:500

Copyright Bromsgrove District Council, OS Licence Number 1000235713 (2008).





Department:

Title:

Scale:

Proposed New Taxi Rank
 New Road, Rubery
 4 Spaces - 24 hours

Proposed New Taxi Rank - New
 Road, Rubery
 1:555

Appendix
 B

14/10/2008

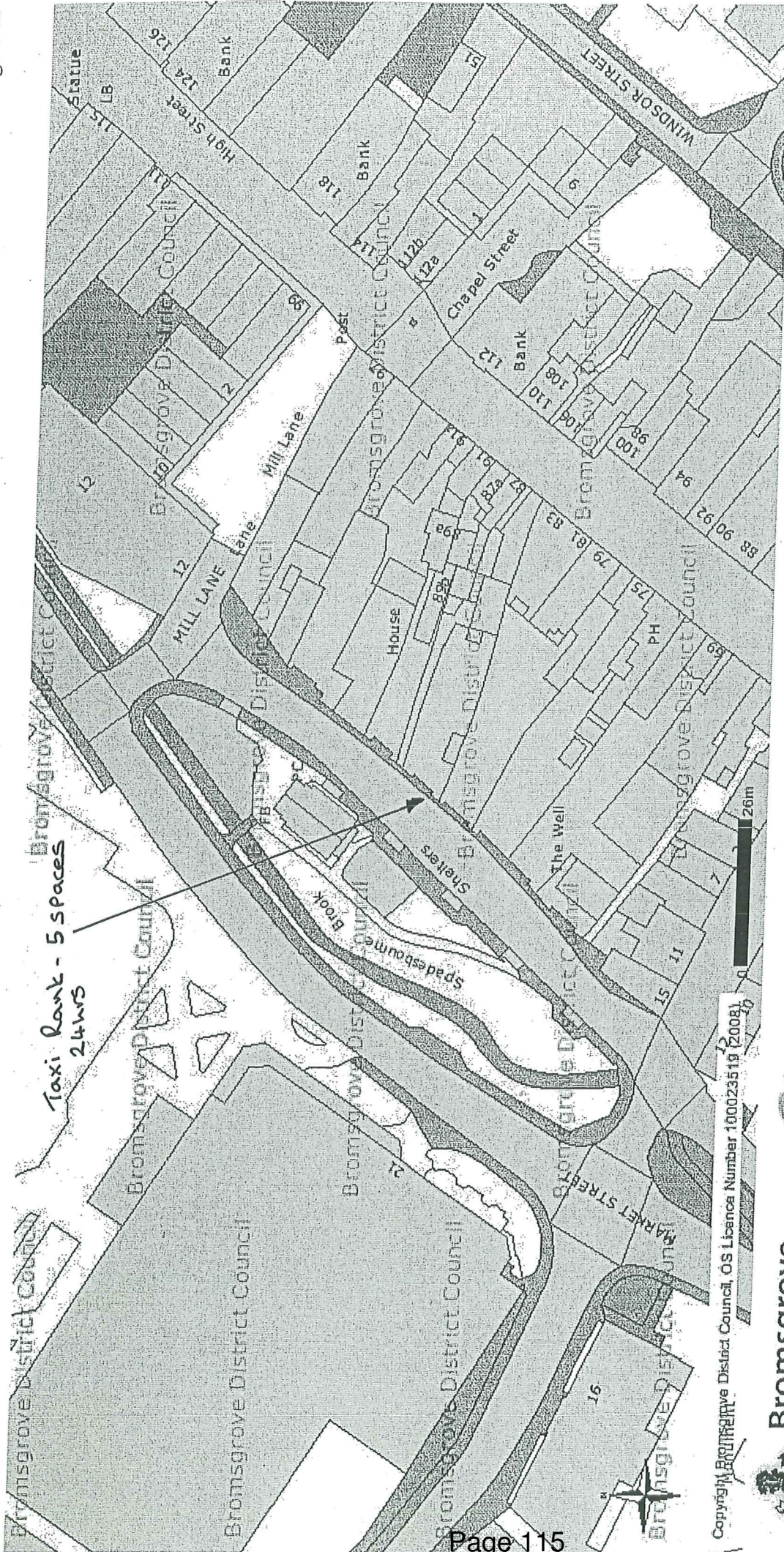
Copyright Bromsgrove District Council, OS Licence Number 100023519 (2008).



Bromsgrove
 District Council

www.bromsgrove.gov.uk





Taxi Rank - 5 spaces
24hrs

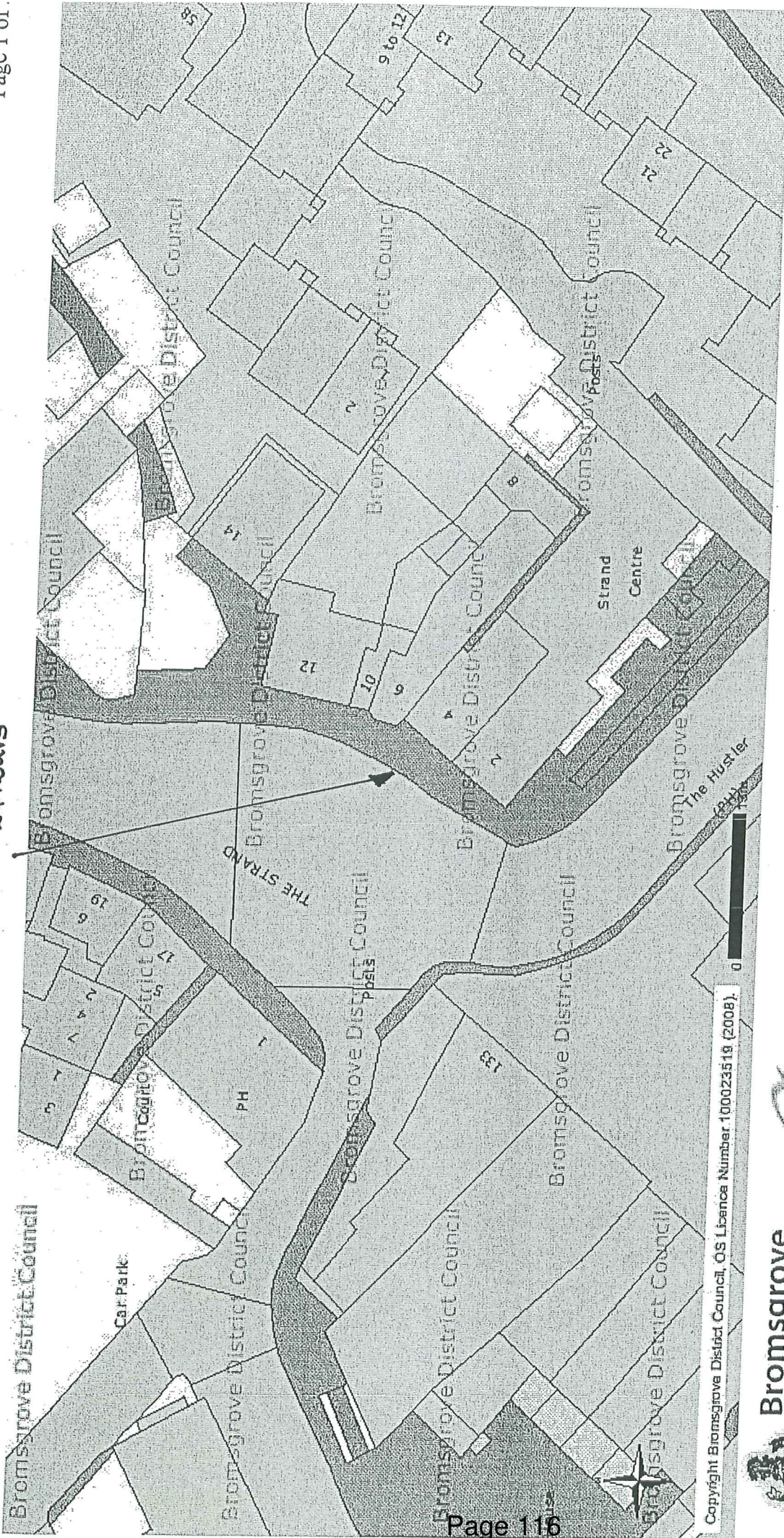
Department:
Title: Market Street (bus Station) -Taxi Rank
Scale: 1:1000



Bromsgrove District Council
www.bromsgrove.gov.uk

Copyright Bromsgrove District Council, OS Licence Number 100023519 (2008)

Taxi Rank - 2 spaces
24 hours



Appendix **D**

Department:

Title: The Strand - Taxi Rank

Scale: 1:500



Bromsgrove District Council
www.bromsgrove.gov.uk



BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

23RD FEBRUARY 2009

LICENSING SUB-COMMITTEE SITE VISITS

Responsible Portfolio Holder	Roger Smith
Responsible Head of Service	Claire Felton
Non-Key Decision	

1. SUMMARY

- 1.1 Members are requested to note the current process relating to site visits and to decide whether to recommend that this be clarified.

2. RECOMMENDATION

That members decide whether to recommend to full Council that the Licensing Code of Practice be revised.

3. BACKGROUND

- 3.1 Members have queried whether it is possible for members of Licensing Sub-Committees to have site visits in cases where this would be helpful in the determination of applications and officers agreed to report to the Licensing Committee on this issue.
- 3.2 The situation is that the current Licensing Code of Practice (Part 21 of the Constitution) does make provision for site visits. A full copy of the Code is attached, but for ease of reference, the relevant section states as follows:

“9. Site visits

Site visits by Licensing Sub-Committee members are generally unnecessary and can put the Members and the Licensing Authority at risk of accusations of bias. However, if it is considered necessary to conduct a site visit, the reasons for doing so will be clearly documented and the visit will be carried out either as an unannounced visit to the interior of the premises at a time when it is normally open, or as an unannounced visit to the exterior of the premises only. In either case, members who are involved in the site visit will approach the site visit in the context of “seeing what there is to be seen” and will not, during the site visit, enter into any discussions with either the applicant, his/her agent, or any other person having an interest in the application, e.g. an objector.”

3.3 The ability to hold site visits does therefore currently exist. However, the wording of the Licensing Code of Practice presents some difficulties, and other issues would also need to be considered, including:

3.3.1 it is not clear who takes the decision to have a site visit or at what stage this is taken; authority could perhaps be delegated to the Head of Planning & Environment Services to decide a site visit is necessary following consultation with members of the Sub-Committee;

3.3.2 it is not clear how the decision is recorded or where it is recorded and consideration should be given to this issue;

3.3.3 practical issues relating to the travel arrangements should be considered; should members and officers travel in their own vehicles to site, or should they travel together, and if so, should transport be hired?;

3.3.4 financial implications arise - no budget is available for the hiring of vehicles, if members wished to travel in a hired vehicle; additionally, an officer in the Licensing Team would have to accompany the site visit and this will incur expenses for which no budget currently exists; officers may need to be reimbursed if they are required to pay additional car insurance premiums for business use;

3.3.5 there may from time to time be difficulties in arranging access if site visits are to be unannounced, as suggested in the existing Code, as not all licensed premises are open to the public

3.3.6 site visits need to be carefully managed to ensure that neither the applicant nor objectors seek to make representations during the visit, and to ensure that members of the Sub-Committee do not discuss the application during the visit or whilst travelling to or from the site

3.3.7 site visits also need to be managed so as not to compromise the impartiality of the Licensing Officer.

3.4 Members are referred to the Planning Code of Practice (Part 20 of the Constitution) which also deals with site visits. It includes useful guidance for members including:

“The site visit does not constitute a meeting of the Planning Committee. Accordingly, Members should not form a collective view on the issue.

Since Members are attending a site merely to “see what is to be seen”; it is inappropriate to hear either the applicant or his representative. Similarly, it is inappropriate to hear anybody else who wishes to make representations. The occasion is not a local hearing.

Members should leave each site with no collective view - the occasion is simply to assist them individually to form a view. Consequently, when the application is next considered by the Planning Committee, the Chairman of the Committee should remind Members that the application was the subject of a site visit, and then let the debate proceed normally.”

This wording has been included into the Planning Code of Practice to minimise the risk of challenge to Council decisions on the ground of bias, predetermination or failure to adhere to procedural requirements.

- 3.5 If members wish there to be more clarity or additional detail and guidance (perhaps along the lines of that in the Planning Code of Practice) in the Licensing Code of Practice, the appropriate course of action would be for the Licensing Committee to recommend to full Council that the Code of Practice should be revised as it is Council which has the authority to amend the Constitution. If members wish to consider this route, officers, in consultation with members of the Licensing Committee, could produce a draft for consideration by Council.

4. FINANCIAL IMPLICATIONS

- 4.1 These are set out in paragraph 3.3.4 above. Members should give consideration to the fact that no budget currently exists, and none has been included for the next financial year, to facilitate site visits.

5. LEGAL IMPLICATIONS

- 5.1 The Licensing Act 2003 and the regulations made under it, particularly the Licensing Act 2003 (Hearing) Regulations 2005 set out the framework for licensing sub-committee hearings.

6. COUNCIL OBJECTIVES

- 6.1 N/a

7. RISK MANAGEMENT

- 7.1 The main risk associated with the details included in this report is:

- *Risk of challenge to Council decisions; and*
- *Risk of complaints about elected members.*

- 7.2 These risks are being managed as follows:

- Risk Register: *Legal, Equalities and Democratic Services*
Key Objective Ref No: 3
Key Objective: *Effective ethical governance*

8. CUSTOMER IMPLICATIONS

8.1 The Licensing Code of Practice forms part of the Council Constitution and as such is publicly available and is displayed on the Council's website.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

9.1 None

10. VALUE FOR MONEY IMPLICATIONS

10.1 N/a

11. OTHER IMPLICATIONS

Procurement Issues	None
Personnel Implications	None
Governance/Performance Management	None
Community Safety including Section 17 of Crime and Disorder Act 1998	None
Policy	None
Environmental	None

12. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	No
Executive Director - Partnerships and Projects	No
Executive Director - Services	No
Assistant Chief Executive	No
Head of Service	Yes
Head of Financial Services	No
Head of Legal, Equalities & Democratic Services	Yes

Head of Organisational Development & HR	No
Corporate Procurement Team	No

13. WARDS AFFECTED

All wards

14. APPENDICES

Appendix 1 Licensing Code of Practice

15. BACKGROUND PAPERS

None

CONTACT OFFICER

Name: Debbie Warren
E Mail: d.warren@bromsgrove.gov.uk
Tel: (01527) 881609

This page is intentionally left blank

CODE OF PRACTICE IN RELATION TO LICENSING MATTERS

1. Introduction

- 1.1 The Licensing Act 2003 and the Gambling Act 2005 will put local authorities firmly in the centre of decision making upon licences for regulated entertainment, the provision of alcohol, as well as late night refreshment and more recently the use of premises for gambling activities. Concerns regarding this shift in responsibility have centred around doubts surrounding the impartiality of Councillors - especially as regards those who will make up the Licensing Committee or Licensing Sub-Committee that will decide upon applications. This concern arises from a view that Councillors are subject to local political pressures and a belief that they will regard the views of local residents as taking precedence over the other interests of their communities.
- 1.2 As regards the Licensing Committee or Sub-Committee, the role of the Elected Member as part of that Committee will involve balancing the multiple needs and interests of the local community, whilst prioritising the Licensing Objectives associated with either the Licensing Act 2003 or the Gambling Act 2005. In doing so the Elected Member must maintain his/her impartiality and, as public perception of probity is critical, his/her appearance of impartiality too, during the decision making process.
- 1.3 This guidance therefore aims at enabling local Councillors to represent their constituents, whether they be residents, local businesses etc. should they wish to, by acting as an 'interested parties' at hearings, without
- (a) opening up the local authority to accusations of pre-determination, bias or maladministration; or
 - (b) leaving themselves open to allegations under the Members' Code of Conduct.
- 1.4 The guidance applies to all the Council's Elected Members, whether they sit on a Licensing Committee/Sub-Committee or not.

2. Personal and Prejudicial Interests in relation to Licensing Applications

- 2.1 Members are reminded of their responsibilities under the Council's Code of Conduct to declare a personal interest, and possibly also a prejudicial interest, in relation to matters which:
- affect their well being or financial position, or

APPENDIX 1 PART 21

- the well being or financial position of a relevant person (as defined in paragraph 8 of the Code of Conduct)

to a greater extent than other council tax payers, ratepayers or residents of the electoral division or ward, as the case may be, affected by the decision. Personal interests also arise where the application relates to or is likely to affect any of the organisations you have listed in your Register of Interests form or which fall within the category of organisations listed in paragraph 8 (11) (a) of the Code of Conduct.

2.2 Where you have a personal interest, you will also have a prejudicial interest in a licensing application if it one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgment of the public interest.

2.3 Personal and most probably prejudicial interests are therefore likely to arise in relation to a licence application where the Member (or their relatives, friends, close associates or employer):

- lives or has premises very near to the premises in question;
- is a frequent visitor to the premises in a personal capacity;
- belongs to or has been appointed by the Council to an organisation of which the Member is in a position of general control or management to which the application relates or is likely to affect

or where the Member is a relative or close friend or close associate of the applicant for a licence or of an objector to a licence.

2.4 An interest also may arise where the Member carries out a function for another organisation, public authority or another local authority which is making an application for a licence, or which is making a representation, for example, if the local hospital or school is applying for a premises licence either under the Licensing Act 2003 or the Gambling Act 2005 and the Member is on the Board of Governors of the school or involved in the management of the hospital. An interest may also arise where the Member is a 'dual-hatted' Member and is part of the District Council's Licensing Committee but also a Member of the County Council which is applying for a licence for its land. Members of the Licensing Committee or Sub-Committee should regard themselves as having a prejudicial interest in any application made by another local authority or public authority with which they are connected.

2.5 The Code of Conduct applies not only to members of the Licensing Committee or Sub-Committee but also to Members who wish to attend a hearing perhaps as a Ward Councillor, an Interested Party or member of the public and if that Member has a prejudicial interest, the general rule is that he or she is not allowed to even sit in the room to observe the hearing. However, the Code of Conduct allows that

APPENDIX 1 PART 21

Member the same rights as other members of the public and so a Member who is, for example, an Interested Party may attend the meeting at which the application is considered to make representations. However, once the Member has made those representations, he or she must then leave the room until the matter has been decided.

- 2.6 When a Member with a prejudicial interest is considering whether to exercise this right to make representations he or she should consider whether their involvement may put the Council at risk of being accused of bias and of leading a member of the public to think the Licensing Sub-Committee's judgement is likely to be prejudiced by the involvement of the Member.

3. Improper Influence

Members are also reminded of their obligation under the Code of Conduct not to use their positions as members to confer on or secure for themselves any advantage or disadvantage. This means that Members should not use anything which is available to them as Members (but which is not available to members of the public), e.g. access to officers or other Council members, or access to papers, to influence the outcome of a licensing application.

4. Bias and Predetermination

- 4.1 Bias has been defined as "an attitude of mind which prevents the [decision-maker] from making an objective determination of the issues that he has to resolve". In a quasi-judicial situation, such as a hearing by the Licensing Committee or Sub-Committee, there is no need for proof of actual or potential bias for there to be 'procedural impropriety' shown. It is sufficient that there is an appearance of bias. Accordingly, the test for bias is 'whether a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility of bias'.
- 4.2 Bias at common law and personal and prejudicial interests under the Code of Conduct are related but do differ as concepts and in their effect. Although the wording and apparent objectives are similar, the test for common law bias has a lower threshold. Bias at common law includes those areas where the potential Licensing Sub-Committee Member has created a real danger of a perception that he/she has prevented him or herself from being able to make an impartial determination of the issues. This is also known as fettering one's discretion.
- 4.3 Members should therefore avoid participating as a member of a Licensing Sub-Committee where previous voting or statements of belief may give rise to a public perception that they have pre-determined the application based upon their own prejudices. Members should also be

APPENDIX 1 PART 21

careful to ensure that they only come to a final conclusion on an application when they have given fair consideration to all the evidence and arguments which are presented and it is time to make the decision.

- 4.4 However, a Member who has avoided participating as a member of the Committee because there might be a perception that he/she is biased, may still attend the meeting and make representations either in favour or against the application, provided that he/she does not have a prejudicial interest in the application (subject to the right to make representations as a member of the public as referred to above) and provided that he/she plays no part in the decision-making process.
- 4.5 To help to avoid accusations of pre-determination and ensure that Ward Members are free to represent their constituents as 'interested parties,' Ward Members should not sit on Licensing Sub-Committees where the Sub-Committee is considering an application in that Member's Ward.
- 4.6 A further potential issue concerning bias or pre-determination is where a Member sitting on the Licensing Sub-Committee is a Member for another authority function such as economic development/regeneration, where that function's policy/decisions either impliedly or explicitly support (or oppose) the application. This might, for example, include the scenario where an 'Open Spaces' plan has been agreed and indicates that some areas of the local authority land will be licensed for entertainment purposes under the Licensing Act 2003 (explicit support); or where an economic regeneration plan includes the provision to encourage more theatres, restaurants or premises offering gambling facilities to an area (implicit support).
- 4.7 In such a situation, the Member concerned should make a disclosure of his/her position, in advance, to the Monitoring Officer who will decide if the Member can take part in the decision-making. Where there is doubt, the Monitoring Officer will make a presumption in favour of excluding the Member from the meeting concerned.
- 4.8 There will also be occasions on which the Licensing Committee or Sub-Committee considers an application made by the Council itself, in respect of one of its buildings or a piece of its land. In such a situation, Members would not normally be excluded from the Licensing Committee or Sub-Committee in these circumstances as it would make the decision-making process unworkable, but any Member who has been a leading advocate for or against the application, or who is the Cabinet Member responsible for the building or land concerned should not sit on the Licensing Committee or Sub-Committee when such an application is considered. Applications made by the Council itself will always be referred to the Licensing Committee or Sub-Committee even where there are no representations, to minimise any potential appearance of bias.

5. Lobbying of or by Councillors

- 5.1 The Licensing Act 2003 and the Gambling Act 2005 set out the grounds for making representations on licence applications and limits the parties which may make such representations. It should be borne in mind that one of the key aims of both pieces of legislation is to localise decision-making or 'democratise' the process and Members are therefore legitimately concerned with their locality and the needs/wishes of its constituents, including both the needs for entertainment facilities and employment, as well as the undesirability of crime and public nuisance.
- 5.2 Whilst lobbying of Members is legitimate and certain Members may make representations to the Licensing Committee on behalf of 'interested parties', it is crucial for the Licensing Authority and its Committee to ensure that there is neither actual nor an appearance of bias in its decision-making. It should also be remembered that concerns about political lobbying were the basis of the concerns which lead to the first Nolan Committee on Standards in Public Life.
- 5.3 To avoid an appearance of bias the following rules should be adhered to:
- No Member sitting on the Licensing Sub-Committee can represent one of the Interested Parties or the applicant. If s/he wishes to do so s/he must excuse him/herself from membership of the Sub-Committee which is considering the application and address the Sub-Committee as an 'Interested Party'.
 - If a Member who sits on the Licensing Sub-Committee is approached by persons wishing to lobby him/her as regards the licence application then that Member must politely explain that they cannot discuss the matter and refer the lobbyist to his/her Ward Member or the Licensing Officer who can explain the process of decision making. If the Member who sits on the Licensing Sub-Committee wishes to represent them then s/he will need to excuse him/herself from the Licensing Sub-Committee.
 - Members who are part of the Licensing Sub-Committee must avoid expressing personal opinions prior to Licensing Sub-Committee decision. To do so will indicate that the Member has made up his/her mind before hearing all the evidence and that their decision may not be based upon the licensing objectives relating to each piece of legislation nor the Licensing Authority's policy statements.
 - Political group meetings should never be used to decide how any Members on the Licensing Sub-Committee should vote. The view of the Ombudsman is that using political whips in this manner may well amount to findings of maladministration.

- Councillors must not be members of the Licensing Sub-Committee if they are involved in campaigning on the particular application.
- Other Members (i.e. those which do not sit on the Licensing Sub-Committee) need to be careful when discussing issues relating to matters which may come before the Licensing Sub-Committee Members as this can easily be viewed as bias or pressure and may well open that Sub-Committee Member to accusations of such. There is no prohibition on discussing such issues with Committee Members but members should avoid taking measures which might be viewed as excessive e.g. attempting to obtain a commitment as to how the Member might vote.
- Members must not pressurise Licensing Officers to make any particular decisions or recommendations as regards applications (such as a decision on whether an application is frivolous or vexatious as per Section 18(7)(c)) of the Licensing Act 2003 and Section 161 and 162 of the Gambling Act 2005.

6. Pre-application / pre-decision discussions

- 6.1 Discussions between the licence applicant and Council officers prior to the submission of an application (or prior to a decision being made) are often helpful to both parties. For example, a premises licence applicant may ask for advice on how to complete an 'operating schedule'. However, these discussions can often be viewed by objectors as a form of 'lobbying' and the Council's officers must ensure that they are not open to accusations or appearance of bias, and must therefore ensure that such advice and assistance is clearly identified as being such and is not any type of 'predetermination'.
- 6.2 Although all applicants will be advised that all pre-decision discussions should be addressed to the officers in the Council's Licensing Section, Members of the Licensing Committee or Sub-Committee may also be approached by applicants before the meeting at which the application is to be decided. In such circumstances, a member should inform the person making the approach that they are unable to discuss the matter with him/her prior to the meeting at which the application will be decided and that he/she should address any enquiries to the relevant officer.
- 6.3 Where the officers in the Licensing Section do enter into verbal pre-decision discussions with applicants, a record of any advice will be taken and the applicant will be asked to confirm details of that advice in accordance with the form attached as Appendix "A". Details of discussions which take place by telephone will be retained in the form of file notes and copies of correspondence and emails (which will also

make it clear that their contents do not bind the Council to a final decision) will be retained on the appropriate file(s).

7. Role of the Licensing Officer

- 7.1 Licensing Officers have no ability under the Licensing Act 2003 to make representations or to be a party to the hearing of an application by the Licensing Committee or Sub-Committee. There is no legal provision for Licensing Officers to make recommendations to the Sub-Committee in terms of the outcome of the application hearing as is seen in planning cases. However, in presenting applications to the Licensing Committee or Sub-Committee, the Licensing Officer will provide a summary report of the application, the representations, and his/her comments as to how these relate to the Licensing Act 2003, the Guidance and the local Licensing Policy Statement.
- 7.2 Decisions taken by the Licensing Officer, e.g. as to whether an application is vexatious or frivolous, will be fully recorded, together with the reasons for them.
- 7.3 Unlike the Licensing Act 2003, the Licensing Authority, in accordance with Section 157 of the Gambling Act 2005, has been identified as a public body who is entitled to make representations on an application and is therefore permitted to recommend to the Sub-Committee that conditions are imposed where necessary in light of local circumstances.

8. Decision making

Reasons for decisions made by the Licensing Committee or Sub-Committee will be clearly documented so that any subsequent accusations of bias etc. can be defended. It is critical that it is clear that decisions are made according to the Licensing Objectives as set out in each appropriate piece of legislation as well as the Licensing Authority's Policy Statements. Whilst the Government's Guidance accompanying each Act indicates some other factors may influence decisions (e.g. live music/cultural considerations) these will always be subservient to the Licensing Objectives and the Policy Statements.

9. Site visits

Site visits by Licensing Sub-Committee members are generally unnecessary and can put the Members and the Licensing Authority at risk of accusations of bias. However, if it is considered necessary to conduct a site visit, the reasons for doing so will be clearly documented and the visit will be carried out either as an unannounced visit to the interior of the premises at a time when it is normally open, or as an unannounced visit to the exterior of the premises only. In either case, members who are involved in the site visit will approach the site visit in the context of "seeing what there is to be seen" and will not, during the

**APPENDIX 1
PART 21**

site visit, enter into any discussions with either the applicant, his/her agent, or any other person having an interest in the application, e.g. an objector.



Record of Advice

In order to provide a clear record of what has been discussed, it is necessary for the District Council to request that members of the public and/or agents sign the following disclaimer when speaking to Officers of the Council with regard to general licensing enquires.

D. Hammond
Head of Planning and Environment Services

Proposal	
Address	
Agreed conclusion	

Signed	
Printed Name	
Date	
Officer seen	

I accept that the advice that I have received regarding my licensing enquiry was given by the Officer in the spirit of helpfulness and without prejudice to the Council's eventual decision, which can only be taken following statutory consultations and completion of formal processes.

This page is intentionally left blank

BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

23RD FEBRUARY 2009

LICENSING SUB-COMMITTEE HEARING PROCEDURE

Responsible Portfolio Holder	Roger Smith
Responsible Head of Service	Claire Felton
Non-Key Decision	

1. SUMMARY

- 1.1 Officers have reviewed the Licensing Sub-Committee hearing procedures for licensing applications and a draft revised Hearing Procedure is appended to this report for consideration by members.

2. RECOMMENDATION

Members are requested to consider whether to revise the Licensing Sub-Committee Hearing Procedure.

3. BACKGROUND

- 3.1 Officers undertake periodic reviews of committee hearing procedures and have recently looked at those for the Licensing Sub-Committee hearings. A draft revised Hearing Procedure is at Appendix 1 for consideration by members.
- 3.2 It has been suggested that the time allowed for representations to be made at Sub-Committee hearings be shortened; currently 20 minutes is allocated to the Applicant, to each Responsible Authority and to each Interested Party. The attached draft shortens these time limits to 10 minutes for the Applicant, 10 minutes for all Responsible Authorities and 10 minutes for all Interested Parties.
- 3.3 Officers have also tried in the attached revised draft to simplify the language and clarify certain aspects of the procedure.
- 3.4 Members are requested to consider the attached draft and decide whether to revise the Sub-Committee Hearing Procedure either in accordance with the attached draft or otherwise.

4. FINANCIAL IMPLICATIONS

- 4.1 None

5. LEGAL IMPLICATIONS

5.1 The Licensing Act 2003 and the regulations made under it, particularly the Licensing Act 2003 (Hearing) Regulations 2005 set out the framework for licensing sub-committee hearings.

6. COUNCIL OBJECTIVES

6.1 N/a

7. RISK MANAGEMENT

7.1 The main risk associated with the details included in this report is:

- *Risk of challenge to Council decisions; and*
- *Risk of complaints about elected members.*

7.2 These risks are being managed as follows:

- Risk Register: *Legal, Equalities and Democratic Services*
Key Objective Ref No: 3
Key Objective: *Effective ethical governance*

8. CUSTOMER IMPLICATIONS

8.1 The Hearing Procedure is enclosed within Sub-Committee reports. It is not currently displayed on the Council's website.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

9.1 None

10. VALUE FOR MONEY IMPLICATIONS

10.1 N/a

11. OTHER IMPLICATIONS

Procurement Issues	None
Personnel Implications	None
Governance/Performance Management	None
Community Safety including Section 17 of Crime and Disorder Act 1998	None
Policy	None

Environmental	None
---------------	------

12. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	No
Executive Director - Partnerships and Projects	No
Executive Director - Services	No
Assistant Chief Executive	No
Head of Service	Yes
Head of Financial Services	No
Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No

13. WARDS AFFECTED

All wards

14. APPENDICES

Appendix 1 Draft revised Hearing Procedure

15. BACKGROUND PAPERS

None

CONTACT OFFICER

Name: Debbie Warren
E Mail: d.warren@bromsgrove.gov.uk
Tel: (01527) 881609

This page is intentionally left blank

LICENSING SUB-COMMITTEE**HEARING PROCEDURE**

1. The Chairman will open the hearing and introduce members of the Sub-Committee and officers present.
2. The Chairman will ask all other people present to introduce themselves.
3. The Chairman will remind the Applicant and each party present that they can be represented by a legal representative at their own expense.
4. The Licensing Officer will present the report.
5. The Chairman will invite Members of the Sub-Committee and all other parties present to put any relevant questions to the Licensing Officer.
6. The Chairman will invite the Applicant and/or his/her representative to present his/her case and call any witnesses. The Applicant will be allowed a maximum of 10 minutes to present the case.
7. The Chairman will invite Members of the Sub-Committee and all other parties present to put any relevant questions to the Applicant.
8. The Chairman will invite the Responsible Authorities to present their representations. New representations must not be raised. The Responsible Authorities will be allowed a total of 10 minutes to present their case(s). If two or more Responsible Authorities wish to address the Sub-Committee the 10 minutes will be divided between them.
9. The Chairman will invite Members of the Sub-Committee and all other parties present to put any relevant questions to the Responsible Authorities.
10. Interested Parties will be invited to present their representations or elect a spokesperson (which may be a Councillor) to speak on their behalf. New representations must not be raised. A maximum of 10 minutes will be allowed for the Interested Parties to present their case(s). If two or more Interested Parties wish to address the Sub-Committee the 10 minutes will be divided between them.

11. **The Chairman will invite Members of the Sub-Committee and all other parties present to put any relevant questions to the Interested Parties.**
12. **The Interested Parties will be invited to sum up. A maximum of 5 minutes will be allowed.**
13. **The Responsible Authorities will be invited to sum up. A maximum of 5 minutes will be allowed.**
14. **The Applicant will be invited to sum up. A maximum of 5 minutes will be allowed.**
15. **At the conclusion of the hearing all parties, including the Licensing Officer, will be asked to withdraw. The Members of the Sub-Committee, the Legal Adviser and the Committee Services Officer will remain.**
16. **Once the Sub-Committee has reached its decision, all parties will be invited to return. The Sub-Committee's decision, together with the reasons for the decision, will be announced by the Chairman.**
17. **The Sub-Committee's decision will be confirmed in writing to the Applicant and those parties who made representations.**

Please Note:

1. ***Each application coming before the Licensing Sub-Committee will be treated on its own merits, and the Sub-Committee will take its decision based upon:***
 - a) ***the promotion of the four licensing objectives, as given by the Licensing Act 2003, namely:***
 - ***the prevention of crime and disorder;***
 - ***public safety;***
 - ***the prevention of public nuisance; and***
 - ***the protection of children from harm;***
 -
 - b) ***Bromsgrove District Council's Statement of Licensing Policy;***
 - c) ***guidance issued under section 182 of the Licensing Act 2003; and***
 - d) ***the Licensing Act 2003.***
2. ***The Chairman may require any person who in his/her opinion is behaving in a disruptive manner to leave the meeting, and may refuse to permit that person to return, or permit him/her to return only on such conditions as the Chairman may specify. However, such person may, before the end of the hearing, submit in writing any information which he/she would have been entitled to have given orally at the meeting had he/she not been required to leave.***
3. ***Decisions may be taken in the absence of the Applicant or any other party. All notices and representations received from absent parties will be considered.***
4. ***Questioning must not be hostile or intended to unfairly undermine the position of any party.***
5. ***Late evidence will only be considered with the agreement of all parties present.***
6. ***In cases where a decision cannot be given at the end of the hearing, the decision will be made within 5 working days.***
7. ***An appeal to the Magistrates' Court against the Sub-Committee's decision must be lodged within 21 days of the date on which all parties were notified in writing of the decision of the Licensing Sub-Committee.***
8. ***All meetings are recorded.***

This page is intentionally left blank