

CHILTERN DISTRICT COUNCIL

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Licensing & Regulation Committee

Tuesday, 28th June, 2016 at 6.30 pm

AGENDA

- 1 Evacuation Procedures
- 2 Minutes (*Pages 5 - 6*)
To sign the Minutes of the meeting held on 26 November 2015.
- 3 Apologies for Absence
- 4 Declarations of Interest
- 5 Minutes of the Licensing Sub Committee held on 08 October 2015 (*Pages 7 - 16*)
To sign the Minutes of the meeting of the Licensing Sub Committee held on 08 October 2015.
- 6 Minutes of the Licensing Sub Committee held on 02 March 2016 (*Pages 17 - 26*)
To sign the Minutes of the Licensing Sub Committee held on 02 March 2016.
- 7 Report for Film Classification Policy (*Pages 27 - 30*)
Appendix 1 (Pages 31 - 40)
- 8 Hackney Carriage & Private Hire Licensing Policy (*Pages 41 - 46*)
Appendix 1 (Pages 47 - 140)

Appendix 2 (Pages 141 - 142)

9 Review of Hackney Carriage Fares (*Pages 143 - 148*)

Appendix 1 (Pages 149 - 150)

Appendix 2 (Pages 151 - 152)

Appendix 3 (Pages 153 - 154)

Appendix 4 (Pages 155 - 156)

Appendix 5 (Pages 157 - 158)

10 Street Trading Consent Application (*Pages 159 - 162*)

Appendix 1 (Pages 163 - 164)

Appendix 2 (Pages 165 - 188)

Appendix 3 (Pages 189 - 190)

Appendix 4 (Pages 191 - 194)

11 Exclusion of the Public

To resolve that under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Act.

12 Private Reports (if any)

Note: All Reports will be updated orally at the meeting if appropriate and may be supplemented by additional reports at the Chairman's discretion.

Membership: Licensing & Regulation Committee

Councillors: J J Rush (Chairman)
E A Walsh
E A Culverhouse
M Flys
G K Harris
M J Harrold
C J Jackson (Vice-Chairman)
P M Jones
C M Jones
R J Jones
D J Lacey
C J Rouse
P N Shepherd
N I Varley
F S Wilson

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CHILTERN DISTRICT COUNCIL

MINUTES of the Meeting of the
COMMITTEENAME
held on **MEETINGDATE**

PRESENT: Councillor ChairmanPresent - Chairman
ntShortList
“ ViceChPresentS - Vice Chairman
hortList

Councillors: MembersPresentShortRows

APOLOGIES FOR ABSENCE were received from Councillors
MemberApologiesShortList

ALSO IN ATTENDANCE: Councillors AllInAttendanceShortList

The meeting ended at MeetingActualFinishTime

CHILTERN DISTRICT COUNCIL

**MINUTES of the Meeting of the
LICENSING SUB COMMITTEE**
held on **8 OCTOBER 2015**

PRESENT: Councillor J J Rush - Chairman

Councillors: M J Harrold
C M Jones
E A Walsh (reserve)

5 DECLARATIONS OF INTEREST

Councillor Walsh declared she had a personal interest under the Code of Conduct because she knew Mr King and Mr & Mrs Shelley. However, the reserve Councillor Walsh only observed, did not participate in the discussions or retire with the other members when they made their decision.

Councillor C Jones declared she had a personal interest under the Code of Conduct because she knew Mr & Mrs Shelley, who used to live in the same road as her. Having adjourned the Hearing for 15 minutes for legal advice to be taken, Councillor Jones confirmed that she had not reached a pre-determined view on the application.

All parties confirmed they had no objections to the membership of the Sub Committee.

6 METRO LOUNGE, 63-65 HILL AVENUE, AMERSHAM, BUCKS, HP6 5BX

Members were requested to consider an application for a variation of the Premises Licence for the Metro Lounge, 63-65 Hill Avenue, Amersham. The application sought to increase the footprint of the licensed premises to include a pavement strip at the front of the building to provide outside seating for their customers as referred to in the Licensing Officer's report a copy of which all the parties had received prior to the Hearing ("the Report").

During the consultation period valid representations were received from three local residents and from the Environmental Health Department relating to the 'prevention of public nuisance' and 'public safety' licensing objectives. The Environmental Health Officer had proposed four new conditions to address the Department's concerns if the application was allowed which had been agreed by the applicant prior to the Hearing.

The Members and officers introduced themselves and the Chairman asked those present who wished to speak to introduce themselves. Mr Pete Rosser (Melrose Associates) and Mr Kieron Butcher (Area Manager of Loungers Limited) were present to speak for the application. For the objectors Mr Brian Shelley was present to speak for himself. Mr Peter King was also present to speak for himself and to represent Mrs Joy Houston, who was not in attendance.

The Chairman explained the Council's Hearings procedure and the Licensing Officer then introduced the Report tabling a number of photographs of the proposed seating area and street scene to help inform the discussions.

The Licensing Officer addressed the Hearing summarising the Report and referred to the four proposed conditions as set out in the Schedule to the Report which would in their view address the concerns raised in the representations. The Licensing Officer also confirmed that Bucks County Council had issued a License on 23rd September 2015 permitting tables and chairs to be placed on the pavement outside of the Licensed Premises.

The Licensing Officer was asked a number of questions by Mr Shelley regarding agreement of the proposed conditions and the proposed barriers. Councillor Harrold also asked questions regarding the width of the pavement and whether the pavement had been measured. The Licensing Officer responded that the Environmental Health Department had measured it at 3 metres. The applicant added that according to their measurements it was 4 metres wide. Councillor Harrold advised that he had measured it as 3.4 metres at one end and 3.6 metres at the other end leaving 1.5 metres to walk along if the application was allowed.

The objectors were then asked to address the Hearing. Mr King outlined two primary concerns; the first was the potential noise that an outside seating area late in the evening would generate but his main objection was the risk to public safety posed by the width of the pavement potentially leading pedestrians to use the road. He argued that at peak times the corner saw a high volume of traffic from school children and shoppers as well as prams and mobility scooters.

Mr Shelley concurred with both of these points. Regarding the issue of noise he argued that between his home and the proposed outdoor seating there was no physical barrier to stop sound carrying straight across to it. He also queried whether the opening hours of the premises were to remain the same and how the Alcohol Free Zone sign opposite the Metro Lounge applied to their application for outdoor seating where alcohol would be served. The Licensing Officer explained that the premises opening hours would remain the same and that the sign indicated a Designated Public Places Order, which meant that if people were to cause a public nuisance in the area the police could be called and alcohol confiscated if appropriate. The Order did not mean that no alcohol at all could be consumed in that area.

Mr Shelley's second concern was that the pavement would be unsafely narrowed by the seating area, at 2 metres wide it would greatly constrict the flow of pedestrian traffic and lead people to step out into the flow of traffic. Unlike further down Hill Avenue this traffic was not separated from the pavement by parked cars so pedestrians would step directly into the path of traffic which had also been referred to by Environmental Health. No questions were put to the objectors on these points.

The applicants were then invited to address the Hearing. Mr Rosser explained that the Metro Lounge was a family friendly continental style food premises which had opened 3 weeks ago. That the Loungers Group Limited has a strong training system and operates 70 other premises in the Country.

Approximately half of these operate similar outdoors seating arrangements and they have received no complaints. Mr Rosser stated that the concerns which reflected potential for noise nuisance and public safety should be restricted to the proposed use of the pavement and that legitimate concerns had also been raised by Environmental Health. He confirmed that they had agreed to all the conditions proposed by the Environmental Health Department being the only Responsible Authority to make representations, which he briefly outlined, which addressed their concerns and those raised by the objectors. Mr Rosser referred to there being approximately 5 tables with 3 chairs around each one in the outside area. Mr Rosser confirmed that the tables and chairs would be brought inside, that this would be the responsibility of the management at the premises and that the 1.5m requirement would not be encroached upon if the application was allowed.

He also confirmed that they had applied for and received a Pavements License and that a copy of the license was available at the Hearing. This license had required a Street Works Technician come to the premises and verify that the pavement was suitable for the proposed seating arrangements. He therefore asked the Members to grant the application.

In response to questions from the Sub Committee regarding the use of the pavement area it was explained that the outside seating area would allow for buggies to be placed between the tables rather than at the end of the tables so that they would not infringe on the 1.5 metre walkway. That there was also a buggy park inside the premises for any overflow. Regarding the 9pm finishing time the applicants responded that that signs and management intervention would be employed to bring people inside at 9pm to enforce the ending time. Smokers, while they would be able to smoke outside the premises, would not be able to use the seating as it would be stacked up and cordoned off. Concerning the seating this was required to be put away by the end of trading hours by one of the proposed conditions, however, the management would see that it was done as early as practically possible by their staff. Finally it was explained that there would be a banner barrier around the seating area, at the top and bottom of it, which would be rolled up and put away.

The objectors also put several questions to the applicants. Concerning the number of tables in the seating area they asked how many would be put there, because if too many seats were added there might not be enough space. This could cause people, or particularly prams and mobility scooters, to spread into the pedestrian footway. Mr Butcher confirmed that the management would not overload the seating area and would keep space available for objects like prams. It was also raised that bringing customers inside at 9pm sharp would be difficult. Mr Butcher replied that Loungers had accepted the 9pm requirement and were confident that they could keep to it. Mr Rosser also assured the Objectors that in order to comply with the 9pm restriction the tables and chairs would be stacked up and placed against the premises external wall and that the banner barrier would be rolled up and put away. That a telephone number for the Duty Manager would also be made available to residents if they were disturbed by noise.

Members also asked questions of the Applicants including compliance with the proposed condition regarding the 9pm restriction. Mr Rosser again confirmed that the tables would be stacked up and placed against the wall. That the

banner barrier would be placed at the beginning and end of the outside area and would be rolled up and put away. Mr Rosser also confirmed that it had been an oversight that the outside seating area had not been included when applying for the Premises Licence.

The Chairman then moved the Hearing to consider the proposed conditions and Informatives. In light of the assurances from the Applicant, the following amendment was proposed to Condition 14:

- 1) That the table and chairs be stacked and placed against the exterior wall of the premises. The external banner barrier will also be rolled up and put away.

The Licensing Officer had no objections to this change and it was agreed by the applicants. The Objectors raised no objections to the proposed conditions.

The Chairman then asked for any closing submissions and the Licensing Officer and the Applicants briefly addressed the Hearing referring to the conditions addressing the concerns raised. Mr King stated that his concerns had been well aired. All parties confirmed that they had received a fair hearing and all issues had been heard. The Chairman in closing the Hearing thanked everyone present and confirmed that the parties would be notified of the decision of the Licensing Sub-Committee within 5 working days.

The Sub-Committee then retired to make its Decision.

After considering all the evidence, the Sub Committee:-

RESOLVED that the application to vary the Premises Licence for the Metro Lounge, 63-65 Hill Avenue, Amersham, Bucks HP6 5BX be allowed in full with immediate effect, subject to the Mandatory and other Conditions and the Informatives set out in the Schedule to the Report, as amended by the Sub-Committee, as set out in in full in the Decision Notice attached to and forming part of these minutes.

The meeting ended at 3.40 pm

CHILTERN DISTRICT COUNCIL

LICENSING ACT 2003, AS AMENDED

APPLICATION BY LOUNGERS LIMITED FOR A VARIATION OF A PREMISES LICENCE

DECISION OF THE LICENSING SUB-COMMITTEE SITTING ON 8TH OCTOBER 2015.

The Licensing Sub-Committee had before it an application from Loungers Limited to vary the existing Premises Licence reference number 14/00836/LAPRE for the Metro Lounge, 63-65 Hill Avenue, Amersham, Bucks HP6 5BX.

The variation applied for was an amendment to the Premises Licence Plan to increase the footprint of the Licensed Premises to include a strip of pavement at the front of the building for external tables and chairs for customers as shown on plan numbered LNG2953.04B appended to the application form and the Licensing Officer's report ("the Report") a copy of which all the Sub-Committee Members and Relevant Parties had received.

No other variation to the Premises Licence was sought.

Relevant representations objecting to the application received from Chiltern District Council's Environmental Health Department and three local residents were listed in the Report at paragraph 4 and a copy thereof appended to the Report.

The Licensing Sub-Committee, having listened to all the evidence, submissions and responses thereto and having read all the material before it including the Report and photographs tabled by the Licensing Officer showing tables and chairs outside the Licensed Premises and of the street scene, was satisfied on balance that in all the circumstances and for the Reasons given below that this Application be **ALLOWED IN FULL** and that this variation will take immediate effect

Subject to the Mandatory Conditions, the Informatives and the existing and additional Conditions set out in the Schedule to the Report but **amended** by the Sub-Committee as follows -

New **Condition 14** amended to now read - Tables and chairs located on the pavement at the front of the premises shall not be occupied after 21:00 hours each day for any purposes and will be stacked and placed against the exterior wall of the premises. The external banner barrier will also be rolled up and put away.

This decision is considered to be justified as being appropriate for the promotion of the following Licensing Objectives

- Public Safety
- Prevention of Public Nuisance

and proportionate in consideration of the written representations and submissions made at the Hearing.

Reasons.

The Licensing Sub-Committee considered carefully the Objectors' written representations and submissions made at the Hearing which related mainly to noise nuisance late at night and public safety concerns arising from the proposed

variation to the Premises Licence. It also considered the location of the Licensed Premises generally and in relation to the Objectors premises.

The Licensing Sub-Committee noted that whilst the Council's Environmental Health Officer had also raised concerns relating mainly to the Public Nuisance and Public Safety licensing objectives, the Officer had proposed four new conditions to be imposed on the Premises Licence which would address her concerns if the application were granted.

The Licensing Sub-Committee also noted that the Licensed Premises was not in an Alcohol Free Zone but was in an area which was subject to a Designated Public Places Order. This meant that alcohol could be consumed outside but it could be confiscated by the Police if appropriate as a result of anti-social behaviour.

Regarding the Objectors' concerns relating to noise mainly late at night, the Licensing Sub-Committee considered that in view of the location of the Licensed Premises generally and in relation to the Objectors' premises, the use of the external area until 9pm would not lead to an increase in noise levels so as to cause a public nuisance.

Regarding public safety, it was noted that the Objectors' concerns about the effect of allowing tables and chairs to be placed on the pavement related mainly to the narrow width of the pavement, its frequent use by toddlers and school children and fears that the pavement would be obstructed by buggies and pushchairs and that pedestrians would have to step into the road when passing the Licensed Premises.

Whilst the Licensing Sub-Committee shared the concerns regarding the width of the pavement, it also took into consideration the Applicant's submissions that there was a buggy park located inside the Licensed Premises, that there would be sufficient space between the tables for pushchairs and buggies to be safely stored, that in the Applicant's experience the banner barrier was effective in preventing any obstruction to pedestrians and that the outside area would be supervised by senior members of staff.

The Licensing Sub-Committee also noted that Buckinghamshire County Council had issued a Licence on 23rd September 2015 permitting tables and chairs to be placed on the pavement outside the Licensed Premises.

The Licensing Sub-Committee also took into consideration that some of the concerns were based on what might happen if the application was allowed. In considering this the Licensing Sub-Committee had regard to the Home Office Guidance and in particular paragraph 9.42 and that decisions should be evidence-based.

Regarding the proposed conditions, it was noted that the Applicant had agreed to these conditions and that the Objectors had not raised any objection to them at the Hearing. It was further noted that the Applicant had assured the Objectors that the tables and chairs would be stacked and placed against the premises external wall and that the banner barrier would be rolled up and put away so that the tables and chairs could not be used after 9pm and that the Applicant agreed to an amendment to the proposed condition numbered 14 to reflect this.

Therefore in granting this application in full the Licensing Sub-Committee considered that the variation to the Premises Licence was reasonable and appropriate for this type of premises and for the location.

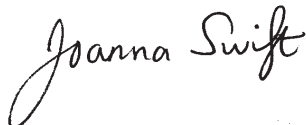
That the new conditions as amended would result in effective noise control and ensure the safety of pedestrians when walking past the Licensed Premises and that these together with the existing conditions and mandatory conditions imposed on the Premises Licence were sufficient, proportionate and appropriate measures if properly implemented to address the Objectors concerns regarding noise and public safety.

The Sub-Committee, whilst making this decision, also took into account the ability of the Objectors to make representations in the future which will lead, where evidence shows the Licensed Premises is the cause of public nuisance and/or noise, to a review of the Premises Licence where steps could be taken to address the issues. Accordingly the Objectors should be reassured that the Licensing Authority does have significant powers when dealing with a premises on review if appropriate and proportionate in all circumstances.

The Licensing Sub-Committee also had regard to

National Guidance;
The Council's Licensing Policy;
The Human Rights Act 1998, as amended and
The individual merits of this case

before reaching this decision.



Head of Legal and Democratic Services and
Clerk to the Licensing Sub-Committee

DATED 8TH OCTOBER 2015.

ATTENTION IS DRAWN TO THE ATTACHED RIGHTS OF APPEAL

YOUR RIGHT OF APPEAL
Licensing Act 2003, Section 181, Schedule 5

Rejection of applications relating to premises licences

- 1 Where a licensing authority-
- (a) rejects an application for a premises licence under section 18,
 - (b) rejects (in whole or in part) an application to vary a premises licence under section 35,
 - (c) rejects an application to vary a premises licence to specify an individual as the premises supervisor under section 39, or
 - (d) rejects an application to transfer a premises licence under section 44,
- the applicant may appeal against the decision.

Decision to grant premises licence or impose conditions etc.

- 2 (1) This paragraph applies where a licensing authority grants a premises licence under section 18.
- (2) The holder of the licence may appeal against any decision-
- (a) to impose conditions on the licence under subsection (2)(a) or (3)(b) of that section, or
 - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).
- (3) Where a person who made relevant representations in relation to the application desires to contend-
- (a) that the licence ought not to have been granted, or
 - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section,
- he may appeal against the decision

Variation of licence under section 35

- 3 (1) This paragraph applies where an application to vary a premises licence is granted (in whole or in part) under section 35.
- (2) The applicant may appeal against any decision to modify the conditions of the licence under subsection (4)(a) of that section.
- (3) Where a person who made relevant representations in relation to the application desires to contend-
- (a) that any variation made ought not to have been made, or
 - (b) that, when varying the licence, the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, under subsection (4)(a) of that section,
- he may appeal against the decision.

If you wish to appeal you must do so within 21 days beginning with the day you were notified of the decision.

The postal address for the Magistrates' Courts that cover the Chiltern Area is:

Milton Keynes Magistrates' Court, 301 Silbury Boulevard,
Witan Gate East, Milton Keynes, Buckinghamshire MK9 2AJ

CHILTERN DISTRICT COUNCIL

**MINUTES of the Hearing of the
LICENSING SUB COMMITTEE**
held on **2 MARCH 2016**

PRESENT: Councillor J J Rush - Chairman
Councillors: M Flys
E A Walsh
N Shepherd - Reserve

7 DECLARATIONS OF INTEREST

There were no declarations of interest.

All parties indicated that they had no objections to the membership of the Sub Committee.

Note: Councillor N Shepherd left the Hearing at 10.40am.

8 APPLICATION FOR A NEW PREMISES LICENCE AT THE CHEQUERS TREE, HIGH STREET, PRESTWOOD, BUCKS HP16 9HD

Members were requested to consider an application for a new Premises Licence for The Chequers Tree, High Street, Prestwood, Bucks, HP16 9HD.

The Licensing Sub Committee was required to consider the application and the valid representations which had been received during the consultation period. A representation was also received from the Environmental Health Authority relating to the prevention of public nuisance licensing objective.

The Chairman then invited the applicants and the objectors present who wished to speak at the Hearing to introduce themselves.

For the objectors Mr & Mrs Blackburn, Dr Mary Davis and Mr Jarvis were present on their own behalf, Mr Jarvis also represented Mr & Mr Aslett, Sheila Smith and Mr & Mrs Veysey. District Councillor John Gladwin was present to speak on behalf of objectors Mark Wingrove, Jackie Walsh and Barbara Rowett and Parish Councillor Lesley Cook was present on behalf of Great Missenden Parish Council. Mr Piers Warne of TLT Solicitors was present to speak for the applicants. Mr Michael McArthur of Greene King Retailing Ltd and Scott Suckling the operator of the premises, were also in attendance.

The Chairman informed the Hearing that there were two local councillors present to speak for the objectors, Chiltern District Councillor John Gladwin and Great Missenden Parish Councillor Lesley Cook, but assured the parties that their presence would not prejudice the Sub Committee's decision.

The Licensing Officer then introduced the application, as detailed in the report. He noted that other concerns besides those relating to the Licensing Objectives had been raised, particularly the impact on parking, but they could not be taken into account by the Committee in reaching its decision. In

response to the objections raised the applicant had organised a residents meeting to discuss their concerns and had submitted a formal written amendment to their application by letter dated 26th February 2016. This had been sent to objectors prior to the Hearing and was available in hard copy at the Sub Committee. He also informed the Hearing that following the amended application the Environmental Health Officer had withdrawn her objections and the licensing department had received three emails indicating support for the amended proposal.

In response to a question from the Sub Committee the Licensing Officer clarified that no smoking area was specified in the application or identified on the plan to allow flexibility in finding the most suitable location within the external area of the Licensed Premises. That in practice this was found to be the best approach generally regarding smoking areas as it meant that the area could be moved to address any concerns if they arose.

In answer to questions from the objectors he confirmed the proposed hours allowed the premises to remain open throughout the night between New Year's Eve and New Year's Day and added that this was a standard feature for premises licenses. It was also asked why the Environmental Health Officer withdrew their objection and it was explained that the amended hours matched very closely the hours they had recommended in their representations and in light of the reduced hours they had also confirmed that their additional proposed conditions were no longer appropriate or reasonable. The applicants had no questions for the Licensing Officer.

The Chairman then invited the objectors to speak about their objections and the following main points were made. The amended hours were acknowledged as an improvement, however, there was still concern that the opening hours would result in noise inappropriately late in the evening, anti-social behaviour and littering, especially in a residential area with young children living nearby. Several objectors submitted that 11pm would be a suitable closing time given the location of the premises. The later opening hours on Friday and Saturday night were considered particularly excessive and likely to cause disruption significantly later into the evening. There was also a strong feeling that the proposed extended opening hours for New Year's Eve and New Year's Day were unnecessary and would be extremely disruptive in a residential area. The early opening time of 8am was also questioned, which would coincide with children walking to school and mean the pub operated very long hours. The Sub Committee asked for clarification of this point from the Licensing Officer and he explained that although the proposed opening hours were from 8am alcohol would not be served until 10am.

In response to questions from the Sub Committee the objectors answered that under the previous license the pub had stayed open late, beyond 11pm, and significant noise had been caused. It was confirmed that the Green Man nearby opened later than the proposed hours, however, it was argued that its location was less residential and it therefore caused much less disturbance.

Mr Warne then spoke for the applicants. Mr Warne acknowledged the problems which had arisen under the previous tenants but emphasised that under the new application the intention was to operate an establishment

suitable for its residential location with a strong restaurant element to the business. The residents meeting had been organised because the operators wanted to engage positively with community and the amended hours had taken account of the feelings residents expressed. The film aspect of the application had also been withdrawn and music would be in keeping with a conversational, restaurant setting, making the premises more in keeping with a residential area. He recognised the new hours did not meet all the objectors concerns, however, there had been substantial variation in the views expressed by residents and the applicants considered the amended hours to be both reasonable and necessary for the Chequers Tree to succeed as a business.

Responding to earlier questions he explained that in keeping the location of the smoking area flexible it could be moved if issues arose. That they would decide in conjunction with their nearest neighbour and had already moved it away from his house. He also confirmed that the 8am opening time was intended for the service of coffee and food.

In response to questions from the Sub Committee Mr Warne explained that regarding the potential for noise nuisance from the bar it was not expected that there would be large, rowdy groups, it was expected to be a quiet, eating establishment. He also noted that premises usually police themselves in village settings in order to earn their place in the community. Regarding crime prevention Mr Warne answered that the police had not been sufficiently concerned to make a submission and they should be the main source of guidance regarding the risk of crime and disorder. He also assured the Sub Committee the operator would aim to address any issues as they arose. Regarding the proposed reduced hours in the amended license he explained that the bar did not expect to become a destination venue attracting customers from beyond The Chequers Tree because it was not open sufficiently late, there were other locations which opened longer for those wanting to stay out late. Finally he explained that there were no formal consultation arrangements with residents in place going forward, however, the manager's phone number would be provided to residents and they would be welcome to come and speak to the staff at any time about any concerns.

The Chairman then invited questions from the objectors. In response Mr Warne explained that although the 12 midnight closing time was included in the application the operators did not anticipate large crowds after 11pm, it was there so people were not put off from coming earlier to the premises for a meal. Concerning how the closing hours would be policed and noise nuisance managed Mr Warne advised that the doors and windows would be closed after 11pm, there would be notices advising customers of the manager's phone number, and a crime reporting incident book. He also stressed that they did not intend to offer a heavy drinking environment likely to cause a lot of noise. Regarding the noise nuisance caused by outdoors seating to the front of the premises under the previous tenants he answered that it should not be repeated because there would not be a very large seating area there.

The Chairman then moved the Sub Committee to consider the proposed conditions. It was noted that the Applicant agreed to conditions 1-13 and that the Objectors did not raise any objections thereto. It was noted that conditions 14 and 15 proposed by the Environmental Health Officer had been withdrawn

in view of the amended hours. On condition 16 Mr Warne asked for an amendment to allow bottles to be disposed of after 7am, arguing that this would allow the bar to be prepared for opening at 8am. Mr Gladwin asked that this be pushed back until 9am on Saturday, Sunday and Bank Holidays. It was also noted that Condition 17 was no longer appropriate as films had been removed from the application as a licensable activity.

The Chairman then asked those present for any closing statements they wished to make. Mr Warne asked that the Sub Committee consider that the impact of conditions, including their fiscal burden on the business, could be taken into account and to weigh up any negatives with the advantages of a new community orientated establishment. That the application did not undermine the licensing objectives and reminded the Sub Committee that their decision had to be proportionate with the licensing objectives. The objectors and Licensing officer confirmed that they had no closing statements to add in addition to what they had already said during the Hearing and everyone present confirmed that their concerns had been heard.

The Chairman thanked everyone present for their contributions and the Sub Committee retired to make its decision.

After considering all the evidence the Sub Committee:-

RESOLVED

That the application a new Premises Licence for The Chequers Tree, High Street, Prestwood, Bucks, HP16 9HD be allowed in part with immediate effect, subject to the Mandatory and other Conditions set out in the Schedule to the Report, as amended and deleted by the Sub-Committee, as set out in in full in the Decision Notice attached to and forming part of these minutes.

The Hearing end at 1.40pm

LICENSING ACT 2003, AS AMENDED

APPLICATION BY GREENE KING RETAILING LIMITED FOR A NEW PREMISES LICENCE

DECISION OF THE LICENSING SUB-COMMITTEE SITTING ON 2ND MARCH 2016.

The Licensing Sub-Committee had before it an application from Greene King Retailing Limited for a new Premises Licence for The Chequers Tree, High Street Prestwood, Bucks HP16 9HD.

The details of the Premises Licence applied for are set out in the Application form appended to the Licensing Officer's report at Appendix 2 ("the Report") as amended by the Applicant prior to the Hearing in a letter dated 25th February 2016 ("the Letter of Amendment") reducing the hours of operation applied for and removing Films from the proposed Licensable Activities.

Relevant representations objecting to the application received from local residents and the Great Missenden Parish Council were listed in the Report at paragraph 5 and a copy thereof appended to the Report.

It is noted that Environmental Health did initially object but withdrew the objection in light of the amendment to the Application made prior to the Hearing.

The Licensing Sub-Committee, having listened to all the evidence, submissions and responses thereto and having read all the material before it including the Letter of Amendment and an amendment to paragraphs 4.2 and 4.3 of the Report tabled by the Licensing Officer, was satisfied on balance that in all the circumstances and for the Reasons given below that this Application as amended by the Applicant prior to the Hearing should be:

ALLOWED IN PART as follows -

Live Music and Recorded Music (Indoors only) and Supply of Alcohol (on and off the premises) -

Standard timings -

Sundays to Thursdays - 10am to 11pm
Fridays and Saturdays - 10am to Midnight

Non- Standard timings -

An additional hour on Sundays prior to Bank Holiday Monday, Christmas Eve and the Thursday before Good Friday.

New Year's Eve - from the beginning of the permitted hours on New Year's Eve until 3am on New Year's Day.

Hours Premises are open to the public -

Standard timings -

Sundays to Thursdays - 8am to 11.30pm
Fridays and Saturdays - 8am to 30 minutes after midnight (00.30 the next day)

Non- Standard timings -

On Sundays prior to Bank Holiday Monday, Christmas Eve and the Thursday before Good Friday - 30 minutes after the terminal hour for the Sale of Alcohol on those days.

New Year's Eve - from the beginning of the permitted hours on New Year's Eve until 3am on New Year's Day.

Late Night Refreshment - (Indoors only) -

Standard timings -

Fridays and Saturdays -11pm to Midnight.

SUBJECT TO the Mandatory Conditions and the Conditions set out in the Schedule to the Report but renumbered and **deleted and amended** by the Sub-Committee as follows -

Amendments to Proposed Conditions

Condition 16 - amended to delete the words “nuisance is not” and regarding times as follows -

An inspection of the external area of the Licensed Premises will be undertaken during each licensed session to ensure litter and bottles and glass generated during licensable activities at the premises are disposed of appropriately. The disposal of bottles/glass will be carried out in such a way that noise is not created that may cause a nuisance to local residents and must not be carried out between the hours of 21.00 and 08.00 Mondays to Fridays and 21.00 and 09.00 Saturdays and Sundays.

Deleted Proposed Conditions

Conditions 14, 15 and 17.

This decision is considered to be justified as being appropriate for the promotion of the following Licensing Objectives

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of children from harm

and proportionate in consideration of representations made, the operating schedule submitted and matters heard today.

REASONS.

The Licensing Sub-Committee considered carefully the Objectors’ written representations and submissions made today at the Hearing which related mainly to noise nuisance after 11pm, crime and disorder, public safety and the extended hours regarding New Year’s Eve and the Bank Holidays. It also considered the location of the Licensed Premises in a residential area and in relation to the Objectors’ premises.

It noted that the only Responsible Authority which had raised an objection to the Application was Environmental Health relating to potential disturbance and public nuisance but that these objections were withdrawn having been addressed by the amendment to the Application.

Consideration was also given to the Parish Council’s representations regarding reduced hours and submission at the Hearing that there would be no objection if the premises closed by 1am.

It was also noted that a large number of Objectors had shown support for the Premises being licensed and re-opening and welcomed the reduced hours proposed

by the Applicant and the removal of Films in light of the representations received and the public meeting.

The Licensing Sub-Committee also took into consideration that some of the concerns raised by the Objectors were based on what might happen if the application was allowed. In considering this the Licensing Sub-Committee had regard to the Home Office Guidance and in particular paragraph 9.42 and that decisions should be evidence-based.

The Licensing Sub-Committee took into account the Objectors representations and concerns referred to in their representations and also made at the Hearing regarding New Year's Eve, Bank Holidays and the opening hour of 8am whilst balancing the need for flexibility for the Applicant in pursuing its lawful business activities in allowing the hours applied for but reducing hours for New Year's Eve.

Regarding the proposed Conditions, it was noted that the Applicant agreed to the proposed Conditions 1 to 13 inclusive and that the Objectors had not raised any objection to these at the Hearing.

The Licensing Sub-Committee also considered very carefully the submissions from the Applicant's Solicitor and Objectors regarding the proposed Conditions 14, 15 and 16.

It felt that Conditions 14 and 15 were not proportionate or appropriate in view of the amended hours of operation but considered it appropriate to amend the timings referred to in Condition 16 as stated above in view of the concerns regarding noise and disturbance.

The Licensing Sub-Committee believed that the hours now permitted together with the Conditions imposed on the Premises Licence including those relating to noise, the monitoring thereof and the need to keep incident record book will ensure that effective noise monitoring takes place and written records of monitoring and complaints will be available to the Council for investigation and compliance purposes were appropriate and proportionate to adequately address the licensing objectives and the concerns of the Objectors and so decided to grant the application in part as stated above.

The Sub-Committee, whilst making this decision, also took into account the ability of the objectors to make representations in the future which will lead, where evidence shows the premises is the cause of crime and disorder, public nuisance and/or noise, to a review of the Premises Licence where steps could be taken to address the issues. Accordingly, the objectors should be reassured that the Licensing Authority does have significant powers when dealing with a premises on review if appropriate and proportionate in all circumstances.

The Licensing Sub-Committee also had regard to

- National Guidance;
- The Council's Licensing Policy;
- The Human Rights Act 1998, as amended and
- The individual merits of this case

before reaching this decision.

Joanna Swift

Head of Legal and Democratic Services and
Clerk to the Licensing Sub-Committee

DATED 2nd MARCH 2016

ATTENTION IS DRAWN TO THE ATTACHED RIGHTS OF APPEAL

YOUR RIGHT OF APPEAL
Licensing Act 2003, Section 181, Schedule 5

Rejection of applications relating to premises licences

- 1 Where a licensing authority-
- (a) rejects an application for a premises licence under section 18,
 - (b) rejects (in whole or in part) an application to vary a premises licence under section 35,
 - (c) rejects an application to vary a premises licence to specify an individual as the premises supervisor under section 39, or
 - (d) rejects an application to transfer a premises licence under section 44,
- the applicant may appeal against the decision.

Decision to grant premises licence or impose conditions etc.

- 2 (1) This paragraph applies where a licensing authority grants a premises licence under section 18.
- (2) The holder of the licence may appeal against any decision-
- (a) to impose conditions on the licence under subsection (2)(a) or (3)(b) of that section, or
 - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).
- (3) Where a person who made relevant representations in relation to the application desires to contend-
- (a) that the licence ought not to have been granted, or
 - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section,
- he may appeal against the decision

Variation of licence under section 35

- 3 (1) This paragraph applies where an application to vary a premises licence is granted (in whole or in part) under section 35.
- (2) The applicant may appeal against any decision to modify the conditions of the licence under subsection (4)(a) of that section.
- (3) Where a person who made relevant representations in relation to the application desires to contend-
- (a) that any variation made ought not to have been made, or
 - (b) that, when varying the licence, the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, under subsection (4)(a) of that section,
- he may appeal against the decision.

If you wish to appeal you must do so within 21 days beginning with the day you were notified of the decision.

The postal address for the Magistrates' Courts that cover the Chiltern Area is:

Milton Keynes Magistrates' Court, 301 Silbury Boulevard,
Witan Gate East, Milton Keynes, Buckinghamshire MK9 2AJ

SUBJECT:	Film classification and reclassification under The Licensing Act 2003
REPORT OF:	Head of Healthy Communities – Martin Holt
RESPONSIBLE OFFICER	Licensing Manager – Nathan March
REPORT AUTHOR	Nathan March, 01494 732249, nmarch@chiltern.gov.uk
WARD/S AFFECTED	All

1. Purpose of Report

1.1 For Members to consider a draft Policy for adoption with immediate effect regarding the classification of films by the Council attached at Appendix 1.

1.2 RECOMMENDATION

It is recommended that Licensing and Regulation Committee:-

- i. Approve the draft policy for dealing with the classification of films for adoption with immediate effect
- ii. Agree to adopt the Guidance issued by the BBFC to assist in the classification and re-classification of films.

The Licensing and Regulation Committee recommend to Council

- iii. That the Head of Healthy Communities be authorised to determine the classification and re-classification of films including appeals under the licensing legislation in accordance with the Policy.
- iv. That all cases not determined by the Head of Healthy Communities under delegated authority be dealt with by the Licensing Sub-Committee.
- v. To set the level of fee for the classification of films at £47, plus £1 per minute of the full length of the submitted film, plus any costs associated with the hire of any associated venue or equipment costs.

2. Reasons for Recommendations

2.1 The adoption of a policy and the BBFC Guidance will mean that the Council will have a policy and procedure in place for determining applications submitted to the Council for classification of films together with a delegation to the Head of Healthy Communities will allow such applications to be dealt with effectively, following the

BBFC guidance which is the recognised and accepted approach nationally for the classification of commercially released films.

- 2.2 The recommended fee will ensure that the cost of dealing with any requests will be recovered by the Council.

3. Content of Report

- 3.1 The Council is the classification body for the public exhibition of films shown within its administrative area, by virtue of the Licensing Act 2003. As such the Council has the right to classify films that are shown in premises such as cinemas, hotels, clubs public houses and community premises.
- 3.2 The Council uses the decisions of the BBFC to determine the classification of films. In practice, therefore, the BBFC performs a national film classification role.
- 3.3 Sections 20 and 74 of the Licensing Act 2003 provides that a mandatory condition shall be applied to all premises licences and club premises certificates that authorise the exhibition of films. This relates to the restriction of the admission of children (defined as 'persons aged under 18').
- 3.4 Premises must restrict the admission of children to the exhibition of any film to either the film classification recommended by the BBFC or, if the Council does not agree with that recommendation, to such other classification recommended by the Council.
- 3.5 If a film has not been classified by the BBFC it must not be shown at a premise without first having been classified by the Council for the area concerned. A typical example of this would be a locally made film to be shown at a local film festival. To cater for this situation it is prudent for a Council to have a formal policy and procedure in place to determine the appropriate classification. As this requirement is placed on the Council to carry out this function it is not proposed to carry out any form of consultation regarding the draft Policy as this is a procedural matter for Licensing Authorities contained within the Licensing Act 2003. If approval is given the Policy will be implemented with immediate effect.
- 3.6 A distributor of a film or other party may appeal to the Council against a decision of the BBFC and request that the Council classifies or reclassifies the film for local screening.
- 3.7 The Licensing Act 2003 also provides for a number of exemptions for certain types of film such as those exhibited for the purposes of advertisement, information, education etc. If the premises and/or exhibition of a film is not regulated by the Licensing Act 2003, it may still necessary to comply with the recommendations issued by the BBFC or Licensing Authority regarding classification and the admission of children for example regarding community premises.
- 3.8 In addition to classifying films the Licensing Authority can issue a classification waiver which permits the exhibition of the film or films within the local area without a classification, but subject to certain conditions and restrictions.

3.9 A draft policy for the classification of films is set out in Appendix 1.

3.10 Fee

3.10.1 The BBFC charges a fee for the classification of films. The standard fee is a £101.50 handling charge plus £7.09 per minute of the full length of the work. A discount of 30% is provided to UK registered charities (making this fee £71.05 and £4.96 per minute).

3.10.2 Commercial releases will be submitted to the BBFC as a matter of course, and therefore submissions to local authorities usually originate from local students and arts groups. A fee of £47 (the average hourly cost of an officer within Healthy Communities) plus £1 per minute of the full length of the film, plus associated equipment and venue hire costs (as appropriate) is proposed as this should allow for full cost recovery.

3.10.3 The proposed fee is considerably lower than that charged by the BBFC which is appropriate given the nature of the films that will be submitted to the Council, to encourage local film making talent. These films are generally low budget, and would have a very limited release.

4. Options

Members have the following options:

- i. Agree and adopt the draft policy with or without modification,
- ii. Recommend to Council the delegation to the Head of Healthy Communities (or the Licensing Sub-Committee) or alternatively require that the classification or re-classification of films including appeals be determined by the Licensing and Regulatory Committee. However this alternative is not recommended as the practicality of classifying films in accordance with the Policy can be more effectively dealt with by Officers or the Licensing Sub-Committee.
- iii. Recommend to Council the proposed fee plus associated costs or such other fee and associated costs as considered appropriate.

5. Corporate Implications

5.1 Financial

There is a cost to the Council to deal with any film classification requests, the fees proposed will recover this cost.

5.2 Legal

There is no right of appeal when a decision is made by the Council but any decision could be the subject of a judicial review which would result in legal fees to defend the review and further costs which we would seek to recover if the review was unsuccessful. In the event of a successful review the Council may also have to pay the applicants costs. This risk is minimised by adopting a policy, following the BBFC guidance and ensuring that classification decisions are made in line with the Licensing Act 2003 Section 182 Guidance.

5.3 Crime and Disorder

The policy will ensure that Children are not exposed to film material that could cause them harm. The policy will also ensure that any illegal material is not permitted to be shown and will be reported to the appropriate authority, most likely the police.

6. Links to Council Policy Objectives

Adopting the policy will help the Council to meet the policy objectives of delivering cost-effective, customer focused services, and working towards safe and healthier local communities.

7. Next Step

Any changes to the draft policy agreed by Members will be made and the policy will come into immediate effect for use regarding the classification of films by the Council.

<p>Background Papers:</p>	<p>The BBFC Guidance (2014) The Licensing Act 2003 Section 182 Guidance (March 2015) The Licensing Act 2003</p>
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CHILTERN DISTRICT COUNCIL

Draft Policy and Procedure for determining film classifications

Adopted on *****
Effective from *****

1. Purpose

- 1.1 The Council, as the Licensing Authority, is responsible for authorising the public exhibition of films. Where a premises seeks or intends to exhibit films that venue must be licensed by a premises licence, club premises certificate or temporary event notice under the Licensing Act 2003 unless an exemption applies under the Licensing Act 2003.
- 1.2 Section 20 and 74 of the Licensing Act 2003 provides that where a premises licence or club premises certificate authorises the exhibition of a film(s), it must include a mandatory condition requiring the admission of children to films to be restricted in accordance with recommendations given either by the British Board or the Licensing Authority.
- 1.3 The Licensing Act 2003 defines “children” as any person under the age of 18 years and defines “the exhibition of a film” as the exhibition of moving pictures.
- 1.4 If the premises and/or exhibition of a film is not regulated by the Licensing Act 2003, it may still be necessary to comply with the recommendations issued by the BBFC or Licensing Authority regarding classification and the admission of children for example regarding Community Premises.
- 1.5 In summary, in order to publically exhibit a film, it must either be classified by the BBFC or by the Licensing Authority under the powers of the Licensing Act 2003.
- 1.6 The purpose of this policy is to set out the formal procedure for the Licensing Authority to determine the classification of previously unclassified films, appeals by distributors against the BBFC’s decisions regarding classification or requests to reclassify films. This Policy shall be amended from time to time in accordance with current law, guidance and practice by the Head of Healthy Communities
- 1.7 The Licensing Authority when classifying or re-classifying films shall at all times take into account the guidance issued under section 182 of the Licensing Act 2003 (“the National Guidance”).
- 1.8 The Licensing Authority may be requested to classify or re-classify a film that has already been classified or refused a classification by the BBFC in two different circumstances:
 - (a) A distributor of a film may appeal against the decision of the BBFC and request that the Licensing Authority classifies or re-classifies the film for local screening (with recommendations on age restrictions) and
 - (b) An independent party may request that the Licensing Authority classifies or reclassifies the film for local screening (with recommendations on age restrictions).

1.9 The Licensing Authority may also be requested to classify the showing of an unclassified film(s). This normally occurs in the following cases:

- (a) A film festival covering a specific period of time;
- (b) A one off screening of a film and
- (c) A trailer for a film

2. Fees

2.1 Unless prohibited by law the Council will always aim to recover the cost of undertaking its licensing functions. The fee for dealing with applications to classify or re-classify a film submitted to the Council will be £47, plus £1 a minute of the full length of the film plus associated equipment and venue hire costs (as appropriate) is proposed as this should allow for full cost recovery.

2.2 This fee covers the cost for viewing the film and for determining the application. This fee must be paid prior to a film being considered and is non-refundable once an application has been submitted to the Licensing Authority, including if an application is refused.

3. General policy

3.1 In accordance with paragraph 10.17 of the current National Guidance, the Licensing Authority shall concern itself primarily with the protection of children from harm. It will not use its powers to censor films save where there is clear cause to believe that this is required to promote the four Licensing Objectives.

3.2 Under the Licensing Act 2003, the Licensing Authority must carry out its functions with a view to promoting the Licensing Objectives. In terms of film exhibitions and festivals, the most relevant licensing objective is the protection of children from harm.

3.3 Protection of children from harm

3.3.1 Paragraph 2.21 of the National Guidance states:

The protection of children from harm includes the protection of children from moral, psychological and physical harm and this would include the protection of children from too early an exposure to strong language and sexual expletives, for example, in the context of film exhibitions or where adult entertainment is provided.

3.4 Principles in determining film classifications

3.4.1 The BBFC classifies films in accordance with its published guidelines, which are

based on extensive research into public opinion and professional advice. The National Guidance recommends that:

Licensing authorities should not duplicate the BBFC's work by choosing to classify films themselves. The classifications recommended by the BBFC should be those normally applied unless there are very good local reasons for a licensing authority to adopt this role. Licensing authorities should note that the provisions of the 2003 Act enable them to specify the Board in the licence or certificate and, in relation to individual films, to notify the holder or club that it will make a recommendation for that particular film

- 3.4.2 The Licensing Authority considers the classification system used by the BBFC to be nationally understood and accepted. It will therefore use this system and any amendments thereto, as a reference point for determining its recommendation(s) on the restriction of access of children to films. However the Licensing Authority is not obliged to follow the BBFC guidelines.
- 3.4.2 Where an Applicant seeks to exhibit a film that has not been classified by the BBFC then it will be the responsibility of the Licensing Authority to determine the classification of that Film or refuse classification in accordance with the procedures outlined in this Policy.
- 3.4.3 The Licensing Authority recognises the principle within the Human Rights Act 1998 that adults should be free to choose their own entertainment and will not normally override this principle. Therefore, applications will not normally be refused but in all cases, the Licensing Authority will expect the applicant to follow the BBFC's guidelines for 18 and R18 restricted films. However, material should not be in breach of the criminal law, including material judged to be obscene under the current interpretation of the Obscene Publications Act 1959 or where it has been created through the commission of a criminal offence.
- 3.4.4 Therefore Applicants must ensure that all material that is the subject of their application complies with the current interpretation of the Obscene Publications Act 1959, the Copyright Design and Patents Act 1988 or any other relevant legislation and has not been created through the commission of a criminal offence.
- 3.4.5 Classifications or re-classifications of films determined by the Licensing Authority shall only apply when those films are exhibited within the Council's administrative area and does not affect the classifications or re-classifications in any other Council area. It will also be assumed that all relevant third party consents and licences in respect of any and all copyright, confidential information and all other intellectual property rights have been obtained prior to showing the films.
- 3.4.6 Once classified or re-classified by the Licensing Authority a film will be authorised for a particular showing or festival only subject to the recommendations and conditions imposed by the Licensing Authority (unless a further application for re-classification is made). Details of the classification or re-classification including

any recommendations and conditions will be given to the Applicant and any Licence Holder upon determination of an application and shall also be available from the Council's Licensing service.

- 3.4.7 The Licensing Authority will consider each application for classification or re-classification on its own merit and may impose additional and more specific conditions where it deems this necessary in order to comply with the protection of children from harm licensing objective.
- 3.4.8 Where the Licensing Authority is asked to classify unclassified material the Licensing Authority will require a written undertaking from the Applicant that he has satisfied himself after proper enquiry that no material to be exhibited contravenes the current interpretation of the Obscene Publications Act 1959, the Copyright Design and Patents Act 1988 or any other relevant legislation and has not been created through the commission of a criminal offence.
- 3.4.9 The Licensing Authority shall not be liable for any material that has been created through the commission of a criminal offence. It is the responsibility of the Applicant to ensure that no film or trailer contravenes the law.
- 3.4.10 Applications must be relevant to the protection of children from harm licensing objective and not frivolous, vexatious or repetitive. Applications may also be relevant to the prevention of crime and disorder licensing objective but only in relation to the contravention of the current interpretation of the Obscene Publications Act 1959 or any other relevant legislation.
- 3.4.11 Applications will be dealt with as expeditiously as possible as it is appreciated that films are generally only shown in cinemas for a relatively short period. Where the Licensing Authority refuses to classify a film clear and concise reasons shall be given.
- 4. Procedure for determining applications regarding (i) the classification of previously unclassified films, (ii) appeals against the BBFC's decisions regarding classification or (iii) requests to reclassify films.**
- 4.1 Applications will be referred to and determined by the Head of Healthy Communities on behalf of the Licensing Authority (or referred to the Licensing Authority's Licensing-Sub-Committee for determination if considered appropriate in all the circumstances by the Head of Healthy Communities).
- 4.2 Applications must be made in writing using the application form on the Council's website and submitted to the Licensing service a minimum of 28 working days before the proposed screening of the film in order for the application to be determined and to ensure compliance with the age restrictions the Licensing Authority may impose.

- 4.3 All applications shall be accompanied by the film(s) in DVD format to avoid delays, the cost to be borne by the Applicant. If DVD format is not possible then arrangements will be made by the Licensing Authority for a suitable venue to view the film.
- 4.4 If the Applicant is an individual or organisation not connected with the film(s) and is not able to provide a copy of the film(s) the Licensing Authority will make suitable arrangements to view the film.
- 4.5 An application must include the following information:
- (a) the name and address of the filmmaker;
 - (b) such recommendation as may have been made by the filmmaker upon age limit for the intended audience for exhibition of the film;
 - (c) any existing classification issued by an existing classification body, whether within or outside the UK;
 - (d) a synopsis identifying the material within the film considered by the exhibitor to be likely to have a bearing on the age limit for the audience for exhibition of the film. Where an applicant seeks an authorisation allowing exhibition of the film to persons 18 years and over only, a detailed synopsis will not be required;
 - (e) if known, a legitimate and legal internet site where the film or a portion of the film is available to view without charge;
 - (f) any proposals on age restrictions for viewing the film that the applicant intends to impose;
- and
- (g) details of how any age restrictions will be enforced.
- 4.6 The Head of Healthy Communities (or Licensing Sub-Committee as applicable) will view the entire film in private and assess it against the BBFC guidelines and the National Guidance and shall issue a written Notice of Determination of the Application within 5 working days from the date of viewing.
- 4.7 If the film has been given a classification the Notice of Determination will include any recommendation(s) and conditions restricting the admission of children to the film(s) and any other relevant conditions. If an application is refused the Notice of Determination will contain reasons for refusing to classify or re-classify the film. The Notice of Determination will be sent to the Applicant and the Licence Holder (if applicable).
- 5. Age restricted film/s.**

- 5.1 Where a film is classified by the Licensing Authority as falling into an age restrictive category, no person under the age specified by the Licensing Authority shall be admitted to any part of the programme. Where a film is recommended by the Licensing Authority as falling into a category requiring any persons under a specified age to be accompanied by an adult, no person under the age specified shall be admitted to any part of the programme unaccompanied by an adult.
- 5.2 The Notice of Determination will include a condition that no person appearing to be under the age specified shall be permitted to any part of the programme and/or a condition that no person appearing to be under the age specified shall be admitted to any part of the programme unaccompanied by an adult.
- 5.3 There shall also be displayed in conspicuous positions both inside and outside the premises notices clearly stating the relevant age restrictions and requirements having regard to National Guidance, so that persons entering the premises can readily be made aware of the classification attached to any film or trailer e.g.:
- a) Persons under the age of [insert appropriate age] cannot be admitted to any part of the programme.
 - b) Persons under the age of [insert appropriate age] can only be admitted to the programme if accompanied by an adult.

6. Section 20 and 74 of Licensing Act 2003: Exhibition of films

- 6.1 All premises permitted to exhibit films are subject to the following mandatory conditions:
- 6.1.1 Where a premises licence or club premise certificate authorises the exhibition of films, the licence or certificate must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with these paragraphs.
- 6.1.2 Where a film classification body is specified in the licence or certificate, unless paragraph 5.1.3 (b) below applies, admission of children must be restricted in accordance with any recommendation by that body.
- 6.1.3 Where:
- (a) the film classification body is not specified in the licence or certificate
- or
- (b) the Licensing Authority has notified the holder of the licence or the club that holds the certificate that this paragraph applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by the Licensing Authority.

6.2 In these paragraphs "children" means persons aged under 18 and "film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984

7. Exemptions under Schedule 1 Part 2 of the Licensing Act 2003.

7.1 The provision of the exhibition of a film(s) is exempt from regulation by the Licensing Act 2003 if either:

It consists of or forms part of an exhibit put on show for any purposes of a museum or art gallery (the Licensing Act 2003 does not define a museum or art gallery so the ordinary meaning of the term is taken)

Or:

Its sole or main purpose is to:

- (a) demonstrate any product,
- (b) advertise any goods or services (excluding the advertising of films), or
- (c) provide information, education or instruction

7.2 In accordance with Schedule 1 Part 2 paragraph 6A Community Premises are exempt from requiring a licence under the Licensing Act 2003 when exhibiting films if specified conditions are satisfied. Accordingly, the admission of children is still subject to such restrictions as are necessary to comply with the recommendation issued by the BBFC or relevant licensing authority regarding the admission of children. See current National Guidance para 4.37 to 4.41 and 15.22 and 15.24.

8. Requests to Waive a Film Classification

8.1 All requests to waive the film classification will in the first instance be considered by the Head of Healthy Communities under delegated powers. However, any request to waive a Film Classification may be referred by the Head of Healthy Communities at his/her discretion to the Licensing Sub Committee for determination.

8.2 All requests to waive a film classification must be submitted on the Licensing Authority's application form a minimum of 42 days before the proposed screening with confirmation from the applicant that the film is intended to be shown to an audience of persons aged 18 years and over.

- 8.3 Waivers would be issued based on the synopsis of the film and would be appropriate in the following cases:
- a) A foreign or locally made film being shown during a film festival.
 - b) A one-off screening of a film.
 - c) A trailer for a film.
- 8.4 Any classification waiver will have the following conditions attached:
- a) The films must not encourage or incite crime; or lead to disorder; or stir up racial hatred against any section of the public of Great Britain on grounds of colour, race or ethnic or national origins, sexual orientation or sex, or promote sexual humiliation or degradation of or towards women.
 - b) The film must not have the effect such as to tend to deprave and corrupt persons who see them.
 - c) The films must not contain a grossly indecent performance thereby outraging the standards of public decency.
 - d) Persons under the age of 18 years must not be admitted to any such film exhibitions (with or without parental guidance).
- 8.5 If a waiver is not granted either by the Head of Healthy Communities or the Licensing Sub Committee the applicant would be able to apply for classification of the film under Section 4 above.

SUBJECT:	Draft Hackney Carriage & Private Hire Licensing Policy
REPORT OF:	Interim Director of Services – Anita Cacchioli
RESPONSIBLE OFFICER	Head of Healthy Communities – Martin Holt
REPORT AUTHOR	Nathan March, 01494 732249, nmarch@chiltern.gov.uk
WARD/S AFFECTED	All

1. Purpose of Report

- 1.1 This report is to provide the committee with the draft hackney carriage and private hire licensing policy document for approval for consultation.

RECOMMENDATION

- 1.2 It is recommended that
- i) The attached draft hackney carriage and private hire licensing policy in Appendix 1 be approved for consultation.
 - ii) consultation to be carried out over a 12 week period to enable all interested parties to submit comments to the Council.
 - iii) The results of the consultation to be reported back to the Licensing Committee, for further consideration and referred to Full Council for adoption once agreed by Licensing Committee.

2. Reasons for Recommendations

- 2.1 The Council's hackney carriage and private hire licensing policy was last reviewed fully in February 2014 (although some sections had been reviewed and amended more recently), so a review including a public consultation as part of that review at this time is appropriate.

3. Background

- 3.1 The Council licenses hackney carriage vehicles and private hire vehicles under two main pieces of legislation – the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 3.2 The main aim of the licensing regime is to protect the public at all times. It is important that anyone using a licensed hackney carriage or private hire vehicle should be confident that the driver does not pose a risk to their safety, and that the vehicle is also safe and roadworthy.
- 3.3 Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 require that a 'district council shall not grant a drivers licence to drive a private hire vehicle or hackney carriage vehicle unless they are satisfied that an applicant is a fit

and proper person'. In order for a driver to show they are a fit and proper person they must provide evidence of driver standard, medical fitness and criminal history.

- 3.4 The Department for Transport issues guidance to assist local authorities on matters in relation to hackney carriage and private hire licensing titled 'taxi and private hire vehicle licensing: best practice guidance' which was last updated in 2010. This guidance is considered as part of the process of forming the policy and reviewing it, and states that the policy must be kept under review and the Council may make such revisions to it as it considers appropriate.
- 3.5 Although it has only been 2 years since the last full review of the policy, there have been significant changes to legislation, case law, and to the way that the Council delivers licensing services as part of the shared services programme. Therefore, the draft policy is significantly different in format and content, when compared to the previous version.
- 3.6 A significant reason for reviewing the policy at this time is to ensure that the Council has reviewed its policy in line with the recommendations following the Casey Review in the CSE in Rotherham and findings of Operation Bullfinch in Oxfordshire in which taxis have played a significant role.
- 3.7 Whilst the structure of the policy has not changed, given the significant changes that have been made, it is not possible to indicate where changes have been made on the draft policy to aid comparison and therefore the key changes are identified below.

4. Key Changes

- 4.1 Training as a requirement (p7)
- 4.2 The draft policy places more emphasis on an increased requirement for training and particularly safeguarding related training. The Council has recently undertaken training for all drivers on safeguarding, with a particular focus on child sexual exploitation which is recognised to be an issue of national significance. There are a number of examples where the hackney and private hire trade has been used to assist offenders for this sort of criminal activity, most notably Rotherham and Oxfordshire.
- 4.3 Payment of fees (p7)
- 4.4 A new requirement has been proposed, where payment for licences and connected fees must be made by debit or credit card, this is to encourage payments to be made at time of application using the automated online system which will increase the efficiency of the Council in processing payments and licences, and will increase the ease that payments can be traced when necessary. This requirement reduces the time that customer services will need to spend dealing with applicants and also reduces the opportunity for tax avoidance or similar cash related offences.
- 4.5 Additional Safeguarding Information (p9)

Child Sexual Exploitation and other abuse of vulnerable groups within our communities is clearly a concern that the Council takes very seriously, there have been many significant cases which have come to light in the past few years and some of these have involved members of the taxi and private hire trade. Training has been provided to many drivers and this will continue to be rolled out in the future, it is valuable to also include details of what this is and how to report such concerns within the policy.

4.6 Disclosure and Barring Service (DBS) Checks (p12)

The draft policy requires drivers to sign up for the DBS update service. This service allows individuals to keep their criminal record check 'live' by paying an annual fee. The annual fee is currently £13.00; once signed up a License Holder would not need to have a full criminal record check carried out every 3 years, saving them the cost of the charge for this (currently £52.50). A further benefit to the applicant is that the update service is fully transferrable, so if they hold licences for other districts, or carry out any other activity that requires a criminal record check to be completed such as volunteer work they only need to have one full criminal record check. Therefore, this service provides a cost saving to applicants. A further benefit for the applicant is that it ensures that their criminal record check does not go out of date, avoiding potential delays caused by failure to apply in time or slow processing of full DBS checks. This therefore removes any potential that drivers may be suspended for failure to keep this check up to date.

4.7 In addition to the benefits experienced by the customer increased efficiencies would also be achieved as the general processing of DBS would be faster and reduce the level of contact required with the customer as they would no longer be required to complete DBS applications and submit their documents when these are due to be checked. The process of chasing drivers for updated DBS certificates and issuing suspensions if necessary can also be time consuming. The potential for appeals will be reduced as there will be less likelihood of suspensions being issued. The Council also benefits from being able to carry out criminal record checks more often, including random checks as a way of ensuring licensees remain fit and proper.

4.8 Dual Drivers licences (p13)

These licences allow drivers to drive both hackney carriage and private hire vehicles, these have been previously used by the Council, but have not been included in the current policy (adopted in 2012) as there were concerns at the time of review that these licences potentially could lead to difficulties in taking enforcement action when necessary this is because dual licences are not legislated for. However these are used by many other authorities and there has not been any case nationally where this has proven to lead to such issues. The issue of dual licences is therefore considered to be an administrative approach to increasing the efficiency and reducing the cost of issuing the two licences to one applicant.

The issuing of dual licences increases the efficiency of the licensing process and enables resources to be diverted to monitoring compliance. Potentially there may also be a reduction in the application or renewal fee to the dual licence applicant when compared with the cost of two separate licences being issued.

There is no current case law which indicates that the issue of dual licences is likely to lead to any difficulties when the Council is seeking to ensure compliance with the relevant conditions or bylaws of related licences. There can be no doubt as to which licence is being used by a dual licence holder as vehicles cannot be dual plated, and therefore the driver will be using the relevant licence according to the vehicle that they are using. For clarity, a short section on dual licences is provided in the draft policy.

4.9 Vehicle age policy

The current vehicle age policy provides an exception for vehicles that can pass a compliance test, which is the mechanical test required at least annually for all licensed vehicles. This policy largely negates the purpose of an age policy, although it does place a requirement on vehicle owners to have more regular tests carried out throughout the year.

The draft policy has a much tighter vehicle age policy, which requires vehicles to be no older than 7 years when they are first licensed, and no older than 10 years for renewing, which means that there would be no older vehicles licensed unless they meet much more stringent standards – where the vehicle is considered to be of an ‘exceptional standard’ which are specified in detail within the policy. This will increase the standard of the vehicles being used as it will reduce the age of vehicles within the fleet and ensure that older vehicles meet a very high standard and continue to be checked more frequently.

4.5 Discount for wheelchair accessible vehicles

A 50% discount is currently provided to fuel efficient vehicles (as defined in the policy) to support the Council’s aim to promote sustainability. The draft policy extends this discount for wheelchair accessible vehicles (WAV) that meet the policies requirements. Despite an existing requirement for new hackney plates to only be issued for WAVs currently there are only a small number of these types of vehicle in the hackney fleet and the same is true for the private hire fleet.

There are no requirements for private hire vehicles to be WAVs and so a 50% reduction in the licence fee would introduce an incentive to licensees to buy this type of vehicle. This supports the Council’s aims for healthier communities and customer focused services

4.10 Conviction policy (p17)

The conviction policy has been tightened up so that it will be more difficult for applicants with a criminal history to obtain a licence, and similarly offences committed by existing licence holders are also more likely to lead to the more severe action taken against their licence. A comparison between the current and proposed conviction policies is attached in Appendix 2)

4.11 Expedition policy regarding revocation of Licences (p31)

The new policy includes guidance on how the Council will deal with individuals who have had their drivers licence revoked due to serious public safety concerns but which

have, on investigation, been proven to the Council to be unfounded. In these cases the Council would seek to issue a replacement licence as soon as possible, subject to checks, and so it is helpful to have a policy in place to assist in this. In the past these issues may have been dealt with by a suspension, which would then have been lifted if the concerns have proven to be unfounded, but case law now requires that a licence be revoked in such situations.

4.12 CCTV policy (p32)

The current CCTV policy is considered to be dated and no longer fit for purpose (as CCTV technology is developing all the time) Therefore this has been reviewed and The new version proposed is in line with the CCTV policy that has recently been adopted by Transport for London, which has responsibility for the largest fleet of vehicles for hackney carriage and private hire licensing nationally.

4.13 Enforcement policy (p39)

The current policy has a 'card' system where amber and red cards are issued for the most common types of breaches of policy or law. This allows a consistent approach to enforcement which is transparent and easy to understand. However, some breaches are considered to immediately lead to a red card, which would mean a consideration to suspend or revoke the licence as these breaches would be of a serious nature. Given that this is the case, it is not considered necessary to issue a red card in these circumstances and the policy has been amended to reflect this. The terminology of amber and red cards has also been amended and points are referred to in their place as this is considered to be more suitable for a hackney/private hire driver's licence in the same way that points are issued against a DVLA licence.

4.14 Executive plate replaced with Dispensation

Currently Executive plates are provided to drivers for an additional fee of £65. These are small gold coloured plates which can be provided to private hire vehicles. These are very popular with licensees (117 out of 127 vehicles currently licensed have small plates), but make the details of the plate harder to read for customers and members of the public.

Dispensation is an alternative to executive plating and would not require a plate to be displayed at all, as long as the requirements are met for this to be issued; the requirements for dispensation relate to the type of work that a vehicle is used for. Dispensation would only be permitted for vehicles that are used for contract work with suitable clients the large majority of the time, so vehicles with dispensation would not generally be expected to be used for completing bookings made directly by individual members of the public.

5. Corporate Implications

5.1 Financial

The cost of the necessary consultation will involve staff time and resources but these costs will be met within the existing budget.

The draft policy maintains the provision of a 50% reduction in fees for wheelchair accessible vehicles and fuel efficient vehicles, as the Council is unable to recover this 50% loss of income by increasing the price of other licences issued, this will prevent full cost recovery from being achieved in relation to these licences. However, as there is currently a small number of these vehicles being used, the financial impact of this is currently minimal and this is an aspect of the policy and the fees structure that should be reviewed in the future if there are significant changes to the makeup of the fleet in these regards.

Moving from executive plates to dispensation would lead to more stringent requirements for this to be granted and it is expected that less vehicles would meet these requirements meaning a drop in income for those vehicles where the additional £65 is currently received, but would not be under the new policy, The total income raised by provision of the small plates is £7605 per year.

5.2 Legal

The policy affects the approach that the Council will be taking for hackney carriage and private hire licensing. This will impact on the level of compliance and enforcement actions taken.

Equalities Act 2010

The impact of the policy on equalities has been considered whilst conducting the review, and no adverse equality issues have been identified as a result so no further action or mitigation is considered necessary.

6. Links to Council Policy Objectives

6.1 The publication of an effective hackney carriage and private hire policy links to all 3 of the Councils headline objectives:

1. Delivering cost- effective, customer- focused services
2. Working towards safe and healthier local communities
3. Striving to conserve the environment and promote sustainability.

7. Next Steps

The next steps will be as stated in the recommendations.

Background Papers:	Hackney carriage & private hire policy adopted 26th February 2014. Taxi and private hire vehicle licensing: best practice guidance 2 March 2010.
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CHILTERN DISTRICT COUNCIL

www.chiltern.gov.uk/taxi

Hackney Carriage and Private Hire Policy

Adopted on *****
Effective from *****

Definitions

For the purpose of this policy -

The application shall mean the application made by an individual for the grant or renewal of a licence

Authorised officer shall mean any officer within the Council authorised by the Council's scheme of delegations

The Council shall mean Chiltern District Council

Hirer shall mean any person or persons who from time-to-time hires or books the vehicle

Licensee(s) shall mean the person(s) named in the licence

Operator shall mean a person holding a licence to operate private hire vehicles issued pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976. A private hire operator's licence is required to enable a person to accept or invite bookings for private hire vehicles

Working day any day other than a Saturday, a Sunday, Christmas day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom

Introduction

This policy has been produced pursuant to the powers conferred by the Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847 which places the duty on Chiltern District Council to carry out licensing functions in respect of hackney carriage and private hire vehicles, drivers and operators.

In carrying out its said regulatory licensing functions, the Council will have regard to this policy document. Where it is necessary for the Council to depart from this policy, clear reasons will be given for doing so.

Following consultation and adoption by the Council, this policy shall be kept under review and revised as necessary. The Head of Healthy Communities is authorised to make minor amendments to the policy. In addition, amendments to this policy may be authorised without consultation by the Council.

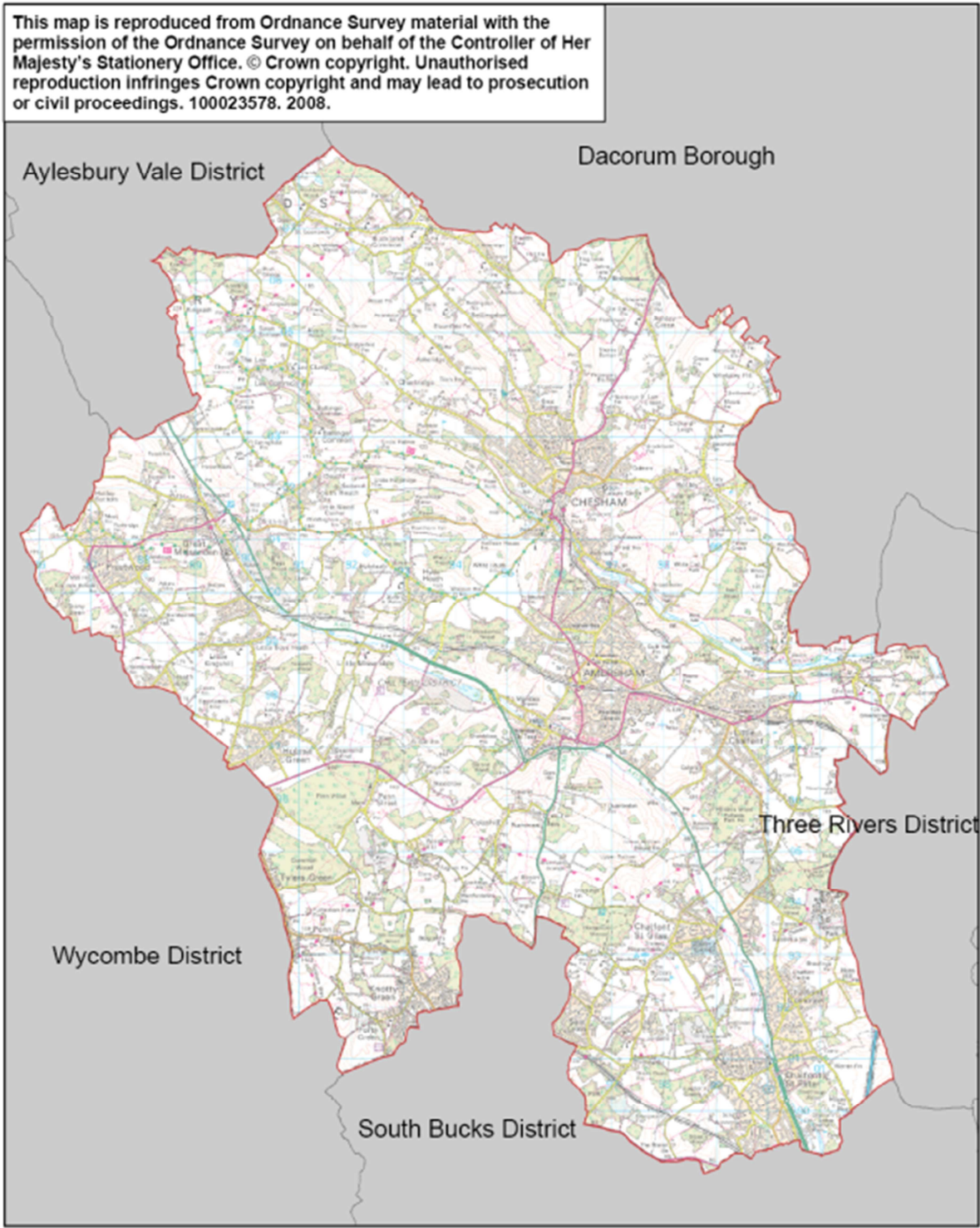
The policy refers to guidance that is available to applicants, drivers and operators to assist them with the application processes and the running of the service. This guidance, application forms and current fees are available on the Chiltern District Council Website.

Background

Hackney carriage and private hire vehicles have a distinct role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside "normal" hours of operation such as in the evenings or on Sundays), and/or for those with mobility difficulties.

Chiltern Council boundary

Chiltern District Boundary



Practice, guidance & legislation

The Department for Transport (DfT) has national responsibility for hackney carriage and private hire legislation in England and Wales. As a result of the Office of Fair Trading producing a report on the UK hackney carriage and private hire trade, the DfT was asked to produce best practice guidance for local licensing authorities. The latest guidance was issued in March 2010¹ titled 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance' and represents examples of good or best practice from within England and Wales. However, the document recognises that licensing authorities may reach their own decisions both on overall policies and on individual licensing matters, in the light of their own circumstances.

The Council has therefore taken account of the DfT guidance to develop this policy.

This policy also takes account of the legislative basis of the Council's taxi licensing powers, including those contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, as amended.

Equality Act 2010²

In addition, the Equality Act 2010 has implications for both hackney carriage and private hire operators and drivers in respect of disabled access to vehicles.

Duties to assist passengers in wheelchairs

Section 165 places a duty on a driver of designated wheelchair accessible hackney carriages and private hire vehicles. The duties are:

- To convey the passenger while in the wheelchair
- Not to make any additional charge for doing so

If the passenger chooses to sit in a passenger seat;

- To take such steps as are necessary to ensure that the passenger is conveyed in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required to enable the passenger to get in or out of the vehicle and to secure/convey the wheelchair as appropriate.

Section 167 of the Equality Act allows licensing authorities to maintain a list of "designated vehicles", that is, a list of wheelchair accessible hackney carriages and private hire vehicles licensed in their area. The consequence of being on this list is that the driver must undertake the duties in section 165. These provisions should be brought into force in the near future.

¹ <http://www.dft.gov.uk/publications/taxi-private-hire-licensing/>

² http://www.opsi.gov.uk/acts/acts2010/ukpga_20100015_en_1

Guide dogs and assistance dogs (sections 168 to 171 of Equality Act 2010)

Councils are able to issue certificates to drivers who are exempt by their doctors under strict medical grounds from the duty to carry guide and assistance dogs. Exemption certificates will only be issued when written requirement for this exemption is provided by the drivers registered GP practice.

There is comprehensive guidance issued by the DfT in 2010 about the duties to carry guide and assistance dogs and the procedure for granting medical exemptions etc.

Policy aims & objectives

Objectives

- the protection of the public
- the maintenance of a professional and respected hackney carriage and private hire trade
- access to an efficient and effective local transport service
- the protection of our local environment.

Aims

The Council will aim to achieve these objectives in the following ways:

- by ensuring that licensed vehicles do not give rise to a risk to passenger safety
- by ensuring that licensed drivers are fit and proper persons and achieve as high a standard of good practice as is possible
- by ensuring that licensed vehicles meet emissions standards and encouraging the use of low polluting vehicles
- by encouraging the use of vehicles that are more accessible to persons who have disabilities
- by ensuring that licensed vehicles are comfortable and properly insured
- by liaising with the County Council highways department to encourage that taxis and private hire form part of the wider strategic transport and local transport plans
- by working in partnership with a variety of other agencies to support the Council's objective in relation to both the public and the trade
- by reducing the frequency with which licence holders are required to attend the council offices
- by ensuring online accessibility to allow remote application by new and existing licence holders
- by utilising electronic and mobile communication methods including the use of SMS messaging and extranet sites

Methods

The methods to be employed will be

- work with the taxi and hackney carriage trade to deliver ongoing improvements innovate, and deal with emerging issues
- setting the standards for the licensing of vehicles, drivers and operators
- annual licensing and routine inspection of vehicles, with appropriate follow-up action
- routine inspection of documents, with appropriate follow-up action

- routine checks of driver's medical fitness and criminal record history during the time the licence is in force and knowledge of the district, highway code and licensing policy as well as driving ability (at the time of application)
- investigation of complaints with appropriate follow-up action
- liaison with Thames Valley Police, neighbouring local authorities and other agencies concerning issues of mutual concern
- prosecution, monitoring of contraventions, suspension or revocation of licences for breach of conditions or legislation
- proper training and development of council officers
- continue to meet ongoing performance and efficiency targets for the service
- provision of information to licensees about good practice and what to expect of any inspecting officer
- promote the use of training/courses for licensees,
- provide mandatory training when it is considered appropriate to do so
- promotional activities to inform and encourage and maintain high standards

In seeking to meet these aims the Council will actively cooperate, assist and seek advice from agencies including:

- Thames Valley Police
- Driver and Vehicle Standards Agency
- Bucks County Council
- Other local authorities
- Town and Parish Councils
- Chiltern Railways
- Disclosure and Barring Service
- Department for Transport
- Driving and Vehicle Licensing Agency
- Home Office
- Department for Work and Pensions
- Other relevant agencies and departments

Uniformity

The authority acknowledges the need to act in a consistent and uniform manner and advocates a common-sense approach to the selection of enforcement action and activities.

The following areas are all considered important in achieving uniformity:

- the awareness of and adherence to this policy
- training, qualifications and supervision of staff and training for Members. Regular practical training and update sessions will be essential to ensure uniformity. Use of joint training initiatives with other authorities will also be undertaken
- the ongoing monitoring and auditing of licence holders, testing stations, and activities
- liaising with other enforcement agencies, adjoining authorities and trade bodies.
- compliance with relevant codes of practice/circulars (where not inconsistent with this policy)

Administration of licences

Applications for licences will only be validated and then determined when all documents and fee (as applicable), as stated within this policy.

Applications will normally be considered within 28 days of validation and, depending on circumstances, an application can then be granted, refused or deferred.

General fees guidance

In the event of an application not leading to the issue of a licence, a refund will be provided with the exception of an administration fee. Other costs incurred by an applicant such as the cost of any medical and DSA test (paid directly to the provider), knowledge test or criminal record check will not be reimbursed.

In the event of a licensed driver or operator surrendering their licence before its expiry, a refund will be provided for any remaining full years of the licence

Where the surrender is as a result of illness certified to the Council by a registered medical practitioner a pro rata refund shall be payable for the remaining full months of the licence.

All licence fees must be paid by credit/debit card or BACs. In exceptional cases payment by cash or cheque may be considered, but applicants and licensees wishing to pay with these methods should contact the Licensing section in writing with reasons for the request so that this can be considered on a case by case basis.

Service standards

Subject to amendment from time to time by the Head of Healthy Communities it is the intention of the Council to offer the following service levels:

You are able to contact the licensing team by email, through the website, by appointment in person, or by phone. However, the preferred method of contact is via email to reduce the need for licence holders to travel to the council offices and to allow the team to deal with enquiries as effectively as possible.

The Licensing section can be contacted by phone on 01494 732063 between the following times, 08:30 to 17:30 on Mondays to Thursdays and 08:30 to 17:00 on Fridays.

Although the Council has 28 days to issue a licence upon receipt of a valid application, **the Licensing section will strive to:-**

- Issue a private hire driver / hackney carriage driver licence within 7 working days of the application being validated
- Issue a private hire / hackney carriage vehicle licence within 7 working days of the date of receipt of a complete and valid application
- issue change of vehicle licences within 2 working days of the application being validated

Notification of decisions

Any notice required to be served by the Council under this licence or under any of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 shall be deemed to have been properly served if sent by pre-paid post to, or left at the last known address of, the holder of the licence.

Monitoring

All documents will be checked for authenticity when submitted. Routine random checks will also occur throughout the year. In addition, visits will be made both to the ranks and to regular trade pick up points to check compliance. Checks of proprietor and operator documents and records will also be made and Taxi ranks/stands and other frequented locations will also be conducted.

The Council will also work in partnership with other agencies and neighbouring authorities to undertake compliance and enforcement activities.

All complaints against licence holders will be monitored and investigated and action taken in line with this policy as appropriate

Records

An up to date electronic record will be kept and maintained of all application details, fees paid, deposits and licences issued, together with the public registers as required by law.

Data protection

All information held on files and databases about an applicant is confidential, under the Data Protection Act 1998. However, the Council is under a duty to protect the public and to protect the public funds it administers, and to this end may use any information provided by an applicant within this authority. The Council is under a duty to maintain Public Registers in accordance with the legislative requirements and all registers will be maintained on line through the Council's Licensing Public Access system

For the purposes of crime prevention, and with the purpose of protecting the public and/or protecting public funds we may also share any information held with other bodies responsible for public functions, where there is a legal basis or a legal obligation to do so. For the most recent Council policy please visit www.chiltern.gov.uk

Safeguarding

The Council is committed to ensuring the safety and welfare of all vulnerable persons including children and young people, to whom we provide services directly or indirectly and with whom we come into contact.

Drivers are on the frontline, often coming into contact with people who may be vulnerable, for example because they are young, have learning difficulties, be suffering ill health, or be elderly or who have drunk to excess on a night out, or who may have taken an illegal substance. Such persons may be travelling alone or accompanied by another person.

Sadly there are persons who prey on precisely these people and drivers are often best placed to raise concerns over what they hear or see occurring whilst in their vehicles.

Drivers may also have concerns over the vulnerability of passengers whom are being dropped off at locations in or out of the district. For example drivers in other authorities have reported concerns that young persons are being dropped off at a particular guest

house, hotel or house and are either distressed before being dropped off or after they have been picked up as a fare paying passenger.

Information is provided on the Council's website in relation to safeguarding and applicants and licensees have a duty to report matters if they suspect harm.

When you have concerns regarding a child

If you are worried about a young person, you must do something.

There are specialists who can advise you on what to do next. They can also talk to any young person themselves.

If you are concerned about a young person you can contact the First Response Team on 0845 460 0001 or email: secure-cypfirstresponse@buckscc.gcsx.gov.uk

If you think a child or young person is in immediate danger call 999.

When you have concerns regarding an adult

If you need to speak to someone urgently about a vulnerable adult:

Report abuse: 0800 137915 or email: safeguardingadults@buckscc.gov.uk

Speak to the adult social care team: 01296 383204

Outside office hours: 0800 999 7677

For up to date information you should visit the safeguarding section of the Bucks County Council website:

<http://www.buckscc.gov.uk/social-care/buckinghamshires-multi-agency-safeguarding-hub>

Use of mobile applications

The use of mobile applications (apps) is becoming increasingly common for a wide range of uses, including many taxi companies and private hire operators. The Council supports the use of such innovation, which has many potential public safety benefits.

Apps must be approved by the Council prior to their use, and must not have a negatively impact on public safety.

Hackney carriage and private hire driver licences

Only applicants who comply with the requirements and conditions relating to the licensing of private hire drivers or hackney carriage drivers will be licensed.

Existing drivers must comply with the conditions of their licence, this policy and any relevant legislation during the period of their licence. Failure to do so will result in the consideration of the various sanctions outlined in this policy.

Further, sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 require that "a district council shall not grant a drivers licence to drive a private hire vehicle or hackney carriage unless they are satisfied that an applicant is a fit and proper person".

Fit and proper person - information required for an assessment to be made

To prove that a person is fit and proper person to hold a hackney carriage or a private hire driver's licence or dual licence they must provide evidence of:

- Driving standard - through a DSA hackney carriage drivers test
- Medical fitness - on the Council's prescribed form, signed by the applicants GP or medical practitioner
- Criminal history and behaviour - through an enhanced DBS check
- Knowledge of the local area, highway code, legislation and requirements relating to a hackney carriage and private hire and the Council's policy in the form of a 'knowledge test' designed by the Council
- Three references as to their character and reliability

Details of the above will be obtained and considered at the time of application, together with any other relevant information. A driver will be required to maintain their ability to be a fit and proper person whilst licensed and must report any driving offences, changes to medical conditions, civil or criminal offences for which they have been interviewed or charged.

If the Council suspects that a driver may have fallen short of the standards required. The Council may need to conduct further enquiries to verify any information provided or as to the fitness of a person to hold a licence. By submitting an application for a licence or holding a licence the applicant gives their consent to the release of data where necessary.

Any applicant subsequently found to have provided false information will be dealt with in accordance with the provisions of this policy.

Driving standard and knowledge

The following requirement must be demonstrated to establish a person's driving standards are acceptable:

- That a valid full EC driver's licence has been held for three years prior to application
- That a person passes a Driving Standards Agency (DSA) taxi/private hire assessment course prior to application to ensure they are aware of the hazards of driving. The requirement to take a driving course helps ensure a standard of driving. The driving assessment will be conducted by an examiner from the DSA. The applicant must provide a signed copy of the assessment pass certificate before their application can be validated which must be current at the time it is submitted.

Through the written knowledge test assessment drivers will be tested on their knowledge of the local area. In addition, drivers will be tested on policy, related law, customer awareness, and elements of the Highway Code. The test is computerised and is conducted in the Council offices. An application cannot be validated unless the applicant has passed the appropriate knowledge test. Applicants taking the test may not receive assistance from a third party.

Drivers must conduct themselves in a professional manner and collections should be punctual, drivers polite and knowledgeable of local routes, and vehicles should be kept clean and operate in accordance with conditions, byelaws and legislative requirements. Hackney drivers should only charge the metre rate or below.

Drivers must not initiate any dialogue of a "sexual" nature with a passenger. Licensed

drivers are not permitted to become involved “sexually”, or have sexual contact with a passenger, whether consent is given or not and whether or not the vehicle is carrying a fare paying passenger at the time.

Mobile devices can only be used if they have are held in a cradle and are used completely hands free.

Medical fitness

Drivers are not required to hold a group II, EC full driving licence, but they will have to demonstrate compliance with the medical standards for a group II licence and will have to provide a medical certificate, on the Council’s prescribed form, to this effect. This should be no older than 3 months at the time of the application being completed.

All drivers are required to provide a certificate signed by their registered medical practitioner to declare whether or not they are physically fit to be the driver of a hackney carriage or private hire vehicle. A medical certificate must be submitted at first application, every 3 years up to 60 years of age, and annually thereafter.

Where an existing licensed hackney carriage driver applies to obtain a private hire licence, or vice versa, an additional medical will not be required.

The Council will have regard to the published Department of Transport “best practice” guidance (as updated from time to time) when considering the medical fitness of new applicants with insulin dependent diabetes or existing licence holders diagnosed with insulin dependent diabetes during the duration of their licence.

Where there is reasonable doubt over a driver’s fitness, the Council will require the driver to undertake a medical examination by a registered medical practitioner at any time as specified by the Council.

The applicant is responsible for the payment of all fees required for any medical examination.

Offender history and behaviour

When submitting an application for a licence to drive a hackney carriage and/or private hire vehicle, applicants must declare any criminal or civil cautions or convictions they may have, whether they are foreign or domestic.

Even those regarded as ‘spent’ under the Rehabilitation of Offenders Act 1974, must be declared.

In addition to this applicants must notify us if they have been charged with an offence or have any pending prosecutions and if they have ever had a licence suspended, revoked or refused by another authority.

Failure to declare convictions and/or cautions, or giving false information to obtain a licence is an offence and will be treated very seriously. Likewise, giving false information or withholding information to keep a licence will be treated very seriously.

If an applicant has not been a resident in the UK for a period of five years, they will need to obtain a “certificate of good conduct” or similar document from the relevant embassy.

Applicants will also need to register with the Disclosure and Barring Update Service and providing consent to the Council carrying out a check with the Disclosure and Barring

Update Service, which will disclose any cautions or convictions that they may have. Information received from the DBS will be treated in the strictest confidence, and will be retained on manual and computer records for no longer than is deemed necessary.

Proof of identity is required in order to obtain the Data Barring Service enhanced disclosure. Applicants will be required to provide, amongst other documents, a birth certificate or valid passport, a copy of their EC full driving licence, two utility bills identifying their address. The full requirements are based on the DBS requirements in operation at the time of application and may therefore be varied by the service from time to time.

Applicants must provide a valid DBS enhanced disclosure certificate (that was issued within the last 3 months) and provide details of all convictions/cautions as part of the application.

Section 111 of the Local Government Act 1972 allows district councils to send the drivers application form to the Police, (or other authorised body) and request the chief officer's observations as to the applicant.

Where an existing driver has been interviewed, charged or convicted of an offence, or other relevant information comes to the attention of the Council (such as a caution or fixed penalty notice being issued) which brings into question whether the driver is still a fit and proper person to hold a drivers licence, action may be taken, as outlined in this policy ([page no.](#)).

The existence of a criminal record or disclosure of other information will not necessarily stop any person from gaining or keeping a licence. The decision will be based on the policy on criminal convictions and behaviour on pages ****-**** of this policy.

Dual driver's licences

As some individuals may wish to be able to carry out a combination of hackney and private hire work, the Council will provide a dual drivers licence to reduce the burden on the applicant. Dual licence holders are required to comply with any conditions or byelaws that are relevant to the work they are carrying out at any time, which will be dependent on the licensed vehicle being used.

New applicants for dual licences will be required to obtain an additional qualification as part of the application process.

Private hire operator licences

Fit and proper person

Applicants for private hire operator licences are required to pass the private hire knowledge test.

With regard to criminal convictions/cautions, an operator is not an exempted profession under the Rehabilitation of Offenders Act 1974; therefore only unspent convictions will be taken into consideration when determining whether an applicant is a fit and proper person. In assessing an application for an operator's licence, the policy on criminal convictions and behaviour on pages ****-**** of this policy will be referred to.

The decision whether to grant or refuse a licence will be based on whether the convictions/cautions were declared, the type of offences and the total number of convictions/cautions recorded against each individual applicant.

The overriding consideration in reaching a decision will be based on whether the operator (the individuals listed as licensees on the application) can fulfil their roles and run the company without posing any likely threat to the general safety of the public.

If a situation arises where an operator licence application from a registered company is likely to be refused solely on the declared convictions of one individual within the organisation, the application may still proceed if the applicant decides to withdraw the name of that individual from the licence application.

Accordingly when submitting an application to be a registered private hire operator you must declare any unspent cautions or convictions you may have, whether they are foreign or domestic. Failure to declare convictions and/or cautions or giving false information to obtain a licence is an offence and will be treated very seriously. Likewise giving false information or withholding information to keep a licence will be treated very seriously. If you have not been a resident in the UK for a period of five years, you will need to obtain a dated 'certificate of good conduct' or similar document from your relevant embassy.

Applicants will need to obtain a basic disclosure certificate which will reveal any unspent convictions or cautions. The Disclosure certificate, issued within the last 3 months, must be submitted with the application in order to validate it.

Where an existing operator has been charged or convicted of an offence, or other relevant information comes to the attention of the Council which brings into question whether the driver is still a fit and proper person to hold an operator's licence, action may be taken, as outlined in this policy

The existence of a criminal record or disclosure of other information will not necessarily stop a person from gaining or keeping a licence. The decision will be based on the policy on criminal convictions and behaviour on pages **** of this Policy, and in accordance with this section.

Previous applications

If anyone named on an application has previously been refused an operator's licence or held an operator's licence which was suspended or revoked elsewhere, they will be expected to provide details of the refusal, suspension or revocation in their application.

Planning permission

All premises to be used as a private hire operator base or operations running from a residential address will require the appropriate planning consent or permitted development rights for that use class. All applicants must provide a certificate of lawfulness or planning consent in relation to the premises they intend to use.

Use of mobile applications

The use of mobile applications (apps) is becoming increasingly common for a wide range of uses, including many taxi companies and private hire operators. The Council supports the use of such innovation, which has many potential public safety benefits. Apps must be approved by the Council prior to their use, and must not have a negatively impact on public safety.

Hackney carriage and private hire vehicle licences

Type of vehicle

The Transport Act 1985 allows licensing authorities to regulate vehicle standards. Circular 8/86 accompanying the Transport Act, states that authorities will wish to ensure that vehicles are mechanically sound, roadworthy and safe. The following will be applied.

- Only vehicles holding or built to the standards required by the M1, M2 and M3 European whole vehicle type approval will be licensed.
- Any converted vehicles will be required to hold the appropriate low volume type approval certificate in the M classification or the enhanced single vehicle certificate together with the original M type approval.

Vehicle standards

All vehicles must have full vehicle type approval. The authorised testing stations listed are all permitted to undertake vehicle checks on behalf of the Council. In addition, an officer of the Council may require an additional test to be undertaken or the applicant to be directed to a specific testing garage in all cases at the expense of the applicant/licence holder. The officer also retains the option to check any vehicle for standard of condition of appearance.

Only vehicles that comply with the requirements and conditions relating to private hire vehicles/hackney carriage vehicles or non-standard private hire vehicles will be licensed. The vehicle must remain in the condition as determined by those conditions throughout the licensed period. The Council shall refer to its enforcement policy when dealing with licensees who fail to comply with these conditions or relevant legislation.

Vehicle age policy

AP.1 Subject to paragraph **AP.4**, a licence shall not be granted in respect of any vehicle which is more than seven (7) years old in the case of an application for a new hackney carriage or private hire vehicle licence in respect of the vehicle and more than ten (10) years old in the case of an application for the renewal of a licence

AP.2 Subject to paragraph and **AP.4**, the Council will not allow the transfer of a licence to a vehicle which is more than seven (7) years old

AP.3 Under paragraphs **AP.1** and **AP.2** the age of the vehicle shall be calculated with reference to the registration documentation for the vehicle.

AP.4 With reference to the ages of vehicles, in the case of purpose built hackney carriages and of vehicles which are considered to be of an 'exceptional standard' each application will be considered on its own merits prior to a determination being made. The maximum age for licensing of these vehicles shall be twelve (12) years.

In determining an application whereby the vehicle is considered to be of 'exceptional standard' it will be for the applicant to set out in writing why he/she considers the vehicle to be of 'exceptional standard'. A licensing officer will undertake an inspection of the vehicle and also seek information where necessary from the inspecting Mechanic at the vehicle testing station to assess the vehicles mechanical condition.

The relevant officer will make a decision under delegated authority to either grant or renew the licence subject to a special condition requiring six (6) monthly mechanical testing and the production of a compliance test pass certificate to a licensing officer during the duration of the licence. The relevant officer may also make a decision to refuse the licence or to refer any application of concern to the Licensing Sub-Committee for determination.

In determining 'exceptional standard' the following standards should usually be met (but not limited to) -

- The vehicle must pass the Council's mechanical vehicle inspection.
- The bodywork must be in near perfect condition with no signs of panel age deterioration, dents, scratches, stone chips or rust or any other abrasions that may detract from the overall appearance of the vehicle.
- The general paint condition should not show signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle.
- The interior trim, panels, seating and carpets etc. should be in excellent condition clean, free of damage and discoloration.
- The vehicle to be in excellent mechanical condition and in all respects safe and roadworthy with no signs of corrosion to the mechanical parts, chassis, underside or body work.
- The boot or luggage compartment must be in good condition, clean and undamaged.
- Passenger areas must be free from damp or any other odours that may cause passenger discomfort

The vehicle service record can also be used as supporting evidence of exceptional condition in that a vehicle of exceptional condition would normally be expected to demonstrate regular servicing and maintenance in accordance with the manufacturer's service specification.

Insurance and vehicle excise (road tax)

All hackney carriages and private hire vehicles must be licensed and insured specifically for use as a hackney carriage or private hire for that specific purpose, such insurance must include public and employers liability insurance. Proof of current insurance must be submitted with each application for a licence unless it has already been provided to the Council. Proof of change or renewal of insurance during the course of the licence must also be provided to the Council. The insurance must be continuous for the period of the vehicle licence. If cover notes are provided they must run consecutively.

The vehicle must be taxed whilst it is licensed as a hackney carriage or private hire vehicle.

When a vehicle is temporarily removed from use as a hackney carriage or private hire vehicle and removed from the public highway, the licensee can notify the licensing officer in writing and temporarily return the vehicle plate and internal plate, removing the need to provide documentation for this period.

Reducing air pollution

The Council is committed to encouraging applications for more fuel efficient vehicles. Vehicle pollution has a significant impact to air quality in the district, and there is widespread agreement that more must be done to reduce the number of higher polluting vehicles. The Council will therefore offer a reduction of 50% on vehicle licence fees for

any vehicle that falls within band A, B or C for road tax purposes as at the date of the application/renewal. The V5 document provided on application will be used in order to establish any discounted rates being given.

LPG vehicles also get a 50% reduction in fees for both private hire and hackney carriage vehicles. In cases of LPG converted vehicles, applicants are required to produce, at time of application, certification issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with LPG association code of practice. If an LPG conversion involves installation of a fuel tank in the boot space, adequate space must remain free for stowage of luggage and any spare wheel in a location that does not impinge on the passenger carrying area of the vehicle.

Advertising

Other than the Chiltern door stickers, no signs, notices, advertisements, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from any licensed vehicle except as required by any statutory provision or with prior written approval of the Council. In relation to other advertising materials, any false, misleading or inaccurate material contrary to this policy and/or its conditions will result in the taking of enforcement action.

All advertising material must be approved in writing by the Council prior to use or display, an administration fee of £25 will be payable per batch of advertising.

With the exception of the Council's issued private hire stickers, any advertising material must not use the Council's logo.

Taximeter calibration

The taximeter shall be calibrated, following a change to the table of fares or when requested by the Council. A certificate of calibration provided by the taximeter installer must be produced on first issue, transfer or when the seal is damaged or missing.

Policy on convictions and conduct - new applicants

Definitions

“free of conviction” shall mean from the date the applicant was convicted. If the incident did not amount to a criminal offence or is not to be prosecuted, then the relevant date will be the date of the incident.

“offence” shall mean any criminal offence and/or any other behaviour including a civil penalty which brings into question whether the applicant is a fit and proper person.

In this policy, conviction shall mean a criminal conviction or a civil penalty. However if the applicant is on trial, is not to be convicted or the incident did not amount to a criminal offence, the suggested periods free from convictions shall be considered by the Council when making their decision, taking all the evidence before them into account.

Each case is to be taken on its own merit.

Some discretion may be appropriate if the offence and/or behaviour is isolated and there are mitigating circumstances. Equally the history of offending (including multiple offences/combinations of offences /types of offences) and/or behaviour may warrant a longer period free from convictions.

Accordingly whilst it is possible that an applicant may have a number of convictions that, individually, meet the guidelines below, the overall offending history must be considered when assessing the applicant's suitability to be licensed.

A series of civil or criminal offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence is isolated and there are mitigating circumstances, but **the overriding consideration is the protection of the public.**

Simply remaining free of convictions will not necessarily be sufficient to show that a person is fit and proper where other circumstances/evidence bring this into question. Furthermore it should always be remembered that the periods free of conviction in this section are suggested minimums.

Whilst the time period detailed in this section provides guidance to potential applicants as to how long they should wait before applying for a licence following described offences/convictions, any application made following these guidelines is still subject to the same considerations as to whether the applicant is fit and proper, and therefore simply following the guided timescales in no way guarantees the granting of a licence.

Notwithstanding and without prejudice to any other provision within this document, ordinarily the Council would as a minimum expect the standard rehabilitation periods identified in the Rehabilitation of Offenders Act 1974 to have expired.

Criminal convictions or civil penalties will be considered by officers or, in cases of doubt, by the licensing sub-committee.

An application from any person awaiting trial for an offence which brings into question whether they are a fit and proper person (including but not limited to death by dangerous driving, drugs, violence, sexual offences, dishonesty, driving under the influence of alcohol or drugs, or offences of a habitual nature) will not normally be considered until the outcome of the trial.

In order for the Council to fully consider the case on its merits, the applicant should provide a written statement of the offences (including any that they are awaiting trial for), with evidence, covering the nine points in the paragraph below, which would be available for examination by the Council.

Where the Council becomes aware of issues including previous criminal history/convictions, any arrest, any charges, inappropriate behaviour for a hackney carriage/private hire driver and/or significant comments on any DBS check, consideration will be given to each applicant's suitability for licensing against the following criteria (in no particular order):

- nature of the offence/conduct/charge etc.
- circumstances in which the offence/conduct/charge etc. was committed
- circumstances of the individual concerned
- subsequent periods of good behaviour
- overall conviction/behaviour history

- sentence imposed by the court
- seriousness of the offence/conduct/charge etc
- any other character check considered reasonable (e.g. personal references)
- taking all the above issues into account, together with any other relevant issues, whether the protection of the public may be at risk.

These guidelines do not deal with every type of offence, and do not prevent the Council from taking into account offences not specifically addressed in the guidelines, or other conduct which may be relevant as to whether an individual is a fit and proper person to hold a hackney carriage or a private hire driver's licence.

Minor motoring offences

Convictions for minor traffic offences such as speed limit offences, or non-endorsable traffic offences such as obstruction or waiting in a restricted street should not prevent a person from applying to be a hackney carriage or private hire driver. If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence then a hackney carriage or private hire licence may be granted 12 months after its restoration but a warning should be issued as to future conduct.

Traffic offences involving the loss of life

A very serious view should be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life and applicants with the following offences will not normally be licensed.

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by careless driving
- Causing death by driving for any other reason
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

Major traffic offences not involving the loss of life

A very serious view should also be taken of any applicant who has been convicted of a major traffic offence even if it has not involved the loss of life, as it raises questions as to the applicant's ability to protect the public.

Before an application is considered, an applicant should be free of conviction for 10 years and since the completion of the sentence, whichever is longer, for offences such as:

- Dangerous driving
- Reckless Driving
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

Other serious traffic offences

Other serious traffic offences include:

- Accident offences
- Driving without due care and attention

- Driving whilst using a mobile phone or mobile device
- Careless driving
- Construction and use offences
- Licence offences
- Traffic direction and sign offences
- Driving whilst disqualified
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

Insurance offences and alcohol/drug offences are dealt with under their own separate subsections below.

Theft/unauthorised taking of a vehicle are dealt with under the 'dishonesty' subsection below.

Any conviction for a serious traffic offence under 'other serious traffic offences' in this policy should normally merit refusal to issue a licence and no further application should be considered until a period of 7 years either free of conviction or since completion of the sentence, whichever is longer, has elapsed.

More than one conviction for a traffic offence within two years should merit refusal to issue a licence and no further application should be considered until a period of 5 years either free of convictions or since completion of the sentence, whichever is longer, has elapsed.

Drink driving/driving under the influence of drugs (including medication) or legal highs

A serious view is taken of driving or being in charge of a vehicle whilst under the influence of drink or drugs or legal highs, as licensees are professional vocational drivers and drink/drug driving convictions raise serious concerns for the safety of the public. An isolated incident of drink driving or driving under the influence of legal drugs should not necessarily debar an application but strict warnings will be given as to future behaviour. However an exception to this is the use novel psychoactive substances (NPS - commonly referred to as legal highs) which will be treated in the same regards as illegal drugs below

At least 5 years should elapse, after the restoration of the EU full driving licence, before an applicant be considered for a private hire or hackney carriage drivers licence.

More than one conviction for these offences or any conviction for driving under the influence of illegal drugs should raise grave doubts as to the applicant's fitness to drive the public and therefore hold a licence.

If there is reason to suspect persistent alcohol and/or drugs use, misuse or dependency (e.g. two or more offences relating to alcohol or drugs, with or without a vehicle) a specialist medical examination and report should be required before an application is entertained to ensure that the applicant meets the DVLA Group 2 medical standards in relation to alcohol/drug misuse and dependency. If the applicant is found to be (or to previously have been) alcohol or drug dependent, a period of 5 years should elapse after treatment is complete before a further licence application is considered.

Drunkenness without a motor vehicle

An isolated conviction for drunkenness need not debar a driver from obtaining a licence. However a number of convictions could indicate a medical problem necessitating a medical examination. In some cases a warning would be sufficient. If there is reason to

suspect persistent alcohol use, misuse or dependency (e.g. two or more offences for drunkenness with or without a motor vehicle) a specialist medical examination and report may be required to ensure that the applicant meets the DVLA Group 2 medical standards in relation to alcohol misuse and dependency.

Illegal drugs without a motor vehicle

A serious view is taken of any illegal drugs related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.

An applicant would normally be expected to be free of convictions relating to the possession of illegal drugs for 5 years requiring at least 5 years to have passed since the completion of the sentence.

An application will normally be refused where the applicant has more than one conviction for offences related to the possession of illegal drugs and has not been free of conviction for 7 years with at least 7 years to have passed since the completion of the sentence.

An application will normally be refused where the applicant has a conviction for an offence related to the supply, importing or production of illegal drugs and has not been free of conviction for 10 years with at least 10 years to have passed since the completion of the sentence.

If there is reason to suspect persistent drugs use, misuse or dependency (e.g. two or more convictions relating to any drugs, with or without a vehicle) a specialist medical examination and report will normally be required before an application is entertained to ensure that the applicant meets the DVLA Group 2 medical standards in relation to drug misuse and dependency. If the applicant is found to be (or to previously have been) drug dependent, a period of 5 years should elapse after treatment is complete before a further licence application is considered.

Sex and indecency offences

As hackney carriage and private hire drivers often carry unaccompanied and vulnerable passengers. Applicants who have been convicted of sexual or indecency offences (or where there is other behaviour and/or evidence to suggest a disposition to commit such offences) must be closely scrutinised. Applicants with convictions for sexual offences will usually be refused.

In particular:

- (i) An application will normally be refused where the applicant has a conviction for an offence such as:
- Rape
 - Assault by penetration
 - Offences involving children or vulnerable adults
 - Sexual assault
 - Indecent assault
 - Possession of indecent photographs, child pornography etc.
 - Exploitation of prostitution
 - Trafficking for sexual exploitation
 - Indecent exposure
 - Similar or replacement offences to those listed above (including attempted or conspiracy to commit)
 - Any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver

- Soliciting (e.g. kerb crawling)
- Importuning
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

If a licence is granted a strict warning as to future conduct should be issued.

A person on the sex offenders register would not be considered a fit and proper person to hold a licence.

Violence

As taxi and PHV drivers maintain close contact with the public, a firm line should be taken with drivers with offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved loss of life or serious injury.

At least 5 years free of conviction with at least 5 years to have passed since the completion of the sentence before an application is considered from anyone whose offending history and/or other behaviour/evidence suggests an aggressive or violent disposition, and even then a strict warning should be administered as to future conduct.

However given the range of offences that involve violence, consideration must be given to the nature of the offences. In particular:

- (i) An application will normally be refused where the applicant has a conviction for an offence such as:
- Murder
 - Manslaughter
 - Manslaughter or culpable homicide while driving
 - Terrorism offences
 - Kidnapping
 - Threats to kill
 - Wounding with intent to cause grievous bodily harm
 - Grievous bodily harm
 - Robbery
 - Burglary
 - Possession of a weapon
 - Any 'hate' crime or offence ordinarily falling within paragraph (iii) below aggravated by a 'hate' crime
 - Similar or replacement offences to those listed above (including attempted or conspiracy to commit)
- (ii) Before an application is granted, an applicant should be free of conviction for at least 7 years with at least 7 years to have passed since the completion of the sentence, whichever is longer, for offences including:
- Assault occasioning Actual Bodily Harm
 - Assault with intent to resist arrest
 - Assault on Police
 - Domestic Violence related offences (unless these are covered by (i) above)
 - Harassment
 - Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

(iii) Before an application is granted, an applicant should be free of conviction for at least 5 years with at least 5 years to have passed since the completion of the sentence, for offences including:

- Arson
- Common assault
- Public Order offences
- Criminal Damage
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

An application will normally be refused if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

Dishonesty

Taxi and PHV drivers are expected to be persons of trust. They deal with cash transactions and valuable property may be left in their vehicle in error. Drivers are required to deposit such property with the police within 48 hours. The widespread practise of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is relatively easy for a dishonest driver to defraud the public by demanding more than their legal fare etc. This for example would include misuse of MPV additional occupancy rates. Licence holders also have access to the names and addresses of their customers and their daily movements. Overseas visitors may not be familiar with the currency or costs of journeys and may be vulnerable to an unscrupulous driver. Accordingly a serious view should be taken of any conviction involving dishonesty. Nationally it has been known for drivers to pass information on vulnerable persons to others for later abuse or to abuse vulnerable persons, including taking money from such persons.

Offences involving dishonesty for the purposes of this policy include theft, fraud, benefit fraud, handling or receiving stolen goods, forgery, conspiracy to defraud, obtaining money or property by deception, other deception, taking a vehicle without consent, driving whilst disqualified and any similar offences (including attempted or conspiracy to commit).

An application will normally be refused if an applicant has been convicted of burglary or more than one conviction for other dishonesty offences in the last 10 years.

Insurance offences

A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident would normally prevent a licence being granted until a period of three years from the date of the offence has expired. More than one conviction for these offences within the past ten years would normally prevent a licence from being granted.

Licensing offences

This subsection applies to licensing offences not covered elsewhere within this convictions and behaviour section of the policy such as plying for hire, using an unlicensed vehicle/driver.

At least 12 months free of conviction should elapse before an application will be considered. Unless there is significant mitigation, an applicant will normally be refused

until a period of at least three years free of conviction has expired where the applicant has committed more than one licensing offence within the last five years.

An applicant with an isolated conviction that is more than one year old, may be licensed subject to a written warning.

Individuals previously licensed by the Council and revoked for offences connected to their licence will not normally be granted a further licence in the future. Cases such as this will be considered by the Head of Service under their delegated authority, or may be referred to a sub-committee for determination.

Cautions

An admission of guilt is required before a caution can be issued. Accordingly cautions will be assessed in the same way as a conviction by the court.

Non-conviction information

If an applicant has, on more than one occasion, been arrested or charged, but not convicted for an offence or is subject to an antisocial behaviour injunction/order or similar order, which suggests he/she may not be a fit and proper person, or if there is other evidence to suggest the applicant may not be a fit and proper person, consideration should be given to refusing the application.

Failing to declare convictions on the application form should normally result in refusal and at least twelve months elapsing from the date of receipt of the application form before an application will be considered and a new application will be required.

As with the rest of this part of the policy, in assessing the action to take, the safety and security of the travelling public must be the paramount concern.

Suspension/refusal/revocation by another Council

An applicant who has been suspended/refused/revoked by another Council may not be considered “fit and proper” for a period of at least 3 years from the date of the suspension/refusal/revocation. This period may be extended depending on the circumstances of the revocation.

The Council shall also have a right to make enquiries of that other authority.

Policy on convictions and conduct for existing licensees

Definitions

‘Free of conviction’ shall mean from the date the applicant was convicted. If the incident did not amount to a criminal offence or is not to be prosecuted, then the relevant date will be the date of the incident.

‘Caution’ an admission of guilt is required before a caution can be issued. Accordingly cautions will be assessed in the same way as a conviction by the court.

‘Offence’ shall mean any criminal or civil offence and/or any other behaviour including a civil penalty which brings into question whether the applicant is a fit and proper person.

In this policy, conviction shall mean a criminal or civil penalty. However if the applicant is on trial, is not to be convicted or the incident did not amount to a criminal offence, the suggested periods free from convictions shall be considered by the Council when making their decision, taking all the evidence before them into account.

Time of action

Licence holders are required to advise the Council when they are notified that they are being investigated for **any offence** so that the Council can consider the appropriate action to take against the licensee as detailed below.

The actions described below will be taken when the Council becomes aware of offences.

However, where licensees do not inform the Council in a timely manner, this will be a further consideration with regards to the effect that those offences have on the licensee's status as a fit and proper person.

If offences come to light on the standard renewal of criminal record check, or through a third party this will have a significant impact on the consideration of whether the person remains fit and proper to hold a licence. Licence holders may be revoked or suspended from holding a licence.

Policy details

Each case is to be taken on its own merit.

Any person awaiting trial for or suspected of committing an offence which brings into question whether they are a fit and proper person (including but not limited to death by dangerous driving, drugs, violence, sexual offences, dishonesty, driving under the influence of alcohol or drugs, or offences of a habitual nature) will normally be revoked pending the outcome of an investigation or trial.

Although each case will be assessed on its own merits in line with this policy, licence holders should expect the revocation of their licence for these types of offences to be immediate in nature. The initial consideration regarding revocation will be undertaken by officers. However, in cases of doubt these will be referred to the licensing sub-committee.

When considering whether a licence should be suspended or revoked, some discretion may be appropriate if the offence and/or behaviour is isolated and there are mitigating circumstances. Equally the history of offending (including multiple offences/combinations of offences/types of offences) and/or behaviour may warrant a longer period free from convictions. Accordingly the overall offending history must be considered when assessing the applicant's suitability to be licensed.

Therefore any licence holder awaiting trial for or suspected of committing an offence or demonstrating behaviour which, taken together with the licence holder's history of offending (including multiple offences /combinations of offences /types of offences) and behaviour (including before the licence was granted and during the course of the licence), leads the Council to believe that the licence holder is not a fit and proper person to hold a licence, may have their licence suspended or revoked.

Whilst it is possible that a licence holder may have a number of previous convictions that, individually, meet the guidelines below, the overall offending history must be considered when assessing the licence holder's suitability to continue to be licensed. A series of

offences/behaviour over a period of time is more likely to give cause for concern than an isolated minor conviction/demonstration of unacceptable behaviour. Obviously some discretion can be afforded if an offence is isolated and there are mitigating circumstances, but **the overriding consideration is the protection of the public.**

In order for the Council to fully consider a case on its merits, the licence holder should provide a written statement of the offences, with evidence, covering the nine points in the paragraph below, which would be available for examination by the Council.

Where the Council becomes aware of issues including previous criminal history/convictions, any arrest, any charges, inappropriate behaviour for a hackney carriage/PHV driver and/or significant comments on any DBS check, consideration will be given to each licence holder's suitability for licensing against the following criteria (in no particular order):

- nature of the offence/conduct/charge etc.
- circumstances in which the offence/conduct/charge etc. was committed
- timely notification to the Council of offence/conduct/charge
- circumstances of the individual concerned
- subsequent periods of good behaviour
- overall conviction/behaviour history
- sentence imposed by the court
- seriousness of the offence/conduct/charge etc.
- any other character check considered reasonable (e.g. personal references)
- taking all the above issues into account, together with any other relevant issues, whether the protection of the public may be at risk

These guidelines do not deal with every type of offence, and do not prevent the Council from taking into account offences not specifically addressed in the guidelines, or other conduct which may be relevant as to whether an individual is a fit and proper person to continue to hold a hackney carriage or a private hire driver's licence.

Any written warning as to future conduct could result in the licensed driver being required to pay an administration fee.

Minor motoring offences

Convictions for minor traffic offences, such as speed limit offences, or non-endorsable traffic offences such as obstruction or waiting in a restricted street should not prevent a person from continuing with his/her licence. If sufficient points have been accrued to require a period of disqualification of the licence holder's EU full driving licence then a hackney carriage or private hire licence may be granted after its restoration but a warning should be issued as to future conduct.

Further disqualification from driving as a result of penalty points being accrued may result in refusal to issue a licence

Traffic offences involving the loss of life

A very serious view should be taken of any licence holder who has been charged or convicted of a driving offence that resulted in the loss of life.

Accordingly the licence would ordinarily be revoked with immediate effect when suspected of offences such as:

- Causing death by dangerous driving

- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by careless driving
- Causing death by driving for any other reason
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

Major traffic offences not involving the loss of life

A very serious view should also be taken of any licensee who has been convicted of a major traffic offence even if it has not involved the loss of life, as it raises questions as to the licence holder's ability to protect the public.

Accordingly where a driver is charged/convicted with a major traffic offence not involving the loss of life such as:

- Dangerous driving
- Reckless Driving
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

The Council should consider the circumstances surrounding the incident and decide whether the licence should be suspended or revoked.

Other serious traffic offences

Other serious traffic offences include:

- Accident offences
- Driving without due care and attention
- Driving whilst using a mobile phone or mobile device
- Careless driving
- Construction and use offences
- Licence offences
- Traffic direction and sign offences
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

Insurance offences and alcohol/drug offences are dealt with under their own separate subsections below.

Theft or unauthorised taking of a vehicle are dealt with under the 'dishonesty' subsection below.

A conviction for a serious traffic offence should normally merit revocation of the taxi or PHV drivers licence and no new application should be considered until a period of 3 years free of conviction or since completion of the sentence, whichever is longer, has elapsed.

A warning as to future driving and advice on the standard expected of hackney carriage and private hire drivers would also normally be given. The written warning as to future conduct could require the licensed driver to pay an administration fee and require that the driver attends a defensive driving course

More than one conviction for a serious traffic offence within two years should merit revocation of the hackney carriage or private hire drivers licence.

Drink driving/driving under the influence of drugs (including medication)

A licensed driver awaiting trial for driving or being in charge of a vehicle whilst under the influence of drink or drugs should be revoked with immediate effect pending the outcome of the trial. If the licence holder is not convicted, a new licence application can be made and where the application is successful the licence will be issued in an expedited manner following the Council's expedition policy.

A serious view is taken of driving or being in charge of a vehicle whilst under the influence of drink or drugs, as licence holders are professional vocational drivers and drink/drug driving convictions raise serious concerns for the safety of the public.

Any conviction for these offences or any conviction for driving under the influence of illegal drugs (including convictions prior to the grant of the licence) should raise grave doubts as to the licence holder's fitness to drive the public and therefore hold a licence.

Drunkenness without a motor vehicle

An isolated conviction for drunkenness need not debar a driver from retaining his/her licence. However a number of convictions could indicate a medical problem necessitating a medical examination. In some cases a warning would be sufficient. If there is reason to suspect persistent alcohol use, misuse or dependency (e.g. two or more offences for drunkenness with or without a motor vehicle) a specialist medical examination and report may be required to ensure that the licence holder meets the DVLA Group 2 medical standards in relation to alcohol misuse and dependency.

Illegal Drugs without a motor vehicle

A licensed driver awaiting trial for an illegal drug related offence should be revoked pending the outcome of that trial. If the licence holder is not convicted, a new licence application can be made and where the application is successful the licence will be issued in an expedited manner following the Council's expedition policy.

A serious view is taken of any illegal drugs related offence. Licence holders are professional vocational drivers and any association with illegal drugs raises serious concerns as to whether they are a fit and proper person to be a licensed driver.

If there is reason to suspect persistent drugs use, misuse or dependency (e.g. two or more convictions relating to any drugs, with or without a vehicle) a specialist medical examination and report will normally be required before an application is entertained to ensure that the applicant meets the DVLA Group 2 medical standards in relation to drug misuse and dependency. If the applicant is found to be (or to previously have been) drug dependent, a period of 5 years should elapse after treatment is complete before a further licence application is considered.

Sex and indecency offences

Hackney carriage or private hire vehicle drivers often carry unaccompanied and vulnerable passengers; a licensed driver awaiting trial for a sexual or indecency offence (or where there is other behaviour and/or evidence to suggest a disposition to commit such offences) will be revoked with immediate effect pending the outcome of that trial. If the individual is not convicted, a new licence application can be made and where the applicant is considered to be fit and proper, the licence will be issued in an expedited manner following the Council's expedition policy.

A person entered onto the sex offenders register would not be considered a fit and proper person to continue to hold a licence.

Sex and Indecency Offences are detailed as:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Sexual assault
- Indecent assault
- Possession of indecent photographs, child pornography etc.
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Indecent exposure
- Soliciting (e.g. kerb crawling)
- Importuning

- Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

Violence

Taxi and PHV drivers maintain close contact with the public, a firm line should be taken with drivers accused of offences involving violence. A licensed driver awaiting trial for an offence related to violence will be revoked with immediate effect pending the outcome of that trial. If the individual is not convicted, a new licence application can be made and where the applicant is considered to be fit and proper, the licence will be issued in an expedited manner following the Council's expedition policy.

A licence may also be suspended and/or revoked if the licensed driver has exhibited behaviour or evidence suggests that they are of an aggressive or violent disposition.

However given the range of offences that involve violence, consideration must be given to the nature of the offence. In particular:

- (i) A licence will normally be revoked with little chance of a future licence being granted where the licence holder is convicted for an offence such as:
 - Murder
 - Manslaughter
 - Manslaughter or culpable homicide while driving
 - Terrorism offences
 - Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

- (ii) A licence will normally be revoked where the licence holder is convicted for an offence such as:
 - Arson

- Kidnapping
- Threats to kill
- Wounding with intent to cause grievous bodily harm
- Grievous bodily harm
- Domestic Violence related offences (unless these are covered by (i) above)
- Robbery
- Burglary
- Possession of a weapon
- Any 'hate' crime or offence ordinarily falling within paragraph (iii) below aggravated by a 'hate' crime
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

(iii) The relevant officer will consider whether revocation is appropriate for the following offences

- Common assault
- Assault occasioning Actual Bodily Harm
- Assault with intent to resist arrest
- Assault on Police
- Public Order offences
- Criminal Damage
- Harassment
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

A licence will normally be revoked if a licence holder is convicted of more than one offence of this nature within 10 years.

Dishonesty

Hackney carriage and private hire drivers are expected to be persons of trust. They deal with cash transactions and valuable property may be left in their vehicle in error. Drivers are required to deposit such property with the police within 48 hours. The widespread practise of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is relatively easy for a dishonest driver to defraud the public by demanding more than their legal fare etc. This for example would include misuse of MPV additional occupancy rates. Licence holders also have access to the names and addresses of their customers and their daily movements. Overseas visitors may not be familiar with the currency or costs of journeys and may be vulnerable to an unscrupulous driver.

Accordingly a licensed driver awaiting trial for a dishonesty offence will be revoked pending the outcome of that trial. If the individual is not convicted, a new licence application can be made and where the applicant is considered to be fit and proper, the licence will be issued in an expedited manner following the Council's expedition policy.

Offences involving dishonesty for the purposes of this policy include theft, burglary, fraud, benefit fraud, handling or receiving stolen goods, forgery, conspiracy to defraud, obtaining money or property by deception, other deception, taking a vehicle without consent, driving whilst disqualified and any similar offences (including attempted or conspiracy to commit).

A licence will normally be revoked if a licence holder is convicted more than once in the 10 years for an offence of dishonesty (including prior to obtaining their licence).

Insurance offences

A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An incident would normally result in a licence being revoked with a further application not being considered until a period of three years from the date of the offence has expired. A further application will not normally be considered if a licence holder has more than one conviction in the last 10 years for an offence of dishonesty (including prior to obtaining their licence).

Licensing offences

This subsection applies to licensing offences not covered elsewhere within this criminal convictions and behaviour section of the policy such as plying for hire, using an unlicensed vehicle/driver, refusing to carry disabled persons. It also applies to non-compliance with this Policy, including not complying with the conditions of the licence.

Consideration will be given as to whether the licensing offence/non-compliance should result in the suspension or revocation of the licence. Consideration will be given to the seriousness of the offences/non-compliance as well as to the previous history of compliance.

Non-conviction information

If a licence holder has, on more than one occasion (including prior to the application being granted), been arrested or charged, but not convicted for an offence or is subject to a Criminal Behaviour Injunction/Order or similar order which suggests he/she may not be a fit and proper person, or if there is other evidence to suggest the applicant may not be a fit and proper person, consideration will be given to revoking or suspending the licence or issuing a warning as to future conduct.

As with the rest of this part of the policy, in assessing the action to take, the safety and security of the travelling public must be the paramount concern.

Suspension, refusal, revocation by another Council

If an existing driver is suspended, refused, revoked by another Council, enforcement action may be taken against them, depending on the reason for the action already taken.

The Council shall also have a right to make enquiries of that other authority.

Expedition policy for revoked licences

This policy is to assist in the timely replacement of a driver's licence, when it has been revoked but following investigation it has established that the Council does not have any remaining concerns with regards to the fit and proper nature of the person.

A relevant officer of the Council will decide if an applicant falls in to this part of the policy and the applicant will be advised if this is the case.

The investigation of the Council with regards to establishing whether an individual is fit and proper is not reliant on other authorities' investigations into any connected allegations, although information will be requested from other agencies when they are known to be involved.

As the Council is required to consider each case on balance of probability, a police investigation which results in an individual not being convicted will not in itself be considered to be sufficient for the Council to issue a new licence to the individual as Police investigations are determined at a higher level of proof i.e. beyond reasonable doubt.

Process

If the Council makes a decision following the revocation of a licence to issue a revoked driver with a new licence, a new application will be required from the individual but some existing documents which are 'in date' in terms of the Hackney carriage and private hire policy will normally be transferred to the new application.

Depending on the circumstances surrounding the revocation, some updated documents may be required and these will be determined on a case by case basis. For example, if a drivers health leads to their licence being revoked and their health subsequently improves so that they may be considered fit to be a licensed driver, a new medical would be required. The same would be the case for an individual who is subject to a police investigation, where their criminal history would be checked using the DBS update service; if the applicant is no longer signed up to this service, a new DBS would be required as part of their application (and they would need to re-register for the update service).

When a decision is made to issue a new licence, this will usually be processed within 5 working days of all required documentation being received.

Fees

The new licence will be issued for the period that the revoked licence had left to run and no further charge will be levied, with the exception of any connected costs such as for new documentation which will remain the applicant's responsibility.

Guidelines for CCTV systems in hackney carriage & private hire vehicles

Introduction

These guidelines set out to ensure that CCTV systems installed in hackney carriages and private hire vehicles licensed by the Council are properly managed whilst being used to prevent and detect crime; and enhance the health, safety and security of both drivers and passengers.

Vehicle owners, who may also be the driver and/or operator, installing CCTV systems must fully comply with the requirements set out in these guidelines.

For the purposes of these guidelines the term "CCTV system" will include any electronic recording device attached to the inside of vehicle having the technical capability of capturing and retaining visual images and audio recording from inside or external to the vehicle. In addition to the standard CCTV camera system these may include for example, such devices as events/incident/accident data recording devices.

The purpose of CCTV

The purpose of the CCTV system shall be to provide a safer environment for the benefit of the driver and passengers by:

- Deterring and preventing the occurrence of crime
- Reducing the fear of crime
- Assisting the Police in investigating incidents of crime
- Assisting insurance companies in investigating motor vehicle accidents
- General requirements

Any CCTV system to be fitted must, as a minimum, meet the requirements set out in this document. Only CCTV systems meeting these requirements and approved by the Council can be installed into licensed vehicles.

CCTV systems installed will be inspected as part of the annual licensing inspection to ensure they do not pose a risk to the safety of the passengers or the driver and are fitted safely and securely.

The installation and operation of CCTV must comply with the requirements of the Information Commissioner's CCTV Code of Practice.

All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations 1986.

All equipment must meet all requirements as regards safety, technical acceptability and operational/data integrity.

All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear.

Automotive Electromagnetic Compatibility Requirements (EMC)

CCTV equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle.

Any electrical equipment such as an in-vehicle CCTV system fitted after the vehicle has been manufactured and registered, is deemed to be an Electronic Sub Assembly (ESA) under the European Community Automotive Electromagnetic Compatibility Directive and therefore must meet with requirements specified in that Directive.

CCTV equipment should be e-marked or CE-marked. If CE marked confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles is required.

Camera design requirements

The camera(s) must be fitted safely and securely, should not adversely encroach into the passenger area and must not impact on the safety of the driver, passenger or other road users.

Installation

All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions.

The installed CCTV system must not weaken the structure or any component part of the vehicle or interfere with the integrity of the manufacturer's original equipment.

All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers.

All equipment must be protected from the elements, secure from tampering and located such as to have the minimum intrusion into any passenger or driver area or impact on the luggage carrying capacity of the vehicle.

It is contrary to the Motor Vehicle (Construction and Use) Regulations, 1986, for equipment to obscure the view of the road through the windscreen.

Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, i.e. not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems.

Viewing screens within the vehicle for the purposes of viewing captured images are not permitted.

All wiring must be fused as set out in the manufacture's technical specification and be appropriately routed.

If more than one camera is being installed their location within the vehicle must be specific for purpose i.e. to provide a safer environment for the benefit of the Taxi/ PHV driver and passengers.

All equipment must be checked regularly and maintained to operational standards, including any repairs after damage.

All system components requiring calibration in situ should be easily accessible.

Camera Activation Methods

Activation of the equipment may be via a number and combination of options,

including:

- door switches
- time delay
- drivers' panic button
- or, in the case of an incident/event recorder, predetermined G-Force parameters set on one or more axis (i.e. braking, acceleration, lateral forces)

The CCTV system may be configured to record images for a short period of time before the trigger event, during the related incident and a short period following the related incident.

A direct wired link to the vehicle's taximeter, in the case of a Taxi, will not be acceptable.

Audio Recording

CCTV systems must not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified except in very exceptional circumstances. You must choose a system without this facility wherever possible; however, if the system comes equipped with sound recording facility then this functionality should be disabled.

- There are limited circumstances in which audio recording may be justified due to a specific threat to an individual's personal safety, e.g. when a 'panic button' is utilised in response to a threat of physical violence. Where this audio recording facility is utilised a reset function must be installed which automatically disables audio recording and returns the system to normal default operation after a specified time period has elapsed. The time period that audio recording may be active should be the minimum possible and should be declared at the time of submission for approval of the equipment.

In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.

Image Security

Images captured must remain secure at all times.

The captured images must be protected using approved encryption software which is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen. The Information Commissioner's Office has published guidance on how to keep personal data (including personal data contained in CCTV images) secure, on their website.

Retention of CCTV images

The CCTV equipment selected for installation must have the capability of retaining images either:

- within its own secure, encrypted hard drive;
- using a fully secured and appropriately encrypted detachable mass storage device, for example, a compact flash solid state card;
- or where a service provider is providing storage facilities, transferred in real time using fully secured and appropriately encrypted GPRS (GSM telephone) signalling to a secure server within the service provider's monitoring centre.

Images must not be downloaded onto any kind of portable media device (e.g. CDs or memory sticks) for the purpose of general storage outside the vehicle.

CCTV equipment selected for installation must include an automatic overwriting function, so that images are only retained within the installed system storage device for a maximum period of 28 days from the date of capture. Where a service provider is used to store

images on a secure server, the specified retention period must also only be for a maximum period of 28 days from the date of capture.

Where applicable, these provisions shall also apply to audio recordings.

Notification to the Information Commissioner's Office

The Information Commissioner's Office (ICO) is the official regulatory body responsible for enforcing compliance with privacy and data protection legislation.

The law defines a "data controller" as the individual or organisation which has ultimate responsibility for how personal data is collected and processed. For the purpose of the installation and operation of in-vehicle CCTV, the "data controller" is the company, organisation or individual which has decided to have a CCTV system installed and operating within the vehicle. The data controller is ultimately responsible for how the images are stored and used and determines in what circumstances the images should be disclosed.

'Notification' is the process by which a data controller informs the ICO of certain details about their processing of personal information. These details are used to make an entry in the public register of data controllers.

This means that any company, organisation or individual vehicle owner who has a CCTV system installed within a licensed vehicle must register with the ICO and obtain documented evidence of that registration. This documentary evidence may have to be presented to the Council at any time during the term of the vehicle licence.

The notification requires renewal on an annual basis, and payment of the appropriate fee specified on the ICO's website.

Using a third party service provider (data processor)

Where a service provider is used for the remote storage and/or management of CCTV data they will act as a 'data processor'.

A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions. The data controller retains full responsibility for the actions of the data processor.

There must be a formal written contract between the data controller and data processor (service provider). The contract must contain provisions covering security arrangements, retention/deletion instructions, access requests and termination arrangements.

Documentary evidence of the contractual arrangements may be required to be presented to a the Council official at any time during the term of the vehicle licence.

Using recorded CCTV images

The data controller is responsible for complying with all relevant data protection legislation, as well as being legally responsible for the use of all images including any breaches of privacy and data protection legislation.

Any images and/or audio recordings should only be used for the purposes described earlier in these guidelines

Requests to view captured images may be submitted to the data controller by the Police or other statutory law enforcement agencies; the Council; insurance companies/brokers/loss adjusters; or exceptionally other appropriate bodies. The data controller is responsible for responding to these requests in accordance with the law. Police or other law enforcement agencies should produce a standard template request form, setting out the reasons why the disclosure is required. Alternatively a signed statement may be accepted.

All requests should only be accepted where they are in writing, and specify the reasons why disclosure is required.

Under the DPA, members of the public may also make a request for the disclosure of images, but only where they have been the subject of a recording. This is known as a 'Subject Access request'. Such requests must only be accepted where they are in writing and include sufficient proof of identity (which may include a photograph to confirm they are in fact the person in the recording). Data Controllers are also entitled to charge a fee for a subject access request (currently a maximum of £10). More guidance on handling subject access requests can be found in the ICO's Subject Access Request Code of Practice, which is available on their website.

Signage

All vehicles fitted with a CCTV system must display the sign shown below in a prominent position. The driver may also verbally bring to the attention of the passengers that CCTV equipment is in operation within the vehicle, if it is felt necessary or appropriate.

The signage must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle.



The name and contact details of the Data Controller must be provided in the blank space included on the sign template. The contact details can be in the form of either a telephone number, email address or website URL.

Signage for external facing CCTV systems

Where a CCTV system is installed in order to record incidents outside the vehicle, it will not be practical to display a sign. Instead, when the CCTV is activated in response to an incident, the driver of the vehicle must inform the person(s) recorded that their personal data was captured - as soon as practicable after the incident. They should also be informed the purpose for which the device has been installed, for example to facilitate their insurance company's investigation of insurance claims.

Annual Certification from installer

Any CCTV system should be checked annually by the installer and evidence of this must be provided to the Council. Where an installation company ceases to exist a similar installation company should be used

CCTV Checklist

To assist individual drivers, owners, and operators who are considering the installation of a CCTV system, the Council has produced the summary checklist below to help ensure that all of the relevant approval requirements/standards are complied with.

Please tick

- Notification submitted to the Information Commissioner's Office (ICO).
www.ico.org.uk
- Has the ICO provided you with documentation to evidence your notification as the "data controller" associated with your system?
- Do you have documentary evidence regarding contractual arrangements with
- Any data processor or service provider associated with the operation or management of the CCTV system? (where applicable)
- Have you displayed the required signage, including the relevant contact details?
- Does the CCTV system meet the installation standards as set out in the relevant TPH inspection manual? Please see Taxi and Private Hire Licensing

Licensing enforcement

The Council issues hackney carriage and private hire driver and vehicle licences to ensure passenger safety.

The DfT guidance is clear on the necessity of enforcement to maintain high standards of public safety. All enforcement schemes need to be proportionate and transparent.

Any enforcement system needs to deal with persistent, low level breaches up to serious, possibly, criminal behaviour. There needs to be a grade of sanctions from informal warnings through to suspension and revocation of licence. It is clear that the majority of enforcement will be for relatively minor offences or breaches and will be undertaken by the licensing officer.

Enforcement options

There are a number of options that shall be considered following the identification of an activity for which the necessary licence, notice or registration has not been applied for or the Licensee has not complied with the conditions of a licence, notice or consent issued by the Council or byelaw made by the Council, or this policy or other legislation has been contravened. One or more of the following may be deemed appropriate:

- Verbal advice
- Inspection
- Issue of points via monitoring of contraventions system
- Suspension
- Revocation
- Refusal of future licence application or restriction of such licence by imposition of conditions
- Formal Caution
- Prosecution

There is a long standing relationship between the licensing team and the trade. This is based on the application of consistent standards for all parties.

Enforcement Policy

The authority will have regard to the Police and Criminal Evidence Act Codes of Practice

Verbal advice

To be followed where the vehicle or driver standards are found to be reasonably satisfactory but wanting in some minor respect.

Inspection

Inspections will normally be of vehicles or documents/records. In most cases appointments will be made with adequate notice and at reasonable hours unless this would defeat the object of the inspection. Licensees will comply with officer requests to view documents or records and must attend appointments for inspections.

Penalty points scheme

Any licensed person who has in the opinion of the licensing officer committed an infringement of the law or licence conditions will be served with a notice as follows:-

Contraventions	Points	x	Contraventions	Points	x
No first aid kit	3		Driver / vehicle cleanliness	2	
No fire extinguisher	3		Private hire parked on taxi rank	4	
Failure to display badge	3		Unattended vehicle on taxi rank	4	
Failure to display plate /door stickers/Internal Badge	3		Obstructing the Licensing Team/Enforcement officer.	6	
Failure to notify change of details /convictions/FPN/fines and fine alternatives such as driving courses undertaken as a licence requirement - vehicle/driver/operator	3		Failure to produce documents on demand to the licensing enforcement officer	3	
Failure to report an accident to the licensing team	3		Other licence requirements/breaches of legislation:-	Dependant on case	
Failure to report a complaint - Driver/operator	3		Carrying too many passengers	6	
Horn misuse	2		Refusal to carry guide dogs, hearing dogs, or service dogs (unless exempt)	6	
Private hire plying for hire	6		Smoking in vehicle	6	
Defective tyres (per tyre)	4		Overcharging	6	
Using unapproved advertising on/in vehicle	2		Use of handheld phone or radio whilst driving	3	
No smoke free signage	2				

Plate No: Drivers name: Drivers badge No:
 Vehicle registration: has been inspected as indicated above. The contravention(s) above mean(s) that you have acquired points.

The vehicle must not be used until the contravention(s) above have been rectified and the vehicle is presented to the Council Offices by/...../..... *

Failure to comply with this notice could lead to the revocation or suspension of your licences and does not rule out further proceedings when this matter is considered along with driver/vehicle history.*

Date: **Signed:**

*Delete where appropriate

The Council operates a system whereby infringements of the law or licence conditions by a licence holder can be recorded and given a value dependent upon the nature of the infringement. This scheme reduces possible subjectivity from the enforcement process. Any licensee who, in the opinion of an authorised officer, has committed an infringement will be issued with a contraventions notice form.

This is a points based monitoring system where-by licensees receive a certain number of points against their hackney carriage or private hire licence for specific offences, similar to the way in which points are issued against a DVLA licence for motoring offences. If a driver reaches 12 points within a 12 month period, the licence will be referred to Head of Healthy Communities or the Licensing Sub-Committee for consideration. The decision maker will receive a report from officers and invite written representations from the licence holder. This system allows the Licensing department to become aware of patterns or problems. The penalty point scheme enables Members to give weight to patterns or problems when issues come before a sub-committee.

The monitoring of contraventions system is only in place for breaches of conditions that the Council witnesses and/or investigates. If, for example, the Police deal with an issue by way of issuing a penalty notice or awarding penalty points/fine, the Council would not then issue points as well.

If the licence holder believes that points have been issued in error, or that there are mitigating circumstances not taken into account by the officer, there is a right of appeal to the Head of Healthy Communities, Chiltern District Council c/o King George V House, King George V Road, Amersham, HP6 5AW within 14 days of receiving the notice containing the points. The licence holder will receive notification of the decision of the appeal within 30 days of receipt of the notice of appeal.

The issue of points does not prevent the licensing section from taking any other or additional action, including prosecution where this is felt to be appropriate. For the avoidance of doubt, any breach of legislation, conditions, or offences not contained within the table will be dealt with in line with the hackney carriage and private hire policy.

Allocation of penalty points

The penalty point scheme assists the trade in maintaining its high standards and will act as a first step in assuring compliance with the licence conditions.

Contraventions that will be dealt with outside of the penalty points scheme

The following licence contraventions are considered to be very serious and therefore a single offence lead to consideration of whether a licence holder should be suspended or revoked:

- Unlicensed vehicle by a licensed driver
- Unlicensed driver using a licensed vehicle
- Driving with no valid Insurance
- Driving with no valid compliance/MOT
- Contravention of suspension notice

Whilst a defective tyre will normally lead to 4 points being issued, the Council will consider the severity of the defect and this could lead to a higher number of points being issued and potentially suspension or revocation of the drivers licence.

Suspension of licences

A suspension notice can be issued giving 21 days' notice before the suspension takes effect or can be with immediate effect in the interest of public safety.

Whilst each case will be taken on its own merit, generally; -

A suspension notice will normally be served in the following cases

- If there is a history of non-compliance with the licence conditions or legislation. Where 12 points have been issued as detailed above in a twelve month period.
- If there is a significant contravention in terms of risk to members of the public due to non-compliance.
- If the person is not otherwise currently considered to be a fit and proper person to be a licensed driver.
- Any other serious matter
- The policy on criminal records and behaviour will be used to assess whether a suspension should be given and if so whether it should be with immediate effect.

Also, the Crown Prosecution Service or police may be asked to apply for bail conditions, which require the hackney carriage proprietor's, and/or private hire vehicle, and/or private hire operator's licences to be revoked by the court.

Where a licence is refused, revoked, suspended or not renewed the licence holder must be provided within 14 days of the decision being made, notice of the grounds on which the action was taken.

Revocation of licences

In the case of a driver or operator licence, the test will be whether the driver/operator is a fit and proper person (assessed in accordance with this policy, current legislation, case law and guidance). If they are not, on the balance of probabilities, then the licence will be revoked.

The decision to revoke a licence will not be taken lightly. The Head of Healthy Communities has delegated authority to revoke licences if appropriate or can refer the licence to Licensing Sub Committee if appropriate.

Voluntary offers to surrender a licence will be accepted if made in writing and the licence plate/disc/badge returned.

Notification of decisions

Any notice required to be served by the Council under this licence or under any of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 shall be deemed to have been properly served if sent by pre-paid post to, or left at the last known address of, the holder of the licence.

Appeal against refusal, suspension or revocation of a licence

The applicant or licence holder has the right of appeal to the Magistrates Court (or Crown Court if relating to refusal to grant a hackney carriage vehicle licence) Appeal procedures to the Magistrate's Court will be detailed with notices sent out. On appeal to the Magistrates court a suspended or revoked licence can continue to be used until the appeal

is heard with the exception of those licence holders suspended or revoked with immediate effect under section 61(2B)) of the Local Government (Miscellaneous Provisions) Act 1976

Formal caution

This is an alternative to prosecution and requires that the offender must admit the offence.

In considering the issue of a formal caution the following will be taken into account: -

- The seriousness of the offence.
- The benefits of its use rather than prosecution, e.g. cost, speed, deterrent effect in respect of re-offending
- The intention to rectify the contravention
- The evidence regarding the contravention.
- Previous history of the offender
- Consideration of the public interest (application of public interest test)

Written information will be given or sent to the offender regarding the significance of the caution immediately prior to offer of the formal caution.

Formal cautions will always require first the signature of the offender and then the authorised local authority representative.

Copies of the caution will be sent to the offender and sent to the central registrar of convictions. The Legal department will hold the original caution.

Prosecution

Prosecution will normally only be contemplated when the offences are serious, for example where there is a potential for risk to passenger safety, or as a result of refusal to accept other courses of action. Unlicensed persons or businesses will be considered for prosecution.

The following will be taken into account;

- the previous history
- the explanations or attitudes
- the probable public benefit
- would the use of a formal caution be more appropriate

Prosecution will be authorised by the Head of Healthy Communities after consultation with the Head of Legal and Democratic Services.

Should the Crown Prosecution Service be initiating action against a person or business for offences which also involve breaches of the; Police Town Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976 or byelaws made in respect of hackney carriages, they may be authorised to initiate proceedings under these acts.

Licence Requirements

Chiltern District Council licence requirements relating to hackney carriage and private hire drivers

Local government (miscellaneous provisions) act 1976 (“the 1976 act”)

These requirements apply to hackney carriage and private hire drivers. In determining what matters should be considered for a person to be a fit and proper person to be a driver the following applies:

Fit and proper person

Applications for a private hire drivers licence can only be made by fit and proper persons. A fit and proper person must:

- be medically fit
- comply with the Council’s guidelines for the issue of hackney carriage and private hire driver and operator licences policy and the Home Office circular with regard to cautions, convictions or pending court appearances as detailed in the Home Office circular
- not be entered on sex offenders register
- be an experienced driver
- have the required knowledge of the district, highway code, policy and customer care

New applications

Applications will only be accepted if they are made on the form provided for the purpose by the Council. The form must be completed online and electronically signed by the applicant.

The first application for a drivers licence must be accompanied by two independent references as to the character of the applicant. The names, addresses, and phone number of the referees must be stated on the online form.

An application will also be only considered after the receipt of two references, two passport-sized photographs, a full DVLA/ EU driving licence including photo card and counterpart, a current medical certificate (not older than 3 months)*, proof of identity (Passport/ Birth Certificate), a relevant knowledge test pass certificate, an enhanced Disclosure and Barring Service criminal record check (not older than 3 months), a DSA driving test certificate (or higher level driving standards certificate) and a Certificate of Good Conduct from the relevant embassy for all applicants who have lived in the UK for less than 5 years (new applicants only) or who have been absent for a period of 9 months or more within the last three years for current licensees. If the Certificate is not issued in English, the applicant will be required to pay for the relevant translation. All fees must be paid when submitting the application. The driver’s badge deposit is payable prior to any badge being issued. table

A medical certificate completed by the applicants registered medical practitioner is required to prove the applicant is fit to drive a licensed vehicle.

Where an existing licensed hackney carriage driver applies to obtain a private hire licence, or vice versa, no additional medical will be required.

Renewal

Applications will only be acceptable if they are made on the form provided for the purpose by the Council.

An application will only be considered upon receipt of the correct fee, two passport-sized photographs and a full DVLA/EU driving licence including photo card and counterpart. Any additional documents that are due to expire within the renewal period **must also** be presented at renewal. In addition, the expired drivers badge must be returned to the Council in order to collect your replacement badge.

All fees must be paid at the time of renewal. **Only full applications will be accepted**, any missing documents or elements will mean your application will not be processed.

Licences will be issued following processing within 28 days of a full application.

All applications for the renewal of a licence must be made four weeks prior to the expiry of the existing current licence. Applications received less than 28 days prior to the expiry of the licence may not be issued prior to the expiry of the current licence, and in these cases the Licensee will not be able to work as a licensed driver until the new licence is issued.

Fees

The appropriate fee as prescribed from time to time by the Council must accompany all applications.

Photographs

An application must be accompanied by two recent passport sized photographs of the applicant. It must be signed by the applicant. It must be taken against a light coloured background, and clearly show your full face. You must not wear sunglasses, or any head covering unless head covering is worn for religious or medical reasons. The photo will be used for the driver's badge that will be issued by the Council.

Proof of identity

A birth certificate with national insurance number, passport or new style photographic driver's licence must be produced on first application.

Duration of drivers licence

The standard period that a licence shall remain in force is three years, commencing from the date the licence is granted, not the date of the application itself.

No licence will be issued for a period longer than the standard three year period, however if an applicant wishes to be considered for a licence with a shorter duration, this request must be put in writing at time of application. These requests will be considered on a case by case basis.

A driver's licence on renewal may be issued for a probationary period of less than three years as determined by the Council, dependant on the applicant's ability to demonstrate being a fit and proper person. Items that could be considered would include driver's experience, criminal record, references, past allegations, record of compliance with the conditions, outstanding fees and any other reasonable cause.

Medical certificate

The standard of medical examination as required by Chiltern District Council is that normally associated with a group II driver's licence. All drivers are required to provide a certificate signed by their registered medical practitioner to the effect that they are physically fit to be the driver of a taxi or private hire vehicle. A medical certificate is required at first application, every 3 years up to 60 years of age, and annually thereafter. The applicant is responsible for the payment of all fees required for any medical examination.

The licensee shall notify the authorised officer in writing as soon as possible and in any event not later than fourteen days of any illness or injury affecting his or her fitness to drive in any way.

Where there is reasonable doubt over a driver's fitness, the Council may direct the driver for a medical examination by a specified registered medical practitioner at any time. The applicant is responsible for the payment of all fees required for any medical examination.

Driving experience

A valid full DVLA/ EU drivers licence (Groups A and B) must have been held for a period of three years prior to application. Whilst each case will be taken on its merit, as a general principle a licence will not be granted where an applicant has been convicted of a serious driving offence in the past three years, or has more than six active points on their licence.

In addition to the above, all new applicants will have to demonstrate good driving ability and be aware of potential hazards. This will be assessed by the completion of a driving assessment by the DSA; A valid (within valid date as printed on certificate) pass certificate will be required before the licence can be issued. Alternatively a driver can demonstrate his/her ability by being a member (by examination) of the Institute of Advanced Motorists, or holding a HGV/ PCV (PSV) licence.

Disclosure and Barring Service criminal record check

A DBS enhanced disclosure is required on receipt of new applications. Applicants and existing drivers must sign up to the update service provided by DBS, providing a mandate for this to the Council. An authorised officer can make random checks whilst the licence is effective. This will require a DBS enhanced disclosure application form to be completed by the applicant. All applicants should refer to the Council's guidelines for issue of private hire driver and operator and Home Office circular with regards to any criminal convictions or cautions. A fee is required for this check.

Existing drivers at the time this policy is adopted will be required to sign up to the Update service when their current criminal record check is due to be updated.

Convictions

Convictions will be dealt with in accordance with the policy on criminal convictions and behaviour in section [] of the hackney carriage and private hire policy.

In order to ensure protection of the public a driver must ensure immediate disclosure (within 72 hours) to the licensing officer in writing if they are charged, arrested, cautioned, or convicted of any offence during the period of their licence. Should knowledge of any offences be withheld, this will reflect on a person fitness to be a Driver and will lead to a licence being suspended.

Drivers identity badge

A deposit will be required prior to the issue of a drivers badge and will be returnable upon the surrender of the drivers licence and return of badge. The badge shall be worn at all times the vehicle is being used as a licensed vehicle and in such a position and manner as to be plainly and distinctly visible. On the expiry, revocation or suspension of the licence the driver shall return the badge to the Council on demand.

Compliance with legislation

Drivers, where applicable, will comply with the provisions of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, the byelaws made in respect of hackney carriages and conditions relating to the private hire drivers licence. Also compliance with Section 37 of the Disability Discrimination Act 1995 and Equality Act (2010) in respect of assistance dogs.

It is prohibited for anyone (driver or passenger) to smoke within the vehicle at any time. Appropriate signage must be displayed inside the vehicle in accordance with the Health Act 2006. An international no-smoking symbol at least 70mm in diameter must be displayed in the front passenger window or on the dashboard, and in the rear passenger window. The signs must be clearly visible from inside and outside of the vehicle.

Insurance

The driver of a licensed vehicle must ensure the vehicle is insured for use for that specific purpose. Such insurance must be continuous and include legal liability for passengers.

CCTV in vehicles

The licensee shall ensure that they do not drive a licensed vehicle with unauthorised facilities for recording visual or audio sources. All vehicles with an authorised CCTV system shall contain a certificate of authorisation. Any proposed CCTV system must satisfy the requirements of the CCTV conditions within the hackney carriage and private hire licensing policy and must be authorised by a relevant officer.

Appeals procedure

Any person aggrieved by refusal to grant a licence may appeal to the Magistrate's Court within 21 days of a decision being made.

Change of personal details

The driver shall immediately (within 7 days) notify the authorised officer in writing of any change in his or her personal details. Changes shall include: changes of address, name, status, phone number and mobile number.

Suspension, revocation, and refusal to renew licence

- Without prejudice to these conditions, the Council may suspend, revoke or refuse to renew the licence on any of the following grounds

The Council will have regard to this policy when making a decision to suspend, revoke or refuse to renew a licence.

Other offences

The licensee shall be guilty of an offence if he or she:

- Wilfully obstructs an authorised officer acting in pursuance of Part II of the 1976 or the Town Police Clauses Act 1847;
- Fails to comply with any requirements made to him or her by the authorised officer;
- Without reasonable cause fails to give the authorised officer any other assistance or information which he may require for the performance of his or her functions.

Offence notification notice

The Council has the power to charge fees not exceeding £25.00 for administration of and the control and supervision of hackney carriage and private hire drivers. These charges are detailed in the enforcement policy and will be issued in accordance with the Policy.

All fees and charges for the previous year shall have been paid before application for a renewal of a drivers licence can be accepted.

Conduct of driver

The licensee shall:

- at all times be clean and respectable in his or her dress, behave in a civil and orderly manner, and not use foul and abusive language
- take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle
- assist any passenger in gaining access to or exiting from the vehicle
- assist any passenger with the loading and unloading of luggage into and out of the vehicle
- afford reasonable assistance in removing a passenger's luggage to or from the entrance of any house, station or place at which he or she may collect or set down a person
- unless otherwise directed by the hirer, shall proceed to the destination requested by the Hirer by the shortest possible route
- not drive the vehicle without the written consent of the proprietor of the vehicle
- not drink, eat, or play audio equipment in the vehicle without the express permission of the hirer
- shall ensure that no annoyance or disturbance is caused to residents or other road users whilst driving the vehicle
- not use the horn or lights of the vehicle or shout in order to signify to the Hirer or passengers that the Licensee is waiting for the Hirer or passengers
- not drive a licensed vehicle in a manner that may intimidate or have the potential to intimidate another road user
- take all reasonable steps to ensure the safety of luggage conveyed in, being loaded in or removed from the vehicle
- comply with all road traffic law
- Not use a mobile phone whilst driving
- ensure that he or she does not drive a vehicle with more passenger capacity than their badge authorises
- not smoke or permit a passenger to smoke in the vehicle

- ensure that regulation “No Smoking” signs are prominently displayed on the front passenger window or dashboard and on the rear passenger window of the vehicle you are assigned. The sign to be an international “No Smoking” signs 70mm in diameter
- not initiate any dialogue of a “sexual” nature with a passenger. Licensed drivers are not permitted to become involved “sexually”, or have sexual contact, with a passenger whether consent is given or not and whether or not the vehicle is carrying fare paying passengers at the time

Passengers

The licensee shall not:-

- Convey or permit to be conveyed in the vehicle a greater number of persons than that prescribed in the licence for the vehicle
- Without the consent of the Hirer convey or permit to be conveyed any other person in the vehicle.
- Allow to be conveyed in the front of the vehicle:
 - Any child below the age of three years
 - More than one person above the age of three years
 - An infant in arms

The licensee shall ensure that all passengers between three and twelve years of age or 135cm in height wear an appropriate child restraint to travel in the front of a vehicle. If not available, these passengers must use an adult seat belt in the rear of the vehicle.

Lost property

- The licensee shall ensure that, immediately after the termination of any hiring or as soon as practicable thereafter, the vehicle is searched thoroughly for any property which may have been accidentally left therein,
- The licensee shall ensure that any property accidentally left, or found or handed to him in the vehicle will be, taken to a police station within 48 hours of it being found.

Written receipts

The driver shall, if requested by the hirer, provide them with a written receipt for the fare paid.

Animals/assistance/guide dogs

The driver shall not convey in a licensed vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle. The driver shall ensure that any animal belonging to or in the custody of any passenger is conveyed in the rear of the vehicle. The driver shall transport any person and his/her guide or assistance dog without additional charge. Holders of an exemption certificate from carrying animals (issued because of medical reasons) must display the certificate in a prominent position.

It is an offence to refuse to carry assistance/guide dogs.

Prompt attendance

The driver of a licensed vehicle shall promptly attend at the appointed time and place unless delayed or prevented by sufficient cause.

Deposit of licence

The licensee shall deposit his or her paper licence with the vehicle licensee before commencing to drive the vehicle. The licence shall be retained by the vehicle licensee until such time as the driver ceases to drive that vehicle.

The licensee/proprietor must also ensure the driver holds a current driving licence in respect of the number of passengers authorised on the vehicle licence/plate.

Taximeter

A licensed driver shall not drive the vehicle unless the taximeter (where fitted) is in working condition and has been sealed by a meter company, who have issued the licensee with a calibration certificate. The licensed driver shall not cause the fare recorded to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.

The Licensee shall not tamper with or permit any person to tamper with any taximeter with which the vehicle is fitted, with the fittings thereof, or with the seals affixed thereto. The Licensee shall ensure that when the vehicle is not in use the taximeter is switched off

Fare to be demanded

- The driver shall not demand from any hirer of a licensed vehicle a fare in excess of any previously agreed. If the vehicle is fitted with a taximeter the fare shown on the face of the taximeter is the highest fare that can be charged. The driver shall not demand any fare higher than that shown on the face of the taximeter.
- The licensee shall cause any statement of fares provided by the operator to be exhibited inside the vehicle, in clearly distinguishable letters and figures.

Seatbelts

It is recommended that when driving the vehicle the licensee should wear a seat belt at all times.

Insurance

The driver of a licensed vehicle shall ensure that he or she is covered by a valid insurance policy for public hire (and private hire if private hire bookings are accepted from licensed operators) which includes legal liability for passengers before commencing to drive the vehicle, and shall ensure that they do not act in any way which might invalidate the insurance.

The licensee shall, on being requested to do so, produce the insurance certificate to a police officer or an authorised officer.

Accidents and damage to the vehicle

The licensee shall report to the authorised officer any accident (motoring or otherwise) involving the vehicle and/or any damage materially affecting the safety, performance or appearance of the vehicle within 72 hours of the accident using the form issued by the Council. In the interests of public safety the Licensee of any vehicle involved in an

accident will be required to submit a compliance certificate to the Council. The licensee shall ensure that the vehicle is not used for hire until it has been inspected and approved by the authorised officer or a new compliance certificate has been obtained where appropriate as considered by the Council on receipt of the reported details of the incident.

Inspections

The licensee shall not obstruct the authorised officer or any police officer from carrying out any inspection or test of the vehicle.

Copy of licence and requirements

The licensee shall at all times when driving the vehicle carry with him or her a copy of their licence and these requirements, and shall make it available for inspection by the hirer, any other passenger, the authorised officer or a police officer upon request

Variation of requirements

The Council reserves the right to vary, delete or waive any of these requirements

Delivery of notices

Any notice required to be served by the Council under any licence granted or under any of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 shall be deemed to have been properly served if sent by pre-paid post to, or left at the last known address of the holder of the licence.

CCTV in vehicles

The licensee shall ensure that they do not drive a licensed vehicle with unauthorised facilities for recording visual or audio sources. All vehicles with an authorised CCTV system shall contain a certificate of authorisation. Any proposed CCTV system must satisfy the requirements of the CCTV conditions contained within the hackney carriage and private hire licensing policy.

Appeals procedure

Any person aggrieved by refusal to grant a licence may appeal to the Magistrate's Court within 21 days of a decision being made.

Requirements relating to hackney carriage and private hire vehicles

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

Applications

All applications will only be acceptable if they are made on the form provided for the purpose by the Council, the form must be completed online and electronically signed by the applicant. An application will only be considered after production of the vehicle registration document, MOT (when required by law), Certificate of Compliance, (European whole vehicle type approved, if required), insurance certificate, and fee.

RENEWAL

Applications will only be acceptable if they are made on the online form provided for the purpose by the Council.

An application for renewal will only be considered upon receipt of the correct fee, the Vehicle Registration document, and any additional documents that are due to expire within the renewal period. This may include: Insurance, MOT, and compliance certificate. In addition, the expired vehicle plate must be returned to the Council in order to collect your replacement.

All fees must be paid at the time of renewal. **Only full applications will be accepted**, any missing documents or elements will mean your application will not be processed.

Licences will be issued following processing within 28 days of a full application.

All applications for the renewal of a licence must be made at least four weeks prior to the expiry of the existing current licence. Applications received less than 28 days prior to the expiry of the licence may not be issued prior to the expiry of the current licence, and in these cases the licensee will not be able to work as a licensed driver until the new licence is issued.

Fee

The appropriate fee, paid in full, as prescribed from time to time by the Council, must accompany all applications.

Duration of vehicle licence

All licences shall remain in force for a maximum of one year only, commencing from the date of the granting of the licence.

Dual plating

No application shall be considered where the proposed vehicle is already licensed by another Council. Such vehicles may be licensed following the surrender of the existing licence. Providing they meet the criteria of this policy and a full application is made.

Change of vehicle or transfer of licence

An application by the licence holder for a change of vehicle or an application to transfer the licence will only be considered after production of the vehicle registration document, MOT, certificate of compliance, (European whole vehicle type approved, if required), insurance certificate, valid taximeter calibration certificate and the relevant fee. In the case of a transfer application a dated letter stating that the vehicle and the plate are being transferred from the current holder to the new owner. This letter must include addresses, plate number, vehicle type and registration.

Please note a change of vehicle application, and a transfer of a vehicle licence cannot take place at the same time.

Type of vehicle

The Transport Act 1985 allows licensing authorities to regulate vehicle standards. Circular 8/86 accompanying the Transport Act, states that authorities will wish to ensure that vehicles are mechanically sound, roadworthy and safe. The following will be applied.

- The vehicle must not be left hand drive
- Only vehicles holding or built to the standards required by the M1, M2 and M3 European whole vehicle type approval will be licensed.
- Any converted vehicles will be required to hold the appropriate low volume type approval certificate in the M classification or the enhanced single vehicle certificate together with the original M type approval.
- The vehicle must be maintained throughout the term of the vehicle licence, to a high standard of appearance to the complete satisfaction of the Council, and kept in the condition stated in the standards for conditions of appearance of a hackney carriage or private hire vehicle.

AP.1 Subject to paragraph **AP.4**, a licence shall not be granted in respect of any vehicle which is more than seven (7) years old in the case of an application for a new hackney carriage or private hire vehicle licence in respect of the vehicle and more than ten (10) years old in the case of an application for the renewal of a licence

AP.2 Subject to paragraph and **AP.4**, the Council will not allow the transfer of a licence to a vehicle which is more than seven (7) years old

AP.3 Under paragraphs **AP.1** and **AP.2** the age of the vehicle shall be calculated with reference to the registration documentation for the vehicle.

AP.4 With reference to the ages of vehicles, in the case of purpose built hackney carriages and of vehicles which are considered to be of an 'exceptional standard' each application will be considered on its own merits prior to a determination being made. The maximum age for licensing of these vehicles shall be twelve (12) years.

- In determining an application whereby the vehicle is considered to be of 'exceptional standard' it will be for the applicant to set out in writing why he/she considers the vehicle to be of 'exceptional' standard. The Licensing team leader will undertake a joint inspection of the vehicle with a licensing officer and also seek information where necessary from the inspecting mechanic at the vehicle testing station to assess the vehicles mechanical condition.
- The relevant officer will make a decision under delegated authority to either grant/renew the licence subject to a special condition requesting six (6) monthly mechanical testing and the production of a mechanical report to a licensing officer during the duration of the licence. The Licensing team leader may also make a decision to refuse the licence or to refer any application of concern to the Licensing Sub-Committee for determination.
- In determining "exceptional standard" the following standards should usually be attained (but not limited to)
- The vehicle must pass the Council's mechanical vehicle inspection (compliance test).

- The bodywork should be in near perfect condition with no signs of panel age deterioration, dents, scratches, stone chips or rust or any other abrasions that may detract from the overall appearance of the vehicle.
- The general paint condition should not show signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle.
- The interior trim, panels, seating and carpets etc should be in excellent condition clean, free of damage and discoloration.
- The vehicle service record can be used as supporting evidence of exceptional condition in that a vehicle of exceptional condition would normally be expected to demonstrate regular servicing and maintenance in accordance with the manufacturer's service specification.
- The vehicle to be in excellent mechanical condition and in all respects safe and roadworthy with no signs of corrosion to the mechanical parts, chassis, underside or body work.
- The boot or luggage compartment to be in good condition, clean and undamaged.
- Passenger areas should be free from damp or any other odours that may cause passenger discomfort
- The vehicle shall have at least four road wheels and a spare wheel or a canister of tyre inflator/repair kept in the vehicle
- No vehicle shall be licensed which would require any passenger to climb over any luggage in the vehicle or climb into any boot space
- All seats, front and rear must be fitted with seat belts
- The vehicle must be submitted for a mechanical test at a garage authorised by the Council and may be inspected for suitability by the Council's licensing officer. A certificate of compliance with the standards required under the Road Traffic Act 1972, Sections 43 and 44 must be provided by the garage. In addition to those standards required by the MOT the items detailed in the attached form are required
- The Council's licensing officer may direct the vehicle to be inspected in accordance with the certificate of compliance at a specific testing station
- A certificate of compliance will be valid for 1 year from date of issue.
- The vehicle should contain a portable dry powder 1kg capacity fire extinguisher. The extinguisher must conform to BS EN3 1996 Standard, and should be mounted in a convenient position in the vehicle. The extinguisher shall be marked with the private hire vehicle licence number
- A first aid kit complying with the Health and Safety (First Aid) Regulations 1981 should be carried in the vehicle. The kit to be marked with the private hire licence number

- Vehicles that have been converted to use liquid petroleum gas and/or Compressed Natural Gas, require compliance with the Liquid Petroleum Gas Association's Code of Practice No.11
- That a valid certificate certifying compliance with the standards of the Code of Practice No. 11 be submitted with all new applications in respect of converted private hire and hackney carriage vehicles unless such vehicles were factory converted from new

Seating capacity

The seating capacity of any private hire vehicle shall be calculated in accordance with the provisions of Regulation 44 of the Road Vehicles (Registration and Licensing) Regulations 2002, (SI 2002 No. 2742) and the Council's decision shall be binding.

Testing of vehicles

A licence shall not be granted in respect of any vehicle unless such vehicle has a current certificate of compliance as detailed below, and a valid MOT certificate (where required).

Insurance and road fund licence

All hackney carriage and private hire vehicles must be licensed and insured for hackney carriage or private hire use. Such insurance must be continuous and include legal liability for passengers and luggage. Proof of insurance must be submitted with each application for a licence and where it expires during the term of the licence a new certificate or cover note must be supplied to the Licensing team.

Certificate of compliance

- A certificate of compliance will only be granted where a vehicle complies in all respects with the detailed standard set out in the main policy document.
- A certificate of compliance shall be valid for one year only from the date of issue.
- A certificate of compliance may only be issued by a vehicle testing station authorised and designated by the Council.
- A current list of designated vehicle testing stations is available from the Council.

Examination of vehicles

The approved officer may request that the vehicle is presented at King George V House, King George V Road, Amersham HP6 5AW at a time and date agreed for the purpose of establishing that the vehicle complies with the Council's requirements.

Deposit on licence plate

A deposit will be required prior to the issue of a vehicle licence plate and will be returnable upon the prompt return of the licence plate upon the expiry of the vehicle licence.

Where a change of ownership occurs, the deposit will be refundable to the person surrendering the licence plate, not to the person who originally paid the deposit

Smoking

It is prohibited for anyone (driver or passenger) to smoke within the vehicle at any time. Appropriate signage must be displayed inside the vehicle in accordance with the Health Act 2006. An international no-smoking symbol at least 70mm in diameter must be displayed in the front passenger window or on the dashboard, and in the rear passenger window. The signs must be clearly visible from inside and outside of the vehicle.

CCTV in vehicles

The licensee shall ensure that their licensed vehicle does not contain any facilities to record visual or audio sources without first obtaining authorisation from the Council. Any proposed CCTV system must satisfy the requirements of the CCTV conditions section.

Appeals procedure

Any person aggrieved by refusal to grant a licence may appeal to the Magistrate's Court within 21 days of a decision being made.

Standards for conditions of appearance of vehicles

The vehicle must comply with the following:-

Rust Any vehicle presented should be free from any significant areas of visible rusting. Although minor blemishes should not constitute a failure, the following general criteria should be followed; any vehicle with visible rust patches should be failed

Dents Any vehicle with minor dents on one or more panels where such dents are more than 5cms in diameter/length should be failed

Scratches Any vehicle with un-repaired scratches down to bare metal on three or more panels, of 5cms in length, or a single scratch of more than 20cms in length, should be failed

Paintwork All panels on all vehicles shall be painted in manufacturer's colour; panels with unmatched colours or in primer should be deemed as failures

Seats In conventional vehicles where it is intended that the licence be for four passengers, the rear seat must be at least 1220mm (48 inches) in width. All seats shall have a minimum of 410mm (16 inches) per person and in respect of seating comply with the Road Vehicle (Registration and Licensing) Regulations 2002. All seats, including the driver's must be free from repaired cuts, tears or cigarette burns, except of a very minor nature. Any repairs must have been carried out in a professional and neat manner. All seats must be kept clean and tidy and free from all extraneous matter

Carpets/floor covering All carpets and floor covering shall be complete and free from cuts, tears, staining and soiling

Headlining and other trim All interior trim, including headlining shall be clean, complete, properly fitted and free from cuts, tears or soiling

Boot/luggage compartment This should be empty, except for spare wheel, essential tools and first aid kit (to comply with Health and Safety and First Aid Regulations). The compartment should be clean and any covering free from major cuts, tears or other damage or staining

Interior The interior must be kept clean, tidy and free of any water penetration or litter or other rubbish

Vehicle emissions The vehicle must comply with the Motor Vehicle (Emission Test) Regulations

Glazing All vehicles will be tested with a light meter. Any vehicle with a reading lower than the following will not be licensed. Front Windscreen 75%, Front Side Windows 70%, All other Windows 30%. The lower the number the darker the tint

Requirements relating only to private hire vehicles

- The vehicle shall have three or four doors (a rear-opening hatch back will not be considered or counted as a door for the means of entry or egress, except that a multi-purpose vehicle may have a single sliding door to the left hand side of the vehicle)
- An exception can be made in the case of a vehicle licensed to carry only 1 passenger where a 2 door vehicle would suffice

Private hire occupancy plate

When licensed, the vehicle shall have an authorised occupancy plate fixed to the rear of the vehicle. The plate shall be securely and permanently fixed to the vehicle on or above the bumper and be clearly visible. The plate shall be secured to the vehicle by the use of a bracket. If a bracket is not suitable or practicable, then the plate shall be fixed with the aid of screws or bolts.

Private hire licence disc

When licensed, the vehicle shall have an authorised occupancy disc. This is to be displayed in the front of the vehicle in such a way as to be clearly visible from the inside and the outside of the vehicle.

Signs etc.

No sign, notice, advertisement, plate, mark, letters, figures, symbols, emblems or devices shall be used, if it contains anything of a religious or political nature or advertises Tobacco, Alcohol, a sex or a sex establishment, or contains any matter likely to cause offence. Approval on the type and extent of the advertising should be sought from the licensing officer, for which there is an admin fee per batch of advertising.

No signs or advertising containing the word "TAXI" will be permitted on any Private Hire vehicle.

Private hire signs

A roof sign is not permitted.

As directed by the Council the operator shall cause to be fixed and maintained to the front driver and passenger doors a prescribed sign bearing the words "Private Hire Vehicle - Advance Bookings Only.

Dispensation Certificates from displaying vehicle licence plate

The Licensing team have a duty of care to ensure that all residents, professional clients and general customers travelling in Private Hire vehicles are safe and secure at all times. Dispensations will only be considered for specialist private hire use. This does not include airport services, regular school contracts and normal daily/weekend private hire work.

Information listed below is required to be submitted prior to a formal decision being made. New documents with this information will be required by the Licensing team at the renewal stage of the vehicle licence to assess whether the exemptions should remain in force.

- Identification of vehicle/s involved. We will require full details of the vehicles being used under exemption certificates, including make and model of vehicle, vehicle registration, Licence details, Owners details and Full Name & Address of the driver using the vehicle.
- Nature of work carried out by each vehicle, which is alleged to justify an exemption (which must be work of a prestigious nature, as opposed to ordinary private hire work) detailing each of your contracts and information on trips carried out under the exemption certificate.
- Identities of all clients served by the vehicle/s identified. Full name, address and details of clients including contact name, telephone number and website address and companies house registration number.
- Proportion of each vehicle's work, which is derived from each, named client. I.e. on a weekly basis how often will you be working for each individual client?
- Written confirmation from the clients named. A letter will be required confirming use of your services and confirming reasons why plates are not to be displayed.

Should a dispensation be approved the licence plate will not be required to be fixed to the vehicle; however, the licence, dispensation certificate and plate must be carried at all times in the vehicle. No advertising is permitted on or in any vehicle with dispensation.

Any person aggrieved by the decision of refusal to grant a certificate can appeal to the Head of Healthy Communities in writing within 14 days.

Where the use of vehicles changes during the period that the vehicle is licensed, the Licensing team must be informed so dispensation can be removed. If dispensation is removed, the exceptions that this provides will no longer relate to that vehicle.

Residential qualification

The operator of any private hire vehicle must maintain an office within the area of the Chiltern District Council for a period of the licence.

Private hire vehicles may not operate from taxi ranks and stands

Private Hire Vehicles may not operate from Hackney Carriage ranks or stands or ply the carriageway for hire but must be pre-booked.

Requirements relating only to hackney carriage vehicles

Town Police Clauses Act 1847 (“the 1847 act”)

Local Government (Miscellaneous Provisions) Act 1976 (“The 1976 Act”)

- All new hackney carriage vehicle licences issued shall be for a purpose built hackney carriage, capable of conveying a disabled person whilst seated in a wheelchair. The vehicle must be adapted or designed by the manufacturer or his agent, to carry at least one wheelchair bound passenger. Please check with the licensing office that the vehicle you intend to purchase meet the condition. Vehicles of a type currently licensed as a hackney carriage in London are acceptable.
- Other wheelchair accessible vehicles will be specifically approved by the Council for use as hackney carriages, subject to them meeting the following minimum requirements;
- The wheelchair access should be available from the kerbside with the wheelchair facing forward and being secured to a CE type approved, manufacturer installed anchorage system for the chair. The passenger secured to a CE approved, manufacturer installed seat belt anchorage system
- Passenger door dimensions to be not less than the minimum currently required of hackney carriages in London.
- To improve access to disabled persons all Hackney carriages licensed in compliance with the wheelchair accessibility requirements may only be changed to vehicles that similarly meet that standard
- The vehicle shall have three or four doors (a rear-opening hatch back will not be considered or counted as a door for the means of entry or egress, except that a multi-purpose vehicle may have a single sliding door to the left hand side of the vehicle)

Hackney carriage occupancy plate

When licensed, the vehicle shall have an authorised occupancy plate fixed to the rear of the vehicle. The plate shall be securely and permanently fixed to the vehicle on or above the bumper and be clearly visible. The plate shall be secured to the vehicle by the use of a bracket. If a bracket is not suitable or practicable, then the plate shall be fixed with the aid of screws or bolts.

Hackney carriage licence disc

When licensed, the vehicle shall have an authorised occupancy disc. This is to be displayed in the front of the vehicle in such a way as to be clearly visible from the inside and the outside of the vehicle.

Taximeter

All hackney carriage vehicles shall be fitted with a taximeter installed by an authorised taximeter company and so constructed, attached, and maintained as to comply with the following requirement:

- All new hackney carriage vehicles shall require a calendar controlled tariff taximeter
- The taximeter shall be fitted with a key flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word “hired” to appear on the face of the meter

- Such key, flag or other device shall be capable of being locked in such a position indicating that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter
- When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the licensee or driver is entitled to demand and take for hire of the vehicle by distance in pursuance of the table of fares made by the Council in that behalf
- The word “fare” shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon
- The taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the vehicle, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring
- The taximeter shall be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972, and also at the request of the hirer
- The taximeter shall have connected thereto a roof sign bearing the words “TAXI” in accordance with paragraph 8 below and such sign shall be plainly visible and legible to persons wishing to hire the vehicle and for that purpose it shall be capable of being suitably illuminated when the vehicle is plying or standing for hire
- The taximeter and all its fittings shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances
- When the vehicle is standing or plying for hire or returning from another district the key flag or other device fitted with the taximeter shall be locked in the position in which no fare is recorded on the face of the taximeter
- Before beginning a journey for which a fare is to be charged for distance and time, the taximeter should be brought into action so that the word “hired” is legible on the face of the taximeter and the taximeter should be kept on until the hiring has terminated
- The taximeter and its fittings will be sealed by the installer
- The taximeter shall be calibrated and sealed by the taximeter company at first installation and then when a seal is broken or missing, following a change to the table of fares, or when requested by the Council. The certificate of calibration is to be provided by the taximeter installer. A valid certificate should be produced on transfer, change or renewal of a licence.

Signs etc

No sign, notice, advertisement, plate, mark, letters, figures, symbols, emblems or devices shall be used, if it contains anything of a religious or political nature or advertises tobacco, alcohol, any sex related establishment (shop or venue), or contains any matter likely to cause offence. Approval on the type and extent of the advertising should be sought from the licensing officer.

Hackney carriage door signs

As directed by the Council the proprietor shall cause to be fixed and maintained to the front driver and passenger doors a prescribed sign bearing the words Hackney Carriage.

Roof signs

The minimum sign dimensions for roof signs are 10” wide 5” deep and 4” high, there are no maximum measurements. The word taxi only in black capital letters to be clearly legible on the front and rear side of the roof sign. The front of the sign must be white and the back red or white. Purpose built taxis are exempt from these requirements.

The sign must be illuminated when plying or available for hire during the hours of darkness and must be linked to the taximeter so that when a fare is being carried, the roof sign is not illuminated.

Taxi ranks and stands

Hackney Carriages can operate from authorised ranks or stands, including ‘shared’ stands or ply the carriageway for hire or can be pre-booked.

Licensing conditions relating to private hire drivers

Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 act”)

The following conditions are made by Chiltern District Council in pursuance of the powers conferred by Part II of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) to ensure efficient and effective regulation of private hire vehicle use and to ensure that proper vehicular and driver standards are maintained in the interests of public safety.

These conditions should be read in conjunction with the Local Government (Miscellaneous Provisions) Act 1976 and other relevant legislation.

Definitions

In these conditions:

‘The application’ shall mean the application made by the licensee for the grant of the licence

‘Authorised officer’ shall mean a licensing officer of the Council’s Healthy Communities Division or any other officer authorised by the Head of Healthy Communities

‘The Council’ shall mean Chiltern District Council

‘the hirer’ shall mean any person or persons who from time-to-time hires or books the vehicle

‘the licensee’ shall mean the person(s) named in the licence

‘the operator’ shall mean any person, company or partnership licensed by the Council to operate private hire vehicles

‘the vehicle’ shall mean any private hire vehicle licensed by the Council

General

The licensee shall ensure that he or she complies in all respects with the requirements of any Act and regulations affecting the operation of private hire vehicles and motor vehicles, these conditions and any code of practice implemented by the Council.

Maintenance of the vehicle

The licensee shall:

- Ensure that the vehicle to be driven by him or her is in a roadworthy condition, thoroughly cleansed; all equipment fittings and fixtures are present and serviceable and comply with the conditions attached to the licence relating to the vehicle before commencement of any journey.
- Record details of checks and inspections in the record book provided by the proprietor of the vehicle.
- Report any defect discovered by the licensee to the proprietor of the vehicle.

Conduct of the licensee

The licensee shall:

- at all times be clean and respectable in his or her dress, behave in a civil and orderly manner, and not use foul and abusive language
- shall confirm the name, destination, and method of payment with every passenger prior to commencing any journey
- take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle
- assist any passenger in gaining access to or from the vehicle
- assist any passenger with the loading and unloading of luggage into and out of the vehicle
- afford reasonable assistance in removing a passenger's luggage to or from the entrance of any house, station or place at which he or she may collect or set down a person
- unless otherwise directed by the hirer, shall proceed to the destination requested by the hirer by the shortest possible route
- not drive the vehicle without the written consent of the proprietor of the vehicle
- not drink, eat, or play audio equipment in the vehicle without the express permission of the hirer
- shall ensure that no annoyance or disturbance is caused to residents or other road users whilst driving the vehicle
- not use the horn or lights of the vehicle or shout in order to signify to the hirer or passengers that the Licensee is waiting for the Hirer or passengers
- not drive a licensed vehicle in a manner that may intimidate or have the potential to intimidate another road user
- take all reasonable steps to ensure the safety of luggage conveyed in, being loaded in or removed from the vehicle
- comply with all road traffic law
- not use a mobile phone whilst driving
- immediately notify the Council's licensing officer if he or she has knowingly conveyed a dead body in the vehicle, and not drive the vehicle again until he or she has obtained written permission for the continued use of the vehicle
- not cause or permit the vehicle to stand in such a manner as to suggest that it is standing or otherwise plying for hire or that it is a hackney carriage
- not tout or solicit any person to hire or be carried in any private hire vehicle; and
- not cause or procure any other person to tout or solicit any person to hire or be carried for hire in any private hire vehicle

- ensure that he or she does not drive a vehicle with more passenger capacity than their badge authorises
- not smoke or permit a passenger to smoke in the vehicle
- ensure that regulation “No Smoking” signs are prominently displayed on the front passenger window or dashboard and on the rear passenger window of the vehicle you are assigned. The sign to be an international “No Smoking” signs 70mm in diameter
- not initiate any dialogue of a “sexual” nature with a passenger. Licensed drivers are not permitted to become involved “sexually”, or have sexual contact with a passenger, with or without consent

Taximeter

If the vehicle to be driven by the licensee is fitted with a taximeter, he or she shall not drive the vehicle as a private hire vehicle unless the taximeter is in working condition and has been sealed by a company with a calibration certificate being held by the Council. If the vehicle being driven by the licensee is fitted with a taximeter, he or she shall not cause the fare recorded to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.

The licensee shall not tamper with or permit any person to tamper with any taximeter with which the vehicle is fitted, with the fittings thereof, or with the seals affixed thereto. The licensee shall ensure that when the vehicle is not in use the taximeter is switched off

Written receipt

The licensee shall, if requested by the hirer, provide a written receipt for the fare paid.

Accidents and damage to the vehicle

The licensee shall report to the authorised officer any accident (motoring or otherwise) involving the vehicle within 72 hours of the accident using the form issued by the Council. In the interests of public safety the licensee of any vehicle involved in an accident will be required to submit a compliance certificate to the Council.

In the interests of public safety the Licensee of any vehicle involved in an accident will be required to submit a compliance certificate to the Council. The licensee shall ensure that the vehicle is not used for hire until it has been inspected and approved by the authorised officer or a new compliance certificate has been obtained where appropriate as considered by the Council on receipt of the reported details of the incident.

Prompt attendance

The licensee, when it is agreed that the vehicle has been hired, shall be in attendance with the vehicle at the appointed time and place and shall, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at such appointed time and place. Prior to collecting the hire the licensee shall ensure that he or she is aware of the destination and how to reach the destination.

Driver’s identity badge

The licensee shall wear or clearly display the driver's identity badge issued by the Council in a position where it may be seen at all times. The licensee shall return the identity badge forthwith upon termination of the licence, whether such termination is through suspension, surrender, revocation or normal expiry. A deposit shall be payable prior to the issue of the badge. This will be refunded only upon surrender of the licence.

Proximity to an authorised rank

The licensee shall not be permitted to wait or park on the public highway within 75 metres of an authorised hackney carriage rank.

Fares and fare table

- The driver shall not demand from any hirer a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter. The driver shall not demand any fare higher than that shown on the face of the taximeter.
- The licensee shall cause any statement of fares provided by the operator to be exhibited inside the vehicle, in clearly distinguishable letters and figures.

Seat belts

When driving the vehicle it is recommended that the licensee shall wear a seat belt at all times.

Passengers

The licensee shall not:-

- Convey or permit to be conveyed in the vehicle a greater number of persons than that prescribed in the licence for the vehicle
- Without the consent of the hirer convey or permit to be conveyed any other person in the vehicle.
- Allow to be conveyed in the front of the vehicle:
 - Any child below the age of three years
 - More than one person above the age of three years
 - An infant in arms

The licensee shall ensure that all passengers between three and twelve years of age or 135cm in height wear an appropriate child restraint to travel in the front of a vehicle. If not available, these passengers must use an adult seat belt in the rear of the vehicle.

Carriage of animals

The licensee shall not permit any animal belonging to or under the care of the licensee or the driver to ride in the vehicle when using the vehicle for private hire. The licensee or driver shall not refuse any request to carry an assistance/guide dog, accompanying a person with a disability unless the licensee and/or driver has been exempted from this requirement by the Council. The licensee shall not refuse any reasonable request to carry an animal belonging to the hirer in the rear of the vehicle.

It is an offence to refuse to carry a guide or assistance dog (unless a medical exemption certificate is held)

Private hire vehicle operator

The Licensee shall not use the vehicle for private hire unless the bookings are invited and accepted by an operator within the district. The licensee shall ensure the operator has a current private hire vehicle operator's licence issued by the Council.

The licensee shall notify the authorised officer in writing of the name and address of the operator he or she is permitted or employed to drive for within seven days from the date he or she commenced driving for that operator. If the licensee ceases driving for the operator, he or she shall notify the authorised officer in writing that he or she has ceased driving for the operator within seven days. If a driver ceases to work for an operator, and does not immediately notify the Council of their new operator's details, they must return their drivers badge to the Council immediately. Any driver not employed or registered to an operator upon the renewal of their licence shall be permitted to renew their licence, but their badge and licence will be retained by the Council until they find gainful employment with an operator based within Chiltern district.

Deposit of licence

The licensee shall deposit his or her paper licence with the vehicle licensee and operator before commencing to drive the vehicle. The licence shall be retained by the vehicle licensee and operator until such time as the driver ceases to drive that vehicle or cease to be registered/ employed by the Operator.

Insurance

The driver of a licensed vehicle shall ensure that he or she is covered by a valid fully comprehensive insurance policy for private hire purposes which includes legal liability for passengers before commencing to drive the vehicle and shall ensure that they do not act in any way which might invalidate the insurance. The Licensee shall on being requested to do so produce the insurance certificate to a Police Officer or the Authorised Officer.

Lost property

The licensee shall ensure that, immediately after the termination of any hiring or as soon as practicable thereafter, the vehicle is searched thoroughly for any property which may have been accidentally left therein. The licensee shall take any property accidentally left in the vehicle or handed to him or her to a Police Station within the Chiltern District boundary (see main policy) and leave it in the custody of the officer in charge and obtain a receipt. Such property if not sooner claimed by the owner must be taken to a police station within 48 hours of the property being found.

Inspections

The licensee shall not obstruct the authorised officer or any police officer from carrying out any inspection or test of the vehicle.

Medical fitness

The standard of medical examination as required by Chiltern District Council is that normally associated with a group II driver's licence.

All drivers are required to provide a certificate signed by their registered medical practitioner or practice to the effect that they are physically fit to be the driver of a taxi

or private hire vehicle. A medical certificate is required at first application, every 3 years up to 60 years of age, and annually thereafter.

The applicant is responsible for the payment of all fees required for any medical examination.

The Council will follow the published Department of Transport “best practice” guidance (as updated from time to time) when considering the medical fitness of existing licence holders diagnosed with insulin dependent diabetes during the currency of their licence.

Where there is reasonable doubt over a driver’s fitness, the authority may direct the driver for a medical examination by a specified registered medical practitioner at any time. The applicant is responsible for the payment of all fees required for any medical examination.

The licensee shall notify the authorised officer in writing as soon as possible and in any event not later than fourteen days of any illness or injury affecting his or her fitness to drive in any way.

A driver may be subject to random drug and alcohol testing during the currency of their licence.

Convictions and DVLA driving licence

The licensee shall immediately (within 72 hours) disclose to the authorised officer in writing if they are arrested, cautioned or convicted of any offence (including motoring offences) during the currency of the licence. The licensee’s representative must fulfil this requirement if the driver is detained. Fixed penalty notices shall be reported to the authorised officer in writing upon acceptance from the police officer, as opposed to when the driving licence has been updated.

The licensee shall make his or her DVLA/EU driving licence and a DVLA code available for inspection by the operator, the authorised officer or a police officer upon request.

Change of personal details

The licensee shall immediately notify the authorised officer in writing of any change in his or her personal details. Changes shall include, changes of address, name status, phone number, mobile number, and e-mail address.

Copy of the licence and conditions

The licensee shall at times when driving the vehicle carry with him or her a copy of the licence including these conditions and shall make it available for inspection by the hirer, any other passenger, the authorised officer or a police officer upon request.

Other offences

The licensee shall be guilty of an offence if he or she:

- wilfully obstructs an authorised officer acting in pursuance of Part II of the 1976 or the Town Police Clauses Act 1847;
- fails to comply with any requirements made to him or her by the authorised officer;
- without reasonable cause fails to give the authorised officer any other assistance or

information which he may require for the performance of his or her functions.

Offence notification notice

Any licensee subject to formal enforcement action due to non-compliance with any relevant legislation or the conditions contained within this policy or due to committing an offence under any relevant legislation will be charged an administration fee. The amount of which is not to exceed £25.00. All charges must be cleared before an application to renew the licence shall be accepted.

Variation of conditions

The Council reserves the right to vary, delete or waive any of these conditions.

CCTV in vehicles

The licensee shall ensure that they do not drive a licensed vehicle with unauthorised facilities for recording visual or audio sources. All vehicles with an authorised CCTV system shall contain a certificate of authorisation. Any proposed CCTV system must satisfy the requirements of the CCTV conditions contained in Hackney Carriage and Private Hire Licensing Policy (available upon request)

Right of appeal

If aggrieved by any of these conditions, the licensee may appeal to a Magistrates' Court within twenty-one days of the issue of the licence to the licensee.

CHILTERN DISTRICT COUNCIL

BYELAWS

made under:

Section 68 of the Town Police Clauses Act 1847, and
Section 171 of the Public Health Act 1875

by the Chiltern District Council with respect to

Hackney Carriages in Chiltern District

INTERPRETATION

1. Throughout these byelaws "the Council" means the District Council of Chiltern and "the district" means the Chiltern District.

PROVISIONS REGULATING THE MANNER IN WHICH THE NUMBER OF EACH HACKNEY CARRIAGE CORRESPONDING WITH THE NUMBER OF ITS LICENCE SHALL BE DISPLAYED

2. 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

3. 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 services;
 - g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
 - h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
 - j) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

THE PROPRIETOR OF A HACKNEY CARRIAGE SHALL CAUSE ANY TAXIMETER WITH WHICH THE CARRIAGE IS PROVIDED TO BE SO CONSTRUCTED, ATTACHED, AND MAINTAINED AS TO COMPLY WITH THE FOLLOWING REQUIREMENTS, THAT IS TO SAY:

- 4.
- a) the taximeter shall be fitted with a key, flag, or other device the operation of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
 - b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate

- or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the tariff fixed by the Council;
- d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon.
 - e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
 - f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

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

- 5. The driver of a Hackney Carriage provided with a taximeter shall:
 - a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
 - b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of that hiring;
 - c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring: which is during the hours of darkness, this being the time between half-an-hour after sunset to half-an-hour before sunrise, and also at any other time at the request of the hirer.
- 6. A proprietor or driver of a Hackney Carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
- 7. 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.
- 8. 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.
- 9. 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.

10. The driver of a Hackney Carriage when hired to drive to any particular destination shall, subject to any directions given him by the hirer, proceed to that destination by the shortest available route.
11. A proprietor or driver of a Hackney Carriage shall not convey or permit to be conveyed in such carriage any greater number or persons than the number of persons specified on the plate affixed to the outside of the carriage.
12. 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 position and manner as to be plainly visible.
13. 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;
 - 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 FARES TO BE PAID FOR HACKNEY CARRIAGES WITHIN THE DISTRICT, AND SECURING THE DUE PUBLICATION OF SUCH FARES

14. 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 express 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.

15.
 - a) The proprietor of a Hackney Carriage shall cause a statement of the fares fixed by the Council in that behalf 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 or 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 ACCIDENTLY LET IN HACKNEY CARRIAGES, AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF

16. 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 have been accidentally left therein.
17. The proprietor or driver of a Hackney Carriage shall, if any property 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 a police station in the district and leave it in the custody of the officer in charge of the station on his giving a receipt for it;
- 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

18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding one hundred pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction therefore.

Conditions relating to hackney carriage vehicles

Town Police Clauses Act 1847 (“the 1847 Act”)

Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”)

Any requirement of legislation which affect the operations being carried out under the terms of this licence shall be regarded as if they are conditions of the Hackney Carriage Vehicle Licence.

- The vehicle shall have at least four road wheels and a spare wheel or a canister of tyre inflator/repair kept on the vehicle
- All seats, front and rear and disabled must be fitted with seat belts
- The vehicle should contain portable 1litre foam or dry powder 1Kg capacity fire extinguisher. The extinguisher must conform to BS EN3 1996 Standard and should be mounted in a convenient position in the vehicle. The extinguisher shall be marked with the licence number.
- A First Aid Kit complying with the Health and Safety (First Aid) Regulations 1981 should be carried in the vehicle. The kit shall be marked with the vehicle licence number
- The vehicle must be maintained to a high standard of appearance to the complete satisfaction of the Council, throughout the term of the vehicle license and be kept in the condition stated in the Standards for conditions of appearance of a Hackney Carriage vehicle.

Hackney carriage occupancy plate

- The vehicle shall have a hackney carriage occupancy plate, (which is not the same as the hackney carriage vehicle licence disk), owned by the Council, but provided at the licensee’s expense, which shall display the following:
 - the number of the licence granted in respect of the vehicle;
 - the maximum number of passengers that the vehicle can carry;
 - the expiry date of the licence granted in respect of the vehicle;
 - the words “Chiltern District Council Hackney Carriage”;
 - the vehicle registration number of the Hackney Carriage it is assigned, and

- any other information that the Council considers necessary
- The plate shall be securely fixed to the rear of the vehicle using a purposely made bracket at all times provided free of charge on issue and for a fee at any other time). If this is not suitable or practicable, the plate shall be securely and permanently fixed to the rear of the vehicle, on or above the bumper by the use of screws or bolts, and be clearly visible. A magnet will not be considered securely fixed for the purposes of this condition. the licensee shall ensure the plate is kept clean and is not wilfully or negligently concealed from public view whilst the vehicle is licensed.
- The licensee shall ensure that the vehicle at all times throughout the period of licence, has this plate exhibited in the manner described above
- In the event of revocation or suspension and on the service of a notice under section 58, of 'the 1976 Act' or upon expiry of the licence, the licensee shall return the said plate to the Council's licensing office within seven days
- The plate can be removed by the licensing officer or police officer for reasons of gathering evidence under the Police and Criminal Evidence Act 1984 and will be returned when a photocopy of the plate is made

Hackney carriage licence disc

The vehicle shall for identification purposes be required to have a hackney carriage licence disc issued by the Council. The Hackney Carriage Licence Disc shall display:

- the number of the licence granted in respect of the vehicle;
- the maximum number of passengers that the vehicle can carry;
- the expiry date of the licence granted in respect of the vehicle;
- the words "Chiltern District Council Hackney Carriage";
- the vehicle registration number of the hackney carriage it is assigned to, and
- any other information that the Council considers necessary .
- The hackney carriage licence disc shall be displayed in the front of the vehicle in such a position that it shall be clearly visible from both the inside and the outside of the vehicle. The licensee shall ensure that it is not wilfully or negligently concealed from public view
- the licensee shall ensure that no person uses or permits the use of the vehicle unless the hackney carriage licence disc issued is exhibited in the manner described under these conditions
- In the event of revocation or suspension and on the service of a notice under sections 58, 60 or 68 of 'the 1976 Act' or upon expiry of the licence, the Licensee shall return the said disc to the Council's Licensing Officer within seven days

Taximeter

- All hackney carriage vehicles shall be fitted with a taximeter installed by an authorised taximeter company and so constructed, attached, and maintained as to comply with the following requirement:
- All new hackney carriage vehicles shall require a calendar controlled tariff taximeter
- The taximeter shall be fitted with a key flag or other device, the turning of which will bring the machinery of the taximeter into action and cause the word "hired" to appear on the face of the meter

- Such key, flag or other device shall be capable of being locked in such a position indicating that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter
- When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the licensee or driver is entitled to demand and take for hire of the vehicle by distance in pursuance of the table of fares made by the Council in that behalf
- The word “fare” shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon
- The taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the vehicle, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring
- The taximeter shall be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972, and also at the request of the hirer
- The taximeter shall have connected thereto a roof sign bearing the words “TAXI” in accordance with paragraph 12 below and such sign shall be plainly visible and legible to persons wishing to hire the vehicle and for that purpose it shall be capable of being suitably illuminated when the vehicle is plying or standing for hire
- The taximeter and all its fittings shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances
- When the vehicle is standing or plying for hire or returning from another district the key flag or other device fitted with the taximeter shall be locked in the position in which no fare is recorded on the face of the taximeter
- Before beginning a journey for which a fare is to be charged for distance and time, the taximeter should be brought into action so that the word “HIRED” is legible on the face of the taximeter and the taximeter should be kept on until the hiring has terminated
- The Licensee shall ensure that the taximeter and its fittings will be sealed by the installer, and are not tampered with
- The taximeter shall be calibrated and sealed by the taximeter company at first installation and then within 1 month of any change to the Table of Fares, or when directed by the Head of Healthy Communities, any authorised officer or police officer to submit to calibration and testing of the Taximeter by a Taximeter installer. A calibration certificate stating that the taximeter is calendar controlled and conforms to the Chiltern District Council Table of Fares would be required in each of the above cases

Signs etc

No sign, notice, advertisement, plate, mark, letters, figures, symbols, emblems or devices shall be used, if it contains anything of a religious or political nature or advertises

tobacco, alcohol, a sex or a sex establishment, or contains any matter likely to cause offence. Approval on the type and extent of the advertising should be sought from the relevant officer

Hackney carriage door signs

As directed by the Council the proprietor shall cause to be fixed and maintained to the front driver and passenger doors a prescribed sign bearing the words hackney carriage

Roof signs

The minimum sign dimensions for roof signs are 10” wide 5” deep and 4” high, there are no maximum measurements. The word taxi only in black capital letters to be clearly legible on the front and rear side of the roof sign. The front of the sign must be white and the back red or white.

The sign must be illuminated when plying or available for hire during the hours of darkness and must be linked to the taximeter so that when a fare is being carried, the roof sign is not illuminated.

Passengers

The licensee shall not:-

- Convey or permit to be conveyed in the vehicle a greater number of persons than that prescribed in the licence for the vehicle
- Without the consent of the hirer convey or permit to be conveyed any other person in the vehicle
- Allow to be conveyed in the front of the vehicle:
 - Any child below the age of three years
 - More than one person above the age of three years
 - An infant in arms

The licensee shall ensure that all passengers between three and twelve years of age or 135cm in height wear an appropriate child restraint to travel in the front of a vehicle. If not available, these passengers must use an adult seat belt in the rear of the vehicle

Alteration of vehicle

No alterations in the specification, design or appearance of the vehicle shall be made without the written approval of the licensing officer.

Records of vehicle use

Where more than one licensed driver has use of the Hackney Carriage, the licensee shall ensure that a record of usage is kept for the vehicle. This record shall include the name of the driver, the date of usage, and the start and end times of the individual's usage. It shall be kept inside the vehicle at all times, and made available to an authorised officer upon request

Transfer of vehicle

- If the licensee wishes to transfers his/her interest in the vehicle to a person they shall within 7 working days inform the Council, specifying the name and address of the person to whom the vehicle is being transferred
- The Council reserves the right to refuse to grant a licence to any person to whom a hackney carriage vehicle is transferred
- Under no circumstances may the new owner use the vehicle as a licensed vehicle until the licence has been transferred to that person and all documentation and any necessary fees paid.

Accidents and vehicle damage

The licensee shall report to the authorised officer any accident (motoring or otherwise) involving the vehicle within 72 hours of the accident. This must be in writing. In the interests of public safety the licensee of any vehicle involved in an accident will be required to submit a compliance certificate to the Council.

The licensee shall report any damage materially affecting the safety, performance or appearance of the vehicle to the authorised officer within 72 hours of the vehicle being damaged. Should a Section 60 or 68 notice be issued the licensee shall ensure that no further bookings are undertaken until the vehicle has been inspected, a compliance test certificate issued.

Insurance and road fund licence

All hackney carriage vehicles must be licensed and insured for public hire use. The insurance must be include legal liability for both passengers and luggage, and proof of insurance must be submitted with each application. If the insurance expires during the term of the licence, a new cover not or certificate of insurance must be produced to the licensing team

- A certificate of insurance must be provided to the authorised officer within 7 days of any such request.

Deposit on licence plate

A deposit will be required prior to the issue of a hackney carriage vehicle licence plate and will be returnable upon the prompt return of the licence plate upon the expiry of the vehicle licence.

Where a change of ownership occurs, the deposit will be refundable to the person surrendering the licence plate, not to the person who originally paid the deposit.

Lost property

- The Licensee shall ensure that, immediately after the termination of any hiring or as soon as practicable thereafter, the vehicle is searched thoroughly for any property which may have been accidentally left therein.
- The licensee shall ensure that any property accidentally left, or found or handed to him in the vehicle will be, taken to a police station within 48 hours of it being found.

Table of fares

The licensee shall ensure a copy of the tables of fares as determined by the Council to be fixed inside the vehicle. The table of fares should be clearly readable by the passenger.

Change of address and personal details

The licensee shall notify the Council in writing of any change of his address during the period of the licence within 7 days of such change-taking place. This shall include, name, address, telephone/mobile numbers and e-mail address.

Proprietor to hold drivers licence

Before the licensee permits or employs another person to drive the vehicle as a hackney carriage, he shall, have retained a copy of the hackney carriage drivers licence. This shall be retained until such time as the driver ceases to be permitted or employed to drive the vehicle. On cessation of service or employment the licensee shall return the Hackney Carriage Driver's Licence to the driver.

The licensee/proprietor must also ensure the driver holds a current driving licence in respect of the number of passengers authorised on the vehicle licence/plate.

Copy of vehicle licence conditions

The licensee shall ensure a copy of the vehicle licence conditions are maintained in the vehicle and makes them available for inspection by any authorised officer, the hirer or any passenger on request.

Validity inspections

Any authorised officer of the council or a police constable shall have power at all reasonable times, to inspect and test for the purpose of ascertaining its fitness any hackney carriage or any taximeter fixed to such vehicle and to serve notice to require further inspection and testing if not so satisfied.

Convictions and cautions

- The licensee shall, within 72 hours, disclose to the licensing officer in writing if they or any of their drivers are arrested, cautioned, or convicted of any offence (including motoring offences) during the period of this licence. A representative must fulfil this obligation if the licensee is detained by the police. Fixed penalty notices must be declared when received not when the DVLA driving licence is updated.
- The licensee shall ensure that any licensed driver employed by them in any capacity is made aware that they are required to disclose all the information contained in point (i) above to the vehicle licence holder during their period of employment.
- If the licensee is a company or partnership section (i) applies equally to all directors or partners
- The licensee shall make his or her DVLA driving licence available for inspection by an authorised officer of the Council or a police officer upon request.

Taxi ranks and stands

Hackney carriages will operate from authorised ranks or stands, including “shared” stands or ply the carriageway for hire or can be pre-booked.

Giving of information

Every proprietor shall within 7 days furnish on request the details, of any person who was authorised to drive the vehicle, to an authorised officer or to a police officer. The details would include the name and address of the person.

Assistance dogs

All hackney carriage vehicle drivers are required to comply with Section 37 of the Disability Discrimination Act 1995 and Equality Act (2010) to carry assistance dogs assisting disabled persons and to do so without charge. Holders of exemption certificates must display the certificate in a prominent position.

It is an offence to refuse to carry a guide or assistance dog.

Smoking

It is prohibited for anyone (driver or passenger) to smoke within the vehicle at any time. Appropriate signage must be displayed inside the vehicle in accordance with the Health Act 2006. An international no-smoking symbol at least 70mm in diameter must be displayed in the front passenger window or on the dashboard, and in the rear passenger window. The signs must be clearly visible from inside and outside of the vehicle.

CCTV in vehicles

The licensee shall ensure that their licensed vehicle does not contain any facilities to record visual or audio sources without first obtaining authorisation from the Council. Any proposed CCTV system must satisfy the requirements of the CCTV conditions contained in the hackney carriage and private hire licensing policy.

Appeals procedure

Any person aggrieved by any conditions specified in this licence may appeal to the Magistrate’s Court within 21 days of the decision being made.

Standards for conditions of appearance of a hackney carriage vehicle

The vehicle must comply with the following:-

Rust Any vehicle presented should be free from any significant areas of visible rusting. Although minor blemishes should not constitute a failure, the following general criteria should be followed; Any vehicle with visible rust patches should be failed.

Dents Any vehicle with dents on one or more panels where such dents are more than 5 cm in diameter/length should be failed.

Scratches Any vehicle with un-repaired scratches down to bare metal on three or more panels, of 5 cm in length, or a single scratch of more than 20cms in length, should be failed.

Paintwork All panels on all vehicles shall be painted in manufacturer's colour; panels with unmatched colours or in primer should be deemed as failures.

Seats In conventional vehicles where it is intended that the licence be for four passengers, the rear seat must be at least 1220mm (48 inches) in width. All seats shall have a minimum of 410mm (16 inches) per person and in respect of seating comply with the Road Vehicle (Registration and Licensing) Regulations 2002. All seats, including the driver's must be free from repaired cuts, tears or cigarette burns, except of a very minor nature. Any repairs must have been carried out in a professional and neat manner. All seats must be kept clean and tidy and free from all extraneous matter.

Carpets/floor covering All carpets and floor covering shall be complete and free from cuts, tears, staining and soiling.

Headlining and other trim All interior trim, including headlining shall be clean, complete, properly fitted and free from cuts, tears or soiling.

Boot/luggage compartment This should be empty, except for spare wheel, essential tools and first aid kit, (to comply with Health and Safety and First Aid Regulations. The compartment should be clean and any covering free from major cuts, tears or other damage or staining.

Interior The interior must be kept clean, tidy and free of any water penetration or litter or other rubbish.

Vehicle emissions The vehicle must comply with the Motor Vehicle (Emission Test) Regulations

All glazing All vehicles will be tested with a light meter. Any vehicle with a reading lower than the following will not be licensed. Front Windscreen 75%, Front Side Windows 70%, All other Windows 30%. The lower the number, the darker the tint.

Conditions relating to private hire vehicles

Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 act")

Any requirement of legislation, which affect the operations being carried out under the terms of this licence, shall be regarded as if they are conditions of the Private Hire Vehicle Licence.

- The vehicle shall have at least four road wheels and a spare wheel or a canister of tyre inflator/repair kept on the vehicle
- The vehicle must be maintained throughout the term of the vehicle licence, to a high standard of appearance to the complete satisfaction of the Council, and kept in the condition stated in the Standards for conditions of appearance of a Private Hire vehicle.
- All seats, front and rear must be fitted with seat belts.
- The Council's Licensing Officer may direct the vehicle to be inspected in accordance with the Certificate of Compliance at a specific testing station
- The vehicle should contain a portable dry powder 1Kg capacity fire extinguisher. The extinguisher must conform to BS EN3 1996 Standard, and should be mounted in

a convenient position in the vehicle. The extinguisher shall be marked with the Private Hire vehicle licence number

- A first aid kit complying with the Health and Safety (First Aid) Regulations 1981 should be carried in the vehicle. The kit to be marked with the private hire vehicle licence number

Private hire occupancy plate

- The vehicle shall have an occupancy plate, (which is not the same as the Private Hire Vehicle Licence Disk), owned by the Council, but provided at the Licensee's expense, which shall display the following:
 - the number of the licence granted in respect of the vehicle;
 - the maximum number of passengers that the vehicle can carry;
 - the expiry date of the licence granted in respect of the vehicle;
 - the words "Chiltern District Council Private Hire";
 - the vehicle registration number of the Private Hire it is assigned, and
 - any other information that the Council considers necessary.
- The plate shall be securely fixed to the rear of the vehicle using a purposely made bracket at all times provided free of charge on issue and for a fee at any other time). If this is not suitable or practicable, the plate shall be securely and permanently fixed to the rear of the vehicle, on or above the bumper by the use of screws or bolts, and be clearly visible. A magnet will not be considered securely fixed for the purposes of this condition. The Licensee shall ensure the plate is kept clean and is not wilfully or negligently concealed from public view whilst the vehicle is licensed.
- The Licensee shall ensure that the vehicle at all times throughout the period of licence, has this plate exhibited in the manner described above.
- In the event of revocation and on the service of a notice under sections 58, of 'the 1976 Act' or upon expiry of the licence, the licensee shall return the said plate to the council's licensing officer within seven days.
- The plate can be removed by the licensing officer or police officer for reasons of gathering evidence under the Police and Criminal Evidence Act 1984 and will be returned when a photocopy of the plate is made.

Private hire licence disc

- The vehicle shall for identification purposes be required to have a private hire licence disc issued by the Council. The private hire licence disc shall display:
 - the number of the licence granted in respect of the vehicle;
 - the maximum number of passengers that the vehicle can carry;
 - the expiry date of the licence granted in respect of the vehicle;
 - the words "Chiltern District Council Private Hire";
 - the vehicle registration number of the Private Hire it is assigned to, and
 - any other information that the Council considers necessary.
- The private hire licence disc shall be displayed in the front of the vehicle in such a position that it shall be clearly visible from both the inside and the outside of the vehicle. The licensee shall ensure that it is not wilfully or negligently concealed from public view.

- The licensee shall ensure that no person uses or permits the use of the vehicle unless the Private Hire Licence Disc issued is exhibited in the manner described under these conditions.
- In the event of revocation or suspension and on the service of a notice under sections 58, 60 or 68 of 'the 1976 Act' or upon expiry of the licence, the Licensee shall return the said disc to the Council's Licensing Officer within seven days.

Signs etc.

No sign, notice, advertisement, plate, mark, letters, figures, symbols, emblems or devices shall be used, if it contains anything of a religious or political nature or advertises tobacco, alcohol, a sex or a sex establishment, or contains any matter likely to cause offence. Approval on the type and extent of the advertising should be sought from the licensing officer.

No signs or advertising containing the word "taxi" will be permitted on any Private Hire vehicle.

Private hire signs

A roof sign is not permitted.

As directed by the Council the proprietor shall cause to be a fixed and maintained to the exterior of the vehicle a prescribed sign bearing the word "Private Hire - Advance Bookings Only" on the rear driver and passenger doors. The sign shall also include the vehicle plate number and Chiltern crest on a yellow background.

Dispensation

Vehicles issued with a dispensation certificate in line with the Chiltern hackney carriage and private hire policy are exempt from displaying vehicle licence plate

Where the use of vehicles changes during the period that the vehicle is licensed, the Licensing team must be informed so dispensation can be removed. If dispensation is removed, the exemptions that this provides will no longer relate to that vehicle.

Passengers

The licensee shall not:-

- Convey or permit to be conveyed in the vehicle a greater number of persons than that prescribed in the licence for the vehicle
- Without the consent of the hirer convey or permit to be conveyed any other person in the vehicle
- Allow to be conveyed in the front of the vehicle:
- Any child below the age of three years
- More than one person above the age of three years
- An infant in arms

The licensee shall ensure that all passengers between three and twelve years of age or 135cm in height wear an appropriate child restraint to travel in the front of a vehicle. If not available, these passengers must use an adult seat belt in the rear of the vehicle.

Alteration of vehicle

No alterations in the specification, design or appearance of the vehicle shall be made without the written approval of the licensing officer.

Transfer of the vehicle

- If the licensee wishes to transfer his/her interest in the vehicle to a person they shall within 14 days inform the licensing officer, specifying the name and address of the person to whom the vehicle is being transferred.
- The Council reserves the right to refuse to grant a licence to any person to whom a private hire vehicle is transferred.
- Under no circumstances may the new owner use the vehicle as a licensed vehicle until the licence has been transferred to that person and all documentation and any necessary fees paid.

Accidents and vehicle damage

The Licensee shall report to the authorised officer any accident (motoring or otherwise) involving the vehicle within 72 hours of the accident. This must be in writing. In the interests of public safety the licensee of any vehicle involved in an accident will be required to submit a compliance certificate to the Council. The licensee shall ensure that the vehicle is not used for hire until it has been inspected and approved by the authorised officer.

The licensee shall report any damage materially affecting the safety, performance or appearance of the vehicle to the authorised officer within 72 hours of the vehicle being damaged. Should a Section 60 or 68 notice be issued the licensee shall ensure that no further bookings are undertaken until the vehicle has passed a compliance test and the certificate issued has been provided to the Council.

Insurance

All private hire vehicles must be licensed and insured for private hire use. Such insurance must be comprehensive and continuous and include legal liability for passengers and luggage. Proof of insurance must be submitted with each application for a licence and where it expires during the term of the licence a new certificate or cover note must be supplied to the Licensing team

- If a vehicle is temporarily removed from use as a Private Hire Vehicle, the licensee on notification and return of the disc and plate to the licensing Officer, the vehicle can be temporarily removed from the public highway and its use as a private hire vehicle thus removing the need to insure and document the vehicle for that period. The vehicle must not be used for private use during this time.
- A certificate of insurance must be provided to the relevant officer within 7 working days of any such request

Lost property

- The licensee shall ensure that, immediately after the termination of any hiring or as soon as practicable thereafter, the vehicle is searched thoroughly for any property which may have been accidentally left therein.
- The licensee shall ensure that any property accidentally left, or found or handed to him in the vehicle will be, taken to a police station within 48 hours of it being found.

Change of address and personal details

The licensee shall notify the Council in writing of any change of his address during the period of the licence within 7 days of such change-taking place. This shall include, name, address, telephone/mobile numbers and e-mail address.

Proprietor to hold drivers licence

Before the licensee permits or employs another person to drive the vehicle as a private hire, he shall, have retained a copy of the drivers licence. This shall be retained until such time as the driver ceases to be permitted or employed to drive the vehicle. On cessation of service or employment the licensee shall return the drivers licence to the driver.

The licensee/ proprietor must also ensure the driver holds a current driving licence in respect of the number of passengers authorised on the vehicle licence/plate.

Copy of vehicle licence conditions

The licensee shall ensure a copy of the vehicle licence conditions are maintained in the vehicle and makes them available for inspection by any authorised officer, the hirer or any passenger on request.

Validity inspections

Any authorised officer of the Council or a police constable shall have power at all reasonable times to inspect and test for the purpose of ascertaining its fitness any private hire and to serve notice to require further inspection and testing if not so satisfied.

Convictions and cautions

- The licensee shall immediately (within 72 hours) disclose to the licensing officer in writing if they or any of their drivers are arrested, cautioned, or convicted of any offence (including motoring offences) during the period of this licence. A representative must fulfil this obligation if the licensee is detained by the Police. Fixed penalty notices must be declared when received not when the DVLA driving licence is updated.
- The licensee shall ensure that any licensed driver employed by them in any capacity is made aware that they are required to disclose all the information contained in point (i) above to the vehicle licence holder during their period of employment.
- If the licensee is a company or partnership section (i) applies equally to all directors or partners

- The licensee shall make his or her DVLA driving licence available for inspection by the operator, the authorised officer or a police officer upon request.

Residential qualification

The operator of any Private Hire Vehicle must reside or maintain an office within the area of the Chiltern District Council for a period of the licence.

Private hire vehicles must not operate from taxi ranks and stands

- Private hire vehicles must not operate from hackney carriage ranks or stands or ply the carriageway for hire but must be pre-booked.
- Private hire vehicles must not wait or park on the public highway within 75 metres of an authorised rank.

Giving of information

Every proprietor shall within 7 days furnish on request the details, of any person who was authorised to drive the private hire vehicle, to an authorised officer or to a police officer. The details would include the name and address of the person.

Assistance dogs

All hackney and private hire vehicle drivers are required to comply with Section 37 of the Disability Discrimination Act 1995 and Equality Act (2010) requiring them to carry assistance dogs assisting disabled persons and to do so without charge. Holders of exemption certificates must display the certificate in a prominent position.

It is an offence to refuse to carry a guide or assistance dog.

Smoking

It is prohibited for anyone (driver or passenger) to smoke within the vehicle at any time. Appropriate signage must be displayed inside the vehicle in accordance with the Health Act 2006. An international no-smoking symbol at least 70mm in diameter must be displayed in the front passenger window or on the dashboard, and in the rear passenger window. The signs must be clearly visible from inside and outside of the vehicle.

CCTV in vehicles

The licensee shall ensure that their licensed vehicle does not contain any facilities to record visual or audio sources without first obtaining authorisation from the Council. Any proposed CCTV system must satisfy the requirements of the CCTV conditions contained in the Hackney Carriage and Private Hire Licensing Policy.

Standards for conditions of appearance of a hackney carriage or private hire vehicle

The vehicle must comply with the following:-

- (a) **Rust:** Any vehicle presented should be free from any significant areas of visible rusting. Although minor blemishes should not constitute a failure, the following

- general criteria should be followed; Any vehicle with visible rust patches, should be failed.
- (b) **Dents:** Any vehicle with dents on one or more panels where such dents are more than 5 cm in diameter/length should be failed.
 - (c) **Scratches:** Any vehicle with un-repaired scratches down to bare metal on three or more panels, of 5 cm in length, or a single scratch of more than 20cms in length, should be failed.
 - (d) **Paintwork:** All panels on all vehicles shall be painted in manufacturer's colour; panels with unmatched colours or in primer should be deemed as failures.
 - (e) **Seats:** In conventional vehicles where it is intended that the licence be for four passengers, the rear seat must be at least 1220mm (48 inches) in width. All seats shall have a minimum of 410mm (16 inches) per person and in respect of seating comply with the Road Vehicles (Registration and Licensing) Regulations 2002. All seats, including the driver's must be free from repaired cuts, tears or cigarette burns, except of a very minor nature. Any repairs must have been carried out in a professional and neat manner. All seats must be kept clean and tidy and free from all extraneous matter.
 - (f) **Carpets/floor covering:** All carpets and floor covering shall be complete and free from cuts, tears, staining and soiling
 - (g) **Headlining and other trim:** All interior trim, including headlining shall be clean, complete, properly fitted and free from cuts, tears or soiling.
 - (h) **Boot/luggage compartment:** This should be empty, except for spare wheel, essential tools and first aid kit, (to comply with Health and Safety and First Aid Regulations). The compartment should be clean and any covering free from major cuts, tears or other damage or staining.
 - (i) **Interior:** The interior must be kept clean, tidy and free of any water penetration or litter or other rubbish.
 - (j) **Vehicle emissions:** The vehicle must comply with the Motor Vehicle (Emission Test) Regulations
 - (k) **Glazing:** All vehicles will be tested with a light meter. Any vehicle with a reading lower than the following will not be licensed. Front windscreen 75, front side windows 70, all other windows 30. The lower the number the darker the tint. Exceptions may be made for limousines

Appeals procedure

Any person aggrieved by any conditions specified in this licence may appeal to the Magistrate's Court within 21 days of the decision being made.

Non-standard private hire vehicle conditions for stretched limousine, and novelty vehicles

Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”)

A limousine, or other novelty vehicle capable of carrying no more than 8 passengers for hire or reward is a private hire vehicle, and all other interpretations, policies and conditions relevant to licensed private hire vehicles also apply, except where described below:-

- 1 For the purposes of this policy and licence conditions, a stretched limousine is defined as a luxurious vehicle that has been modified (stretched) to extend the length of the vehicle. The stretch shall not exceed 120 inches (measured between the rear edge of the front door and the front edge of the rear door). The vehicle shall be capable of carrying up to, but not exceeding eight seated passengers. Each passenger seating area will be at least 400mm wide.
- 2 For the purposes of this policy, a novelty vehicle shall be defined as follows:-
 - a) any vehicle that has been specially constructed, adapted or converted by a low volume specialist vehicle manufacturer or modifier;
 - b) any vehicle that has been specially modified from its original design specification;
 - c) that is capable of carrying up to but not exceeding 8 passengers;
 - d) vehicles intended for the carriage of fare paying passengers that, prior to the introduction of this policy/conditions, would not be licensed by the authority as a private hire vehicle because they did not comply with one or more of the standard conditions relating to private hire vehicles
 - e) any vehicle that, in the opinion of the Licensing Officer, because of its specialist design/styling or origin or age is required to be classed as a Novelty Vehicle.

3 Age of vehicle

Stretch limousines and other novelty vehicles are not subject to an age limit and will be licensed provided the vehicle presented meets all of the Council’s other criteria in terms of appearance and maintenance.

4 Licence plates

The vehicle licence plate must be kept in the boot of the vehicle at all times whilst the vehicle is licensed as a private hire vehicle. The internal plate must be displayed in the front windscreen at all times so that the details are clearly visible.

5 Driver

Only a licensed private hire driver is permitted to drive the vehicle whilst it is licensed. The driver must ensure that they wear or clearly display their Council-issued identity badge in a prominent position at all times whilst working or driving the vehicle.

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

6 Signs etc.

No sign, notice, advertisement or emblems shall be used or displayed on, in or from the vehicle other than those legally required, those contained within these conditions, or any authorised company details.

Approval of the type of advertising should be sought from the Licensing team and written authorisation must be obtained prior to use. No signs or advertising containing the word “taxi” or “cab” will be permitted on any private hire vehicle.

7 Application Procedure

In relation to stretch limousines and novelty vehicles the following must be provided on application (this is in addition to the requirements for a standard Private Hire vehicle);

- a) Single vehicle approval certificate
- b) Documentation to confirm the overall weight of the vehicle
- c) The vehicle identification number (VIN) plate must display ‘1L1’ to confirm that the conversion has been completed by an authorised dealer. This will be confirmed by inspection prior to any licence being issued.
- d) Completed importation document (where applicable)
- e) V5 vehicle registration

The licence shall remain in force for one year

8 Passengers and passenger safety

- a) The proprietor shall not permit the limousine/novelty vehicle to be used to carry a greater number of passengers than the number prescribed in the licence.
- b) Passengers will not be carried in the front of the vehicle.
- c) All passengers must remain seated at all times when the vehicle is in motion.
- d) The proprietor of the vehicle must:

- i) Provide sufficient means by which any person in the vehicle may communicate with the driver.
- ii) Ensure that the interior of the vehicle is kept wind and watertight.
- iii) Ensure that the seats in the passenger compartment are kept properly cushioned and covered.
- iv) Ensure that the floor in the passenger compartment is provided with a proper carpet, mat or other suitable covering.
- v) Provide at least two doors for use of persons conveyed in limousine/novelty vehicle and a separate means of ingress and egress for the driver.
- vi) Ensure that the interior and exterior of the limousine/novelty vehicle is kept in a clean condition.
- vii) Ensure that seatbelts are fitted to all forward and rear facing seats. In accordance with Construction and Use Regulations, where seat belts are fitted they must be worn by passengers at all times when the vehicle is in motion.
- viii) Ensure that no seat is required to be moved to allow any passenger to enter or exit the vehicle
- ix) Ensure that an approved first aid kit will be carried in the vehicle at all times
- x) Report to the Council any alteration in the design of the vehicle, whether to the machinery or to the body. The Council may require the proprietor to submit the vehicle for further examination.

9 Interior lighting

There shall be maintained in the vehicle adequate internal lighting to enable passengers to enter and leave the vehicle with safety.

10 Maximum stretch

The maximum length of a limousine "stretch" shall not exceed 120 inches [3048 millimetres].

11 Left and right hand drive vehicles

Both left and right hand drive vehicles will be considered for licensing as private hire vehicles.

12 Tyres and road wheels

The vehicle shall be equipped with a minimum of 4 road wheels and 1 full sized spare wheel. The tyres shall be of an approved rating as specified by the manufacturer.

13 Windows

The front windscreen shall allow a minimum level of 75% light transmittance and the front driver and passenger windows shall allow a minimum level of 70% light transmittance.

14 Decommissioned vehicle markings

Novelty Vehicles based on decommissioned Military or Emergency Response vehicles must have all official marking or lights removed. Any colour scheme must be of a contrast to the original colour scheme and to that of any previous or current military or emergency response vehicles.

15 Roof racks

A roof rack or any other device for storing luggage shall not be installed or maintained on any part of the vehicle except with the approval of the Council.

16 Exemption notice for displaying a licence plate / door stickers

A certificate exempting the vehicle from displaying a licence plate and Council issued door stickers will be issued by the Council. This certificate must be carried in the vehicle at all times and be available for inspection on request by an authorised officer of the Council or a police constable.

18 Insurance

The Council will require proof that the vehicle is insured during the period of the licence and on request by an authorised officer the proprietor shall produce, within 5 working days, a current insurance certificate/cover note for private hire purposes. Failure to produce proof of insurance as detailed above may result in the suspension of the licence.

The proprietor is advised that they should, following the expiry of an insurance certificate/cover note, provide a current insurance policy to the Council

20 Alcohol

Alcoholic drinks provided in the vehicle shall be available only under the terms of an appropriate licence relating to the sale and supply of alcohol.

Alcohol shall only be consumed while the vehicle is stationary and the bottle shall immediately afterwards be placed in a secure receptacle.

If all of the passengers are below the age of 18, there shall be no alcohol in the vehicle for consumption or otherwise.

Any glassware used in the vehicle must be made of shatterproof glass or plastic.

21 Licensing Act 2003

The driver shall not play or permit the performance of any media that, given its age classification or content, is unsuitable for the age of the passengers in the vehicle.

The limousine operator shall ensure that a performing rights licence is held where appropriate.

A Premises Licence will be required for the provision of any form of regulated entertainment within the scope of the Licensing Act 2003 when the vehicle is parked.

22 The vehicle shall be maintained in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim or seating.

The Council reserves the right to vary, delete or waive any of the foregoing Conditions.

Driver and operator licensing requirements

In addition to the limousine being licensed as a private hire vehicle with Chiltern District Council, the limousine operator is required to hold a private hire operators' licence with Chiltern District Council.

All bookings for a limousine licensed as a private hire vehicle must be booked through the licensed private hire operator. Once licensed as a private hire vehicle the limousine can only be driven by a licensed private hire driver who is also licensed by Chiltern District Council.

Details in respect of applications for private hire drivers' licences and private hire operators' licences can be obtained from the Licensing team.

Rights of appeal

The Local Government (Miscellaneous Provisions) Act 1976 sections 48 and 77 detail an applicant's right of appeal. In general terms where an applicant is aggrieved by the Council's decision to refuse to grant a private hire vehicle licence or by any conditions imposed on a private hire licence the applicant has a right of appeal to Magistrate's Court within 21 days of the applicant being notified of the Council's decision.

Vehicle testing stations

Licensed stretch limousines must be submitted for testing at six monthly intervals, to the appropriate Class MOT standard from a testing station nominated by the Licensing team.

Conditions relating to private hire operators

Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act")

An operator makes provision for the invitation or acceptance of bookings for a private hire vehicle.

Any legislative requirement shall be regarded as if they are conditions of the Private Hire Operators Licence. In determining what matters should be considered for a person to be a Fit and Proper Person to be an operator the following applies

Fit and proper person

Private hire operators must be fit and proper persons. A fit and proper person is defined in the hackney carriage and private hire policy.

Details of current drivers

A list of all current drivers and vehicles representing your company must be submitted as part of the renewal.

Duration of private hire operator's licence

The standard period that a licence shall remain in force is for a period of five years from the date of issue.

No licence will be issued for a period longer than the standard five year period, however if an applicant wishes to be considered for a licence with a shorter duration, this request must be put in writing at time of application. These requests will be considered on a case by case basis.

An operator's licence on renewal may be issued for a probationary period determined by the Council less than the standard five years, dependant on the applicant's ability to demonstrate being a fit and proper person. Items that could be considered would include, criminal record, references, past allegations, record of compliance with the conditions, outstanding fees and any other reasonable cause.

Disclosure and barring service basic disclosure check

The authorised officer can make random checks. This will require a disclosure application form to have been completed and signed by the applicant

Convictions and cautions

Convictions and cautions will be considered in accordance with the Hackney Carriage and Private Hire Policy.

In order to ensure protection of the public an operator must ensure disclosure to a relevant officer within 72 hours in writing if they are arrested, cautioned or convicted of any offence during the period of their licence. Should knowledge of any offences be withheld, this could reflect on a person fitness to be a Private Hire Operator and may lead to a licence being suspended. If the operator licence is held by a company or partnership, the requirements of this section apply equally to all directors and partners.

Record of bookings

The record required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept on a prescribed booking pad, provided at nominal cost by the Council, or on a spreadsheet provided by the Council, or on a nationally recognised piece of computer software. This software must be capable of providing the information listed below. The entries must be numbered consecutively, and

no pages should be removed. The operator shall enter the required information for each booking invited or accepted by him, before the commencement of each journey.

- The time and date of the booking
- The name and address of the hirer
- How the booking was made (i.e. by telephone, personal call etc.)
- The time of pick-up
- The point of pick-up
- The destination
- The time at which a driver was allocated to the booking
- The name of the driver and the registration number of the vehicle allocated for the booking.
- Remarks (including details of any sub-contract).

All records kept by the operator shall be preserved for a period of not less than 18 months following the date of the last entry. In the case of computer records the entries must be capable of being printed on demand at the request of a Police officer or the licensing officer. All records must be available for inspection and copying if required by licensing officer or Police officer.

Standard of service

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

- (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, punctually attend at that appointed time and place.
- (b) Keep clean, 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.

NB: Planning approval, where required, must be obtained for any premises used for operating a Private Hire business

Complaints

The operator shall notify the Council in writing within 72 hours of any complaints concerning a contract for hire or purported contract for hire relating to or arising from his business and of the action (if any) which the operator has taken or proposes to take in respect thereof.

Address

The operator must live or maintain an office within the Chiltern District Council area for the period of the licence. The operator shall within 7 days, notify the

Council in writing of any change of address during the period of the licence. A further application will be required for the new premises. Any premises used solely for work purposes are required to be smoke free.

Conduct

The operator of a private hire vehicle shall not by calling out or otherwise importune any person to hire such vehicle and shall not make use of the services of any other person for that purpose.

Record of vehicles etc.

In accordance with the provisions of Section 56(3) of the 1976 Act the operator shall keep a record in a bound volume of all private hire vehicles operated by him and such record shall include the following particulars:

- The registration mark of each vehicle
- The make of the vehicle
- The name and address
- The names, addresses and drivers licence numbers of drivers driving the vehicles
- Details of any radio call sign used

Such records shall be retained for a period of 18 months, and shall not be destroyed or otherwise disposed of before the expiry of such period without the previous written consent of the Council.

Fares and fare table

The operator upon request shall agree the fare for a journey booked, or provide an estimate of the fare, or explain that the journey will be metered.

Should the operator dispatch a vehicle with a taximeter, they shall ensure that the meter is calibrated to the tariff of fares published by Chiltern District Council, and that the published table of fares is clearly displayed in the vehicle. The operator shall ensure that the fare for such bookings does not exceed the rate on the meter.

CCTV in vehicles

The operator shall ensure that they retain a copy of the CCTV authorisation certificate from Chiltern District Council for any vehicle containing a CCTV system. No vehicle is to contain facilities to record visual or audio sources without the vehicle licence holder holding a certificate of authorisation from the Council.

Operator to hold drivers licences

Before the operator permits or employs another person to drive a licensed private hire vehicle, he shall have retained a copy of the driver's private hire drivers licence. This shall be retained until such time as the driver ceases to be permitted or employed to drive the vehicle. On cessation of service or employment the licensee shall return the private hire drivers licence to the driver.

The licensee/proprietor must also ensure the driver holds a current drivers licence in respect of the number of passengers authorised on the vehicle licence/plate.

The operator shall notify the Council within 7 days of the details of any driver no longer working for them.

Disposal and acquisition of vehicles

When an operator ceases to operate a particular vehicle, or begins to operate a new vehicle they shall inform the Council in writing as soon as possible but not later than within 7 days of such fact.

Condition of vehicle

The operator shall ensure that any private hire vehicle operated by him (regardless of who owns the vehicle or holds the vehicle licence) is maintained in the condition required by the private hire vehicle licensing conditions or hackney carriage vehicle licensing conditions. The operator will ensure the vehicle is maintained in a suitable mechanical condition, safe, comfortable, clean and presentable and that the external licence plate and internal licence disc provided by the Council is affixed to the vehicle in such a manner and position as shall be prescribed by the Council.

Compliance with legislation

Operators, where applicable, will comply with the provisions of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, the byelaws made in respect of hackney carriages and conditions relating to the private hire drivers licence. Also compliance with Section 37 of the Disability Discrimination Act 1995 and the Equality Act (2010) in respect of assistance dogs.

Smoking

Operators must ensure that all vehicles dispatched by them display appropriate signage inside the vehicle in accordance with the Health Act 2006. An international no-smoking symbol at least 70mm in diameter must be displayed in the front passenger window or on the dashboard, and in the rear passenger window. The signs must be clearly visible from inside and outside of the vehicle.

Insurance

The licensee shall ensure that any vehicle they dispatch is covered by valid insurance for the purposes of private hire, and shall ensure that they do not act in any way which might invalidate the insurance.

The licensee shall where applicable maintain and provide evidence of employer's liability insurance upon request in accordance with the Employer's Liability Compulsory Insurance Act 1969.

In the case where members of the public have access to the operating centre, the licensee shall maintain and provide evidence of public liability insurance upon request.

Appeals procedure

Any person aggrieved by any conditions specified in this licence may appeal to the Magistrate's Court within 21 days of a decision being made.

Details of how convictions will be considered when considering applications (comparison of current and reviewed policy)

<u>Offence</u>	<u>Current period</u>	<u>Proposed period</u>
<u>Driving offences</u>		
Speeding, breach of pedestrian crossing regulations, driving without any or adequate insurance, leaving vehicle in dangerous position, eyesight-related offences, failure to give information, construction and use offences	Immediately following expiry of any driving ban issued in respect of the offence	12 months following expiry of driving ban issued in respect of the offence
Licence offences, driving without reasonable consideration/care and attention	1 to 3 years following expiry of driving ban issued in respect of the offence	7 years free of conviction, or since completion of sentence
Failing to stop after accident, driving while disqualified, accident offences	1 to 3 years following expiry of driving ban issued in respect of the offence	7 years free of conviction or since the completion of sentence
Dangerous driving, causing death by dangerous/careless driving, culpable homicide or manslaughter while driving	7 years (or at least 5 years should have passed since the completion of the sentence, whichever is longer)	10 years for dangerous driving, applicants will not normally be licensed for any offence involving loss of life.
<u>Drink related driving offences</u>		
First offence	5 years from restoration of driving licence	5 years from restoration of driving licence
Second offence	Presumption of refusal referred to service head or sub committee	Presumption of refusal - referred to service head or sub committee
<u>Drug offences</u>		
First offence for possession	5 years from date of conviction	5 years from date of completion of sentence for possession.
Subsequent offences	7 years from date of conviction	7 years from date of completion of sentence
First offence for supply, importing or production	9 years from date of conviction	10 years from date of since completion of

		sentence
<u>Indecency and related offences</u>	Refer to Head of Service/Sub-Committee - presumption of refusal for most serious offences and free from conviction for 7 years for lesser offences	Presumption of refusal - referred to service head or sub-committee
<u>Violence</u>	Range from at least 5 years free from conviction to presumption of refusal dependant on severity.	Range from 5 years free from conviction to presumption of refusal depending on severity, outlined in draft report
<u>Dishonesty</u>	At least 5 years free from conviction but normally refused if more than one conviction in the last 10 years.	5 years from date of completion of sentence. Unless burglary or multiple other dishonesty offences will normally be refused.
<u>Other offences</u>	At least 12 months free from conviction	As detailed in draft policy

SUBJECT:	Review of Hackney Carriage Fares
REPORT OF:	Head of Healthy Communities – Martin Holt
RESPONSIBLE OFFICER	Licensing Manager – Nathan March
REPORT AUTHOR	Nathan March, 01494 732249, nmarch@chiltern.gov.uk
WARD/S AFFECTED	All

1. Purpose of Report

- 1.1 For Members to consider requested amendments to the current table of passenger fares for Chiltern District Council hackney carriages.

1.2 RECOMMENDATION

Licensing & Regulation Committee is asked to consider:

- a) Whether an increase in the fares is appropriate at this time

If it is considered appropriate;

- a) Recommend to the Head of Healthy Communities to accept or refuse the proposed increase in the table of fares set out at Appendix 5 and to consult with the taxi meter companies and advertise the rate accordingly.
- b) if no objections are received, any agreed increase to the table of fares set out in Appendix 5 to become effective at the conclusion of the consultation period.
- c) that any objections received be considered by the Licensing and Regulation Committee at its meeting on 6 October 2016 and Licensing and Regulation Committee to consider the objections, making a recommendation to Head of Healthy Communities to approve the revised Table of Fares with or without modification, and the table of fares to come into effect on 27th October 2016

2. Reasons for Recommendations

- 2.1 The trade has requested a rise in the fares charged so it is appropriate to consider this request, together with the information within this report.

3. Content of Report

- 3.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”) gives the Council power to set fares within the district for the time and distance travelled and all other charges in connection with the hire of hackney

carriages. Such fares are specified in a “table of fares” which maybe varied from time to time.

- 3.2 Hackney Carriage Drivers are at liberty to charge fares lower than the specified table of fares, but are not permitted to charge higher fares for journeys taking place within the district. Journeys ending outside of the district or commencing outside of the district due to the driver undertaking a pre-booked journey do not need to be charged in accordance with the approved fare chart.
- 3.3 The law requires any change to the “table of fares” must be advertised publicly in at least one local newspaper for a period of not less than 14 days before the proposed change takes effect. The public notice must also be available at the Council offices for inspection free of charge at all reasonable hours during the consultation period.
- 3.4 If no objections are received during the consultation period then the changes outlined in the table of fares (Appendix 5) if approved by Members will come into effect on a date to be stated in the public notice. If objections are received and not withdrawn, they must be considered by the Council and a decision made to set a date for the proposed changes to the table of fares (with or without modification having taken into account any such objections) such change to take effect not later than 2 months from the original effective date stated in the public notice referred to in paragraph 3.3 above.
- 3.5 The Council last varied its table of fares in April 2012. A copy of the current approved fare chart is attached at Appendix 1.
- 3.6 In summary the Head of Health and Housing consults with the Licensing and Regulation Committee to determine the table of fares, and advertises the proposals in the local press, in accordance with legislative requirements. An information item is then circulated to Members of the decision. A copy of the proposed table of fares is sent to all Hackney Carriage licence holders and the trade organisation representing them. If no objections are received the fares automatically come in to effect on the advertised date.

4. Discussion

- 4.1 Representatives of the hackney carriage trade have written to the Council requesting that the table of fares be varied to increase the ‘flag’ rate i.e. the starting fee for all journeys to £3.50. This represents a 50p uplift from the current rates of £3.00. This request is attached in Appendix 2.
- 4.2 A comparison of current hackney carriage fares for a selection of local authorities situated relatively close to Chiltern District Council can be seen at Appendix 3. This table shows that the fare levels in Chiltern are currently set at a relatively similar level to other authorities in the area. The average ‘flag’ rate locally is shown to be £3.06.

Chiltern’s Tariff 1 fare is currently equal to £5.60 for 2 miles. Information obtained from the National Private Hire Association (Appendix 4) shows that, based on a two mile daytime journey Chiltern fares are joint 182nd out of 365 authorities across the

country, with the highest being £9.20, the lowest being £3.50 and the average being £5.70, although Chiltern does not appear on the table due to an error by the publisher.

- 4.3 The table below shows the average price per litre of unleaded fuel in the UK since 2012 and that since the last fare increase, petrol prices have dropped by 38.9p since fares were last reviewed from £1.41.9p to 102.6p according to the most up to date figures:

Month	2012	2013	2014	2015	2016
January	133.3p	132.7p	130.2p	108.4p	102.6p
February	135.1p	137.1p	129.6p	108.1p	103.0p (Diesel 103.3p)
March	138.9p	138.8p	129.6p	111.7p	
April	141.9p (Diesel 147.9p)	136.7p	129.8p	113.8p	
May	137.9p	133.9p	130.2p	116.3p	
June	133.1p	134.6p	130.7p	117.1p	
July	132.1p	135.7p	131.5p	117.2p	
August	135.9p	137.5p	129.7p	115.1p	
September	139.6p	137.7p	129.1p	111.1p	
October	138.5p	132.4p	126.7p	109.2p	
November	135.3p	130.6p	123.2p	108.0p	
December	132.7p	131.0p	117.8p	105.6p	

Source: Petrolprices.com/AA.com

- 4.4 Information from the Office for National Statistics indicates:

The consumer prices index (CPI) is the main United Kingdom domestic measure of consumer price inflation for macroeconomic purposes. The headlines for the April 2016 consumer prices index (CPI) are:

The Consumer Prices Index (CPI) rose by 0.5% in the year to March 2016, compared with a 0.3% rise in the year to February.

The rate has increased gradually since October 2015 although is still relatively low in the historical context.

Rises in air fares and clothing prices were the main contributors to the increase in the rate between February and March 2016.

These upward pressures were partially offset by a fall in food prices and a smaller rise in petrol prices than a year ago.

- 4.5 The chart below shows how Consumer prices have changed since 2011:



4.6 Licence fees were reviewed in 2014, and fees relating to Hackney Carriages were changed shown below:

Type of licence	previous Fee (£)	Current Fee (£)
One year Hackney Carriage Vehicle Licence Grant	300	399
One year Hackney Carriage Vehicle Licence Grant using LPG and CNG Fuels	135	199.50 (50% of full fee)
Renewal Hackney Carriage Vehicle Licence	300	300
Renewal Hackney Carriage Vehicle Licence using LPG and CNG Fuels	135	150 (50% of full fee)
Hackney Carriage Drivers Licence Grant 1 year	95	161
Hackney Carriage Drivers Licence Grant 3 year	N/A	332
Hackney Carriage Drivers Licence Renewal 1 year	95	95
Hackney Carriage Drivers Licence Renewal 3 year	N/A	256
Transfer of Licence	80	90
Change of Vehicle	67	67
Disclosure and Barring Scheme	51	£52.50

5. Risks, resources and other implications

- 5.1 The cost of carrying out the fare review and associated consultation including advertising costs will involve staff time and resources, but these costs will be met within the existing budget.
- 5.2 There is no right of appeal against fares once set but the decision of the Council regarding changes to its table of fares could be the subject of a Judicial review. If an application for Judicial Review were lodged this would result in legal fees to defend the review and further costs which we would seek to recover if the review was unsuccessful. In the event of a successful review the Council may also have to pay the applicants costs.

6. Options

Members have the following options:

- i. Recommend to the Head of Healthy Communities a change to the table of fares for consultation

- ii. Choose to maintain current table of fares.

7. Corporate Implications

- 7.1 The cost of carrying out the fare review and associated consultation including advertising costs will involve staff time and resources, but these costs will be met within the existing budget.
- 7.2 There is no right of appeal against fares once set but the decision of the Council regarding changes to its table of fares could be the subject of a Judicial review. If an application for Judicial Review were lodged this would result in legal fees to defend the review and further costs which we would seek to recover if the review was unsuccessful. In the event of a successful review the Council may also have to pay the applicants costs.

8. Links to Council Policy Objectives

Ensuring Fares set are at an appropriate level links to theme 1 of the Council's Sustainable Community Strategy and Corporate Plan. Thriving Economy – lifelong enterprise, the entrepreneurial heart of Britain.

9. Next Step

As described within the options and recommendations sections

Background Papers:	Local Government (Miscellaneous Provisions) Act 1976. Town Police Clauses Act 1847.
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CHILTERN DISTRICT COUNCIL
 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
 HACKNEY CARRIAGE FARES

The maximum Table of Fares for Hackney Carriages given below, was agreed by Chiltern District Council on 1st March 2012 under the provisions of Section 65(1) of the Act and came into effect throughout the District on 24th April 2012.

	CHARGE	TARIFF
MILEAGE For the first 1173 yards (6/9 ^{ths} mile) or 269 seconds or any part thereof For each additional 196 yards or 45 seconds	£3.00 £0.20	1) Standard 1) Rate
EXTRA CHARGES Where the combined human and/or canine* passenger total exceeds four, each additional passenger will be charged £1, regardless of journey day/time/duration/distance * Assistance dogs shall not count towards this total, and no charge must be made. Soiling Charge Toll or Congestion Charge	£1.00 £100.00 As required	
NORMAL NIGHT TIME (11pm - 6am) XMAS EVE AND NEW YEAR'S EVE (4pm - 11pm) BANK HOLIDAYS For the first 1173 yards (6/9 ^{ths} mile) or 269 seconds or any part thereof For each additional 196 yards or 45 seconds	£4.50 £0.30	2 2
SUNDAY RATE (6am-11pm) For the first 1173 yards (6/9 ^{ths} mile) or 269 seconds or any part thereof For each additional 196 yards or 45 seconds	£4.50 £0.20	3 3
XMAS EVE AND NEW YEAR'S EVE (11pm-6.00am) XMAS DAY, BOXING DAY, NEW YEAR'S DAY (6am - 11pm) AND NIGHT TIME ON ANY OTHER BANK HOLIDAY (11pm - 6am) For the first 1173 yards (6/9 ^{ths} mile) or 269 seconds or any part thereof For each additional 196 yards or 45 seconds	£6.00 £0.40	4 4

- 1) Bank Holiday in the table of fares are only those determined by Statute or Proclamation and published by the Department of Trade and Industry'
- 2) Meter charges can only be made from the hirer's point and booked time of Departure
- 3) The tariff rate varies by time of day/calendar and may change during hire at the times detailed above.

From: Qas Chaudhry [<mailto:qasrchaudhry@gmail.com>]
Sent: 16 March 2016 08:55
To: TaxiLicensing
Subject: Chiltern taxi drivers association

Dear,

I'm writing you after meeting with you
Last Friday ,i think your suggestion about sign in Broadway (que here for taxi) is good
idea&we are in favour of. & also we request fare rise wich after consulting with drivers we
decided it should kick off 3'50.hopfully you will consider my mail.

Regards

Chiltern taxi drivers association
Qaser mahmood

Comparison of other nearby local authorities

Authority	Tariff 1					Tariff 2					Tariff 3					Tariff 4				
	Flag	1 mile	2 miles	5 miles	10 miles	Flag	1 mile	2 miles	5 miles	10 miles	Flag	1 mile	2 miles	5 miles	10 miles	Flag	1 mile	2 miles	5 miles	10 miles
Aylesbury Vale	3.00	3.00	4.30	8.20	16.20	3.75	3.75	5.38	10.25	20.25	4.50	4.50	6.45	12.30	24.30					
Bracknell Forest	3.00	4.06	5.82	11.10	19.90	4.50	6.09	8.73	16.65	29.85	6.00	8.12	11.64	22.20	39.80					
Chiltern District	3.00	3.60	5.39	10.78	19.76	4.50	5.40	8.09	16.17	29.64	4.50	5.10	6.89	12.28	21.26	6.00	7.20	10.79	21.57	39.52
Guildford Borough	3.00	4.75	6.79	12.93	23.17	3.50	6.12	9.20	18.42	33.79	6.00	7.40	11.04	21.98	43.78					
Reading Borough	2.40	4.41	6.84	14.38	26.96	3.40	5.26	7.52	14.95	27.99	3.60	6.62	10.26	21.58	40.43					
Slough	3.40	5.13	5.90	10.80	24.03	5.20	6.93	7.70	12.33	25.56	5.10	7.69	8.34	15.60	35.45	6.80	10.26	11.79	23.25	49.72
South Bucks	3.00	3.60	5.39	10.78	19.76	4.50	5.40	8.09	16.17	29.64	4.50	5.10	6.89	12.28	21.26	6.00	7.20	10.79	21.57	39.52
Vale of White Horse	4.60	4.60	6.90	13.80	25.30	5.70	5.70	8.70	17.70	32.70	6.20	6.20	9.60	19.80	36.80					
Windsor and Maidenhead	2.80	3.49	5.25	10.53	19.33	4.20	5.24	7.88	15.80	29.00										
Wokingham Borough	3.00	4.11	6.21	12.54	23.08	4.50	6.16	9.32	18.81	34.61	6.00	8.21	12.44	25.08	46.15					
Wycombe 2016	2.50	4.01	5.74	10.91	19.54	3.00	4.88	7.03	13.47	24.20	3.55	5.82	8.41	16.17	29.11	4.75	7.78	11.23	21.58	38.83
Average	£3.06	£4.07	£5.87	£11.52	£21.55	£4.25	£5.54	£7.97	£15.52	£28.84	£5.00	£6.48	£9.20	£17.93	£33.83	£5.89	£8.11	£11.15	£21.99	£41.90

Extras charged

- Aylesbury 10p for each article of luggage in excess of 2 conveyed, £1.20 for each person in excess of 4
- Bracknell 50% surcharge when carrying more than 4 passengers
- Chiltern and South Bucks When the combined human and/or canine passenger exceeds 4 each additional passenger will be charged £1, excluding assistance dog
- Guildford Flag 1 £4 start on Sundays. 50p extra for each passenger in excess of one
- Reading 20p extra for each additional passenger excluding hirer to a max of £1. allows 10% charge for card payments
- Slough 40p for additional passengers over initial 2 persons. 50% extra when carrying more than 4 passengers in vehicles built to carry more than 4. 60p extra for animals excluding assistance dogs. Large item of luggage 40p per item
- Windsor and Maidenhead 20p for each passenger above 2. Booking Fee £1. For each package carried outside the vehicle 20p
- Wokingham 50p per person where a vehicle is carrying more than 4 passengers
- Wycombe 40p for journeys starting at railway station. For any vehicle carrying 5 or more passengers can use next tariff. £1 for any journey commencing away from HC stand

Authority	Tariff 1 timings	Tariff 2 timings	Tariff 3 timings	Tariff 4 timings
Aylesbury Vale				
Bracknell Forest				
Chiltern District	6am-11pm Mon-Sat	11pm-6am Xmas Eve and New Year's Eve between 4pm and 11pm	Sundays 6am-11pm	Xmas Eve and New Year's Eve 11pm-6am
Guildford Borough	7am-11pm	11pm-7am and bank holidays	11pm Christmas Eve-5am on 27 Dec 11pm-7am New Year's Eve	N/A
Reading Borough				
Slough				
South Bucks	6am-11pm Mon-Sat	11pm-6am Xmas eve and New Year's eve between 4pm and 11pm	Sundays 6am-11pm	Xmas Eve and New Year's Eve 11pm-6am
Vale of Whitehorse	06:00 – 22:59	23:00 - 01:59 And all day on Sundays, Bank Holidays, Public Holidays & Easter Sunday and 20:00 - 23:59 Christmas Eve and New Year's Eve	02:00 – 05:59 And all day Christmas Day, Boxing Day and New Year's Day.	
Windsor and Maidenhead	6am-11pm	11pm-6am and Bank Holidays		
Wokingham				
Wycombe	6am-11pm Mon-Sat	11pm-6am Mon-Sat	Boxing Day, New Years day	Christmas Day

The Bryan Roland Memorial NATIONAL FARES TABLES MAY 2016

Table
Colour Code

RISE IN 2016
RISE IN 2015
RISE IN 2014
RISE IN 2013
RISE IN 2012
RISE IN 2011
RISE IN 2010
RISE IN 2009
RISE IN 2008
RISE IN 2007
RISE IN 2006
RISE IN 2005
FARE REDUCED

If you are going for a fare rise and you would like to see your financial percentages
call 0161 280 2800 or email donnadale.npha@btconnect.com

Pos.	Council	Tariff 1 :	2 Miles	Pos.	Council	Tariff 1 :	2 Miles	Pos.	Council	Tariff 1 :	2 Miles
1	LUTON (AIRPORT)		£9.20	74	MIDLOTHIAN		£6.22	147	TEWKESBURY		£5.85
2	WATFORD		£8.40	75	ARGYLL & BUTE		£6.20	148	BASILDON		£5.80
3	LONDON (HEATHROW)		£7.60	76	ASHFORD		£6.20	149	BLACKPOOL		£5.80
4	EPSOM & EWELL		£7.20	77	BIRMINGHAM		£6.20	150	BROMSGROVE		£5.80
5	LONDON		£7.20	78	BRENTWOOD		£6.20	151	EAST HERTS		£5.80
6	DARTFORD		£7.00	79	BRISTOL, CITY OF UA		£6.20	152	FYLDE		£5.80
7	HERTSMERE		£7.00	80	CHELTHENHAM		£6.20	153	GLASGOW		£5.80
8	KENNET Now Wiltshire (East Zone)		£7.00	81	CHICHESTER		£6.20	154	GLOUCESTER		£5.80
9	MID SUSSEX		£7.00	82	CREWE & NANTWICH		£6.20	155	HAVANT		£5.80
10	NORTH WILTSHIRE		£7.00	83	HORSHAM		£6.20	156	LEICESTER		£5.80
11	SALISBURY		£7.00	84	LEEDS		£6.20	157	NEWCASTLE UPON TYNE		£5.80
12	WEST WILTSHIRE		£7.00	85	LINCOLN		£6.20	158	NORTH WARWICKS		£5.80
13	GUILDFORD		£6.90	86	MENDIP		£6.20	159	REIGATE & BANSTEAD		£5.80
14	VALE OF WHITE HORSE		£6.90	87	NORTHAMPTON		£6.20	160	SELBY		£5.80
15	BRIGHTON & HOVE		£6.80	88	RUNNYMEDE		£6.20	161	SOUTH AYRSHIRE		£5.80
16	CARADON		£6.80	89	SEDGEMOOR		£6.20	162	SOUTH RIBBLE		£5.80
17	CARRICK		£6.80	90	SHEPWAY		£6.20	163	STOCKPORT		£5.80
18	COLCHESTER		£6.80	91	SOLIHULL		£6.20	164	TAMWORTH		£5.80
19	EAST LOTHIAN		£6.80	92	SOUTHAMPTON		£6.20	165	UTTLESFORD		£5.80
20	HART		£6.80	93	SPELTHORNE		£6.20	166	WEST SOMERSET		£5.80
21	READING		£6.80	94	ST ALBANS		£6.20	167	SCOTTISH BORDERS		£5.75
22	WEST BERKSHIRE		£6.80	95	STRATFORD ON AVON		£6.20	168	EAST KILBRIDE		£5.70
23	KERRIER		£6.75	96	TAUNTON DEANE		£6.20	169	EASTBOURNE		£5.70
24	SEVENOAKS		£6.74	97	TEIGNBRIDGE		£6.20	170	ISLE OF MAN		£5.70
25	EASTLEIGH		£6.70	98	WAVERLEY		£6.20	171	ISLE OF WIGHT		£5.70
26	WEYMOUTH & PORTLAND		£6.70	99	WEST OXFORD		£6.20	172	MANCHESTER		£5.70
27	ADUR		£6.60	100	WINCHESTER		£6.20	173	MID DEVON		£5.70
28	BASINGSTOKE & DEANE		£6.60	101	TORBAY		£6.15	174	MONMOUTHSHIRE		£5.70
29	BOURNEMOUTH		£6.60	102	ELMBRIDGE		£6.10	175	NORTH SOMERSET		£5.70
30	CRAWLEY		£6.60	103	NEW FOREST		£6.10	176	PLYMOUTH		£5.70
31	EXETER		£6.60	104	NORTH HERTS		£6.10	177	RYEDALE		£5.70
32	JERSEY		£6.60	105	SWINDON		£6.10	178	WELWYN HATFIELD		£5.70
33	MAIDSTONE		£6.60	106	SOUTH SOMERSET		£6.08	179	WORCESTER		£5.70
34	MEDWAY		£6.60	107	CHARNWOOD		£6.05	180	WYCOMBE		£5.70
35	POOLE		£6.60	108	SHEPHERD ISLANDS		£6.05	181	CARLISLE		£5.65
36	TUNBRIDGE WELLS		£6.60	109	SOUTHEND-ON-SEA		£6.03	182	VALE OF GLAMORGAN		£5.65
37	WAVENEY		£6.60	110	ABERDEENSHIRE		£6.00	183	BOSTON		£5.60
38	WEALDEN		£6.60	111	BRACKNELL FOREST		£6.00	184	BRECKLAND		£5.60
39	NORTH DEVON		£6.55	112	BRAINTREE		£6.00	185	BROXBOURNE		£5.60
40	CHELMSFORD		£6.50	113	CANTERBURY		£6.00	186	EDINBURGH		£5.60
41	MOLE VALLEY		£6.50	114	CARMARTHENSHIRE		£6.00	187	FOREST HEATH		£5.60
42	HARROGATE		£6.46	115	CASTLE POINT		£6.00	188	GOSPORT		£5.60
43	RESTORMEL		£6.45	116	CHESTER		£6.00	189	HINCKLEY & BOSWORTH		£5.60
44	ARUN		£6.40	117	DOVER		£6.00	190	NORTH KESTEVEN		£5.60
45	BATH & N.E.SOMERSET		£6.40	118	EAST HAMPSHIRE		£6.00	191	NORTH WEST LEICESTER		£5.60
46	CAMBRIDGE		£6.40	119	FIFE		£6.00	192	NOTTINGHAM		£5.60
47	GRAVESHAM		£6.40	120	GREAT YARMOUTH		£6.00	193	PORTSMOUTH UA		£5.60
48	GUERNSEY		£6.40	121	IPSWICH		£6.00	194	RENFREWESHIRE		£5.60
49	HARLOW		£6.40	122	KETTERING		£6.00	195	RUSHCLIFFE		£5.60
50	MALVERN HILLS		£6.40	123	LUTON		£6.00	196	SANDWELL		£5.60
51	NORWICH		£6.40	124	MILTON KEYNES		£6.00	197	SHEFFIELD		£5.60
52	OXFORD		£6.40	125	NORTH DORSET		£6.00	198	SOUTH BUCKINGHAM		£5.60
53	PURBECK		£6.40	126	ROCHFORD		£6.00	199	SUFFOLK COASTAL		£5.60
54	ROTHER		£6.40	127	SCARBOROUGH		£6.00	200	TAMESIDE		£5.60
55	SOUTH CAMBRIDGE		£6.40	128	SLOUGH		£6.00	201	WOLVERHAMPTON		£5.60
56	SOUTH GLOUCESTER		£6.40	129	STEVENAGE		£6.00	202	WREXHAM		£5.60
57	SOUTH LAKELAND		£6.40	130	TEST VALLEY		£6.00	203	WYRE		£5.60
58	STROUD		£6.40	131	THREE RIVERS		£6.00	204	CARDIFF		£5.59
59	SURREY HEATH		£6.40	132	THURROCK		£6.00	205	DUNDEE		£5.58
60	WOKING		£6.40	133	WARWICK		£6.00	206	CHERWELL		£5.56
61	WOKINGHAM		£6.40	134	WEST DORSET		£6.00	207	DURHAM COUNTY COUNCIL		£5.55
62	COUNTY OF HEREFORD		£6.30	135	WORTHING		£6.00	208	NEWPORT		£5.51
63	COVENTRY		£6.30	136	DARLINGTON		£5.95	209	BROXTOWE		£5.50
64	DACORUM		£6.30	137	TENDRING		£5.95	210	CANNOCK CHASE		£5.50
65	EAST DEVON		£6.30	138	HIGH PEAK		£5.92	211	CASTLE MORPETH		£5.50
66	LEWES		£6.30	139	TORRIDGE		£5.92	212	CENTRAL BEDFORDSHIRE		£5.50
67	PENWITH		£6.30	140	CHRISTCHURCH		£5.90	213	DUMFRIES & GALLOWAY		£5.50
68	SWALE		£6.30	141	DUDLEY		£5.90	214	EAST CAMBRIDGESHIRE		£5.50
69	TONBRIDGE & MALLING		£6.30	142	EAST DORSET		£5.90	215	EAST STAFFORDSHIRE		£5.50
70	YORK		£6.30	143	EAST LINDSEY		£5.90	216	EDEN		£5.50
71	FOREST OF DEAN		£6.27	144	HASTINGS		£5.90	217	EPPING FOREST		£5.50
72	HARBOROUGH		£6.27	145	HULL		£5.90	218	GWYNEDD		£5.50
73	NUNEATON & BEDWORTH		£6.25	146	WALSALL		£5.90	219	HAMBLETON		£5.50

Pos.	Council	Tariff 1 :	2 Miles	Pos.	Council	Tariff 1 :	2 Miles
220	HUNTINGDONSHIRE		£5.50	293	GATESHEAD		£5.10
221	MORAY		£5.50	294	SOUTH STAFFORDSHIRE		£5.10
222	OLDHAM		£5.50	295	WIGAN		£5.10
223	SHROPSHIRE		£5.50	296	ALNWICK		£5.05
224	SOUTH HAMS		£5.50	297	SOUTH HOLLAND		£5.05
225	STAFFORD		£5.50	298	SWANSEA		£5.05
226	TYNEDALE		£5.50	299	BLYTH VALLEY		£5.00
227	WANSBECK		£5.50	300	CHESTERFIELD		£5.00
228	GEDLING		£5.50	301	CONWY		£5.00
229	ABERDEEN		£5.50	302	COPELAND		£5.00
230	ANGUS		£5.50	303	DAVENTRY		£5.00
231	BARROW IN FURNESS		£5.44	304	EREWASH		£5.00
232	CHILTERN		£5.40	305	LIVERPOOL		£5.00
233	CLACKMANNAN		£5.40	306	NEATH PORT TALBOT		£5.00
234	DERBY		£5.40	307	NORTH EAST DERBYSHIRE		£5.00
235	FAREHAM		£5.40	308	PETERBOROUGH		£5.00
236	LANCASTER		£5.40	309	SOUTH LANARKSHIRE(clydsle)		£5.00
237	MACCLESFIELD		£5.40	310	SOUTH NORTHANTS		£5.00
238	MID SUFFOLK		£5.40	311	THANET		£5.00
239	NEWARK & SHERWOOD		£5.40	312	WEST LINDSEY		£5.00
240	NORTH LINCOLNSHIRE		£5.40	313	STOKE ON TRENT UA		£4.95
241	PEMBROKESHIRE		£5.40	314	BRIDGEND		£4.90
242	PERTH & KINROSS		£5.40	315	CHORLEY		£4.90
243	RUGBY		£5.40	316	FLINTSHIRE		£4.90
244	SUNDERLAND		£5.40	317	KINGSTON-UPON-HULL		£4.90
245	TANDRIDGE		£5.40	318	ROSSENDALE		£4.90
246	TRAFFORD		£5.40	319	TELFORD & WREKIN		£4.90
247	WEST LOTHIAN		£5.40	320	WELLINGBOROUGH		£4.90
248	WINDSOR & MAIDENHEAD		£5.40	321	REDDITCH		£4.88
249	WYCHAVON		£5.40	322	ALLERDALE		£4.85
250	KINGS LYNN & W. NORFOLK		£5.40	323	ASHFIELD		£4.80
251	BASSETLAW		£5.40	324	CAERPHILLY		£4.80
252	RICHMONDSHIRE		£5.40	325	DERBYSHIRE DALES		£4.80
253	BURY ST EDMUNDS		£5.40	326	DONCASTER		£4.80
254	BRADFORD		£5.36	327	HAMILTON		£4.80
255	COTSWOLD		£5.35	328	INVERCLYDE		£4.80
256	CRAVEN		£5.30	329	MANSFIELD		£4.80
257	DUMBARTON		£5.30	330	NORTH AYRSHIRE		£4.80
258	EAST RENFREW		£5.30	331	NORTH LANARKSHIRE		£4.80
259	FENLAND		£5.30	332	ROCHDALE		£4.80
260	LICHFIELD		£5.30	333	ROTHERHAM		£4.80
261	MELTON		£5.30	334	RUTHERGLEN		£4.80
262	NORTH EAST LINCOLNSHIRE		£5.30	335	TORFAEN		£4.80
263	NORTH NORFOLK		£5.30	336	BARNSELY		£4.70
264	RIBBLE VALLEY		£5.30	337	BERWICK ON TWEED		£4.70
265	WYRE FOREST		£5.30	338	BLACKBURN		£4.70
266	SALFORD		£5.30	339	EAST AYRSHIRE		£4.70
267	VALE ROYAL		£5.30	340	EAST NORTHANTS		£4.70
268	BLABY		£5.30	341	FALKIRK		£4.70
269	BEDFORD		£5.26	342	HIGHLANDS		£4.70
270	BOLTON		£5.25	343	HYNDBURN		£4.70
271	BURY		£5.24	344	WEST LANCASHIRE		£4.70
272	CALDERDALE		£5.10	345	BOLSOVER		£4.60
273	DENBIGHSHIRE		£5.20	346	CORBY		£4.60
274	ELLESMERE PORT		£5.20	347	EAST DUNBARTONSHIRE		£4.60
275	HALTON		£5.20	348	SEFTON		£4.60
276	NORTH TYNESIDE		£5.20	349	WAKEFIELD		£4.60
277	ORKNEY ISLANDS		£5.20	350	BURNLEY		£4.50
278	POWYS		£5.20	351	MERTHYR TYDFIL		£4.50
279	PRESTON		£5.20	352	REDCAR & CLEVELAND		£4.50
280	RHONDDA CYNON TAFF		£5.20	353	ST. HELENS		£4.50
281	SOUTH TYNESIDE		£5.20	354	STOCKTON ON TEES		£4.50
282	STAFFS MOORLANDS		£5.20	355	KIRKLEES		£4.40
283	STIRLING		£5.20	356	KNOWSLEY		£4.40
284	WARRINGTON		£5.20	357	OADBY & WIGSTON		£4.40
285	WIRRAL		£5.20	358	PENDLE		£4.40
286	YNYS MON		£5.20	359	AYLESBURY VALE		£4.30
287	CEREDIGION		£5.20	360	BLAENAU GWENT		£4.30
288	EAST RIDING		£5.20	361	MIDDLESBROUGH		£4.30
289	AMBER VALLEY		£5.20	362	NEWCASTLE-U-LYME		£4.20
290	BABERGH		£5.18	363	WESTERN ISLES		£4.20
291	CONGLETON		£5.15	364	HARTLEPOOL		£4.20
292	CLYDEBANK		£5.13	365	SOUTH KESTEVEN		£3.50

THE NATIONAL AVERAGE FARE

Appendix 4

Flag at T1 is now	£2.76
Flag at T2 is now	£3.63
1 mile fare T1 is now	£3.82
1 mile fare T2 is now	£5.04
2 mile fare T1 is now	£5.70
2 mile fare T2 is now	£7.45
5 mile fare T1 is now	£11.27
5 mile fare T2 is now	£14.73
10 mile fare T1 is now	£20.71
10 mile fare T2 is now	£27.06
Running mile on T1 is now	£1.87
Running mile on T2 is now	£2.45

AREA FARE AVERAGES

Tariff One

	Flag	1 mi.	2 mil.	5 mi.	10 mi.	Running Mile
East Anglia	£3.03	£3.95	£5.74	£11.04	£19.92	£1.78
Midlands	£2.73	£3.70	£5.47	£10.74	£19.53	£1.76
North	£2.46	£3.52	£5.23	£10.36	£19.00	£1.72
South	£2.97	£4.25	£6.24	£12.25	£22.63	£2.01
South West	£2.72	£4.02	£6.15	£12.51	£23.18	£2.12
Scotland	£2.74	£3.55	£5.33	£10.68	£19.62	£1.80
Wales	£2.82	£3.32	£5.16	£10.65	£19.79	£1.83
Nat. Avg.	£2.76	£3.82	£5.68	£11.27	£20.71	£1.87

Tariff Two

	Flag	1 mi.	2 mil.	5 mi.	10 mi.	Running Mile
East Anglia	£3.95	£5.10	£7.39	£14.24	£25.65	£2.28
Midlands	£3.63	£4.90	£7.24	£14.10	£26.14	£2.34
North	£3.05	£4.37	£6.55	£13.09	£24.00	£2.19
South	£4.08	£5.86	£8.68	£16.83	£30.84	£2.76
South West	£3.76	£5.44	£8.29	£16.91	£31.27	£2.87
Scotland	£3.44	£4.34	£6.31	£12.21	£22.05	£1.97
Wales	£3.57	£4.20	£6.58	£13.66	£25.46	£2.36
Nat. Avg.	£3.63	£5.04	£7.45	£14.73	£27.06	£2.45

Proposed table of fares in line with request from the Chiltern Drivers Association:

	CHARGE	TARIFF
MILEAGE For the first 1173 yards (6/9 ^{ths} mile) or 269 seconds or any part thereof For each additional 196 yards or 45 seconds	£3.50 £0.20	1) Standard 1) Rate
EXTRA CHARGES Where the combined human and/or canine* passenger total exceeds four, each additional passenger will be charged £1, regardless of journey day/time/duration/distance * Assistance dogs shall not count towards this total, and no charge must be made. Soiling Charge Toll or Congestion Charge	£1.00 £100.00 As required	
NORMAL NIGHT TIME (11pm - 6am) XMAS EVE AND NEW YEAR'S EVE (4pm - 11pm) BANK HOLIDAYS For the first 1173 yards (6/9 ^{ths} mile) or 269 seconds or any part thereof For each additional 196 yards or 45 seconds	£4.50 £0.30	2 2
SUNDAY RATE (6am-11pm) For the first 1173 yards (6/9 ^{ths} mile) or 269 seconds or any part thereof For each additional 196 yards or 45 seconds	£4.50 £0.20	3 3
XMAS EVE AND NEW YEAR'S EVE (11pm-6.00am) XMAS DAY, BOXING DAY, NEW YEAR'S DAY (6am - 11pm) AND NIGHT TIME ON ANY OTHER BANK HOLIDAY (11pm - 6am) For the first 1173 yards (6/9 ^{ths} mile) or 269 seconds or any part thereof For each additional 196 yards or 45 seconds	£6.00 £0.40	4 4

- 1) Bank Holiday in the table of fares are only those determined by Statute or Proclamation and published by the Department of Trade and Industry'
- 2) Meter charges can only be made from the hirer's point and booked time of Departure
- 3) The tariff rate varies by time of day/calendar and may change during hire at the times detailed above.

**CHILTERN DISTRICT COUNCIL
LICENSING AND REGULATION COMMITTEE - 28 June 2016**

Background Papers, if any, are specified at the end of the Report

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING FEES

Contact Officer: Nathan March 01494 732056 nmarch@chiltern.gov.uk

RECOMMENDATIONS

- **To determine an application for a Street Trading Consent, in accordance with the Council's Street Trading Policy.**

1. Background

- 1.1. The Local Government (Miscellaneous Provisions) Act 1976 contains adoptive provisions enabling local councils to control street trading by designating streets as Licence Streets, Consent Streets or Prohibited Streets.
- 1.2. Street trading is only permitted in Licence or Consent Streets if the Council has given permission by way of a licence/consent. Permission cannot be given to trade in Prohibited Streets. Street trading is not controlled in streets that have not been designated by the Council.
- 1.3. The Council adopted these provisions and following a consultation exercise designated a large number of streets throughout the district as Consent Streets which are primarily in and around town centres.
- 1.4. Applications that do not attract objections can be dealt with via delegated powers to officers. However if an objection is received, the application must be determined by the Licensing & Regulation Committee.

2. The Application

- 2.1. An application has been received from Mr Khushi Mohammed of 269 Langley Road, Slough to sell Indian foods from a catering trailer situated on High Street, Chesham (as indicated on the attached plan) between the hours of 08:00 and 18:00 Monday, Tuesday, Thursday & Friday. A copy of the application is attached as appendix 1.
- 2.2. In accordance with the Council's Street Trading Policy, attached as appendix 2, the following organisations/people were consulted:-
 - Thames Valley Police,
 - Bucks Fire and Rescue Service,
 - Transport for Bucks, Bucks County Council.
 - Environmental Health (Food, safety and noise)
 - The Town Council

Classification: OFFICIAL

- 2.3. During the consultation period, the licensing authority received one representation from the Chesham Town Council which is attached as appendix 3.
- 2.4. The licensing authority did not receive representations from any other consultees.
- 2.5. Mr Mohammed had previously submitted an application for a Street Trading Consent further up the High Street in Chesham to which no objections were received. The consent was therefore granted and Mr Mohammed began to trade. Shortly after trade starting, the Council received a number of complaints and it was found that the site that was being used was not suitable as the trailer was blocking the highway/pavement.
- 2.6. Mr Mohammed engaged with Transport for Bucks prior to submitting this application to ensure that the same issue did not arise.
- 2.7. There are no other existing Street Trading Consents in the immediate vicinity of this location.

3. Consideration

- 3.1. In considering applications for the grant or renewal of a Street Trading Consent the following factors should be considered:

- a) Public Safety

Whether the street trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site.

- b) Public Order

Whether the street trading activity represents, or is likely to represent, a substantial risk to public order.

- c) The Avoidance of Public Nuisance

Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public from noise or misbehaviour particularly in residential areas.

- d) Highway

The location and operating times will be such that the highway can be maintained in accordance with Buckinghamshire County Council's requirements and that there are no dangers to those who have a right to use the highway and no obstruction for emergency access.

- 3.2. The Council's Street Trading Policy states that the Council will normally grant a street trading consent unless, in its opinion:

Classification: OFFICIAL

- a) A significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site;
- b) Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited;
- c) There would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour or fumes;
- d) There is already adequate like provision in the immediate vicinity of the site to be used for street trading purposes *but note that competition issues will not be a consideration*;
- e) There is a conflict with Traffic Orders such as waiting restrictions;
- f) The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes;
- g) The trading unit obstructs the safe passage of users of the footway or carriageway;
- h) The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities;
- i) The site does not allow the consent holder, staff and customers to park in a safe manner;
- j) The street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff.

4. Decision

4.1. The Committee may:

4.1.1. Grant the application as it stands in which case it will be subject to the Council's approved standard conditions.

4.1.2. Grant the application with any variation deemed reasonably necessary subject to the Council's approved standard conditions and any other specific conditions or restrictions the Committee deem reasonable and necessary.

4.1.3. Refuse the application.

4.2. The Council has already approved a set on standard conditions which are attached at appendix 4 which will apply to and will be imposed on any Street Trading Consent that is granted.

4.3. Section 7 sub-paragraph (2) of the Act details – Subject to subparagraph (3) (Mandatory grounds for refusal) the Council may grant a consent if they think fit.

4.4. The Council is not under any duty to grant a Street Trading Consent and need not specify statutory grounds for refusal. Therefore the matter to grant or refuse an application for a Street Trading Consent is at the total discretion of the Council. However, the Council must have regard for its Street Trading Policy, which outlines the approach that it will take in determining applications of this sort.

4.5. There is no right of appeal against the Council's decision to refuse to grant or renew a Consent or against the revocation or variation of a consent.

5. Background Papers

- The Local Government Miscellaneous Provisions Act 1982.
- The Council's Street Trading Policy.

Classification: OFFICIAL

CHILTERN DISTRICT COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

APPLICATION FOR A STREET TRADING CONSENT

TO: ENVIRONMENTAL HEALTH MANAGER, CHILTERN DISTRICT COUNCIL,
COUNCIL OFFICES, KING GEORGE V ROAD, AMERSHAM, BUCKS., HP6 5AW.

I, the undersigned KUUSHI MOHAMMED
(Please give full name)

of 269 LAWGELY ROAD

SLOUGH. BERK SL3 7EQ Tel: 07970 114573

hereby apply for a Street Trading Consent in accordance with Section 3 of and Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982.

I wish to apply as follows:

Location (street, town etc): HIGH CHESHAM. NEAR CLOCKTOWER

Days: MON. THU., THUR., FRI.

Times: 8- 5pm.

Description of goods: INDIAN FOOD

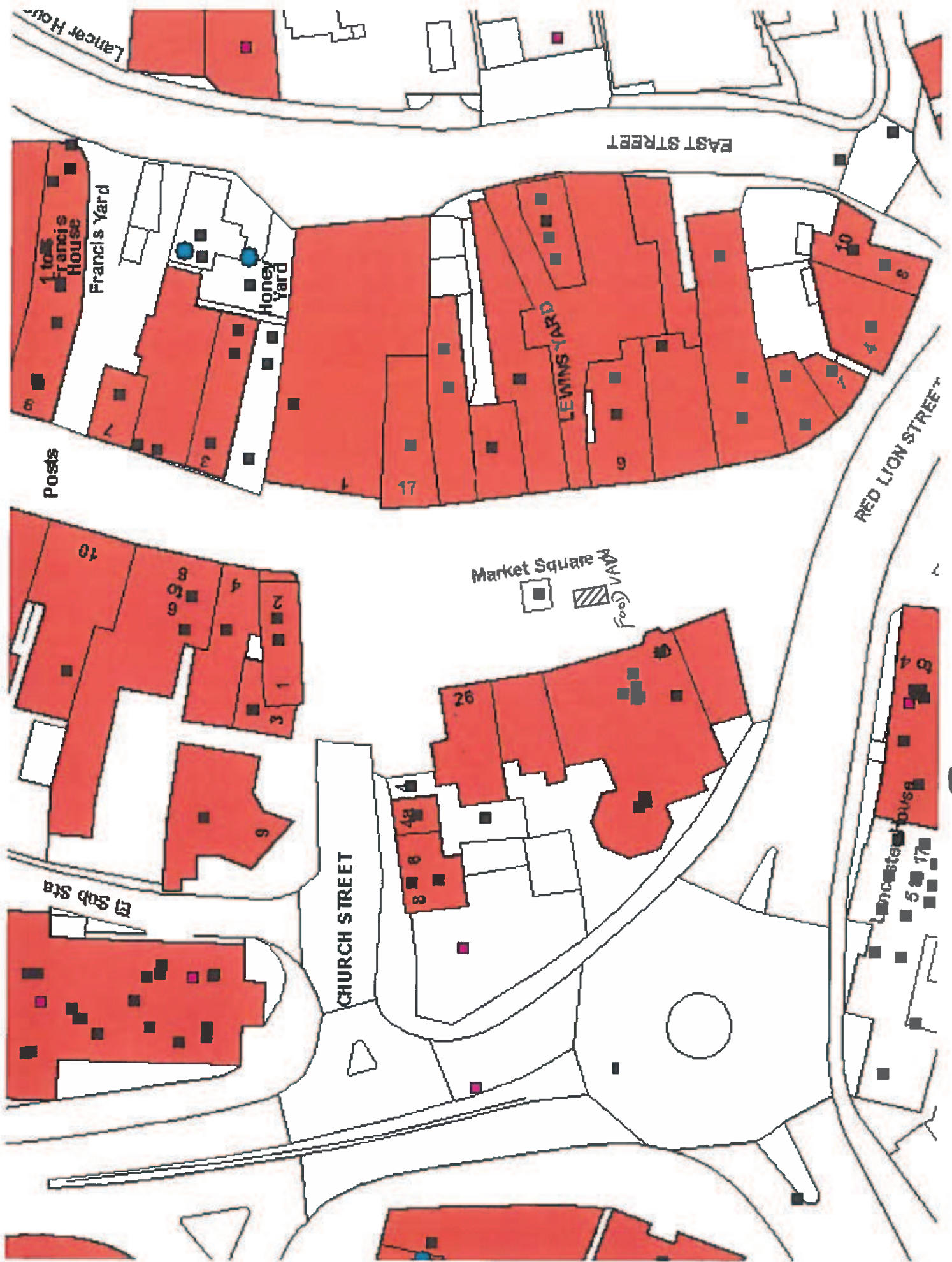
Description of stall, vehicle, etc: CARTLING TARIAL

I declare that I am over 17 years of age.

I enclose the sum/deposit of £ in support of this application.

Signed: K. Moham Date: 13-1-2016

* Please use black ink, and complete in block letters.



CHILTERN District Council



Health and Housing Division

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

STREET TRADING POLICY 2012

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1.0 Introduction

- 1.1 The aim of this policy is to set out Chiltern District Council's framework for the management of street trading with the aims to prevent obstruction of the streets, ensure the safety of persons using them and prevent nuisance to neighbouring residents and businesses. In doing so, it recognises the importance of licensed businesses to the local economy and the character of the area whilst trying to ensure that the activities do not cause nuisance or annoyance to the people of the area.
- 1.2 Whilst these factors will be under consideration it should be stressed that the following fundamental principles will also be observed: -
- a) the right of any individual or body to apply for a permission is not undermined and that each application will be determined on its merits;
 - b) the statutory right of any person to make appropriate representations;
 - c) that the statutory function of licensing is primarily concerned with the regulation of activities within the legislation and that any terms and conditions will focus on:
 - i) matters within the control of individual consent holders who are granted any relevant permissions;
 - ii) the premises and places being used for licensable activities;
 - iii) the direct impact of the activities taking place at the relevant premises on the public living, working or engaged in normal activity in the area concerned;
- 1.3 This document will guide the Licensing Authority when it considers applications for Street Trading Consents. It will inform applicants of the parameters in which the authority will make decisions and how their needs will be addressed.
- 1.4 It also highlights the Council's undertaking to avoid duplication with other statutory provisions and the commitment to work in partnership with other enforcement agencies.

Consultation

- 1.5 In determining this policy, the Council has consulted the following people and bodies:
- a) Thames Valley Police;
 - b) Buckinghamshire Fire and Rescue;
 - c) Existing consent holders;
 - d) Representatives of businesses and residents in the Chiltern DC area;
 - e) Town and Parish Councils;
 - f) Chiltern DC Estates Officer

- 1.6 The views of all the appropriate bodies and organisations have been taken into account in the drafting of this policy.

Review of the Policy

- 1.7 This policy will be reviewed every five years at which time, further consultation will be undertaken. Additionally, the policy will be reviewed to take account of changes in legislation or Government guidance.

2.0 Legislation and current provision

- 2.1 At a meeting of the Environmental Health Committee held on 31st May 1984, it was resolved that Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 should apply to its area with the result that a number of streets were designated as consent streets. This means that anyone who wishes to trade on these streets must hold a street trading consent. In May 2005, the A413 was designated as a prohibited street.
- 2.2 Annex 1 and 2 list and map the streets in the District that are designated as prohibited streets or consent streets.
- 2.3 Street Traders that serve hot food or drink at any time between 11.00pm and 05.00am the following day or sell alcohol will also require a Premises Licence under the Licensing Act 2003.
- 2.3 'Street Trading' is defined as "*the sale and exposing or offering for sale any article, including a living thing, in a street.*" Streets are further defined as to include any road, footway, beach, or other area to which the public have access without payment.
- 2.4 The main purpose of this legislation is to establish an appropriate licensing regime which prevents undue nuisance, interference or inconvenience to the public brought about by street trading. This legislation provides local authorities with the power (but no duty) to designate specific areas within their administrative boundaries as either:
- Prohibited Streets: those which are not open to street traders
 - Consent Streets: where street trading is prohibited without local authority consent
 - Licence Streets: where trading is prohibited without a local authority licence
- 2.5 Local authorities can place conditions on any Consent or Licence. The Act also creates offences associated with trading in Consent or Licence streets without the necessary authority: the person guilty of such an offence may be

liable, on conviction, to a fine of up to £1000. However, the Act makes certain activities exempt from the requirement to hold a consent. These are:

- a) Pedlars acting under the authority of a pedlar's certificate granted under the Pedlars Act 1871
- b) Any trade in a market or fair, the right to hold which having been obtained by a grant, enactment or order.
- c) Trading on a trunk road picnic area under Section 112 of the Highways Act 1980
- d) news vendors selling only newspapers or periodicals
- e) petrol filling stations
- f) shops forecourts
- g) rounds men (as they have defined customers, defined routes, this is the traditional milk round delivering to order).
- h) objects or structures placed on, in or over a highway under Part VIII A of the Highways Act 1980
- i) operation of facilities for recreation or refreshment under Part VII A of the Highways Act 1980
- j) Street Collections

3.0 The Licensing Process and Delegation of Functions

- 3.1 This part of the document sets out how applications for Street Trading Consents in the Chiltern District will be dealt with. The Council aims to provide a clear, consistent licensing service for service users whilst at the same time aiming to protect the safety of highway users and to prevent nuisance or annoyance.
- 3.2 Delegation is laid out in the Council's Constitution. In certain circumstances, e.g. when a representation has been made to a licence application, applications will be referred to the Licensing and Regulation Committee for determination.

4.0 Applications for a Street Trading Consent

Advice for New Applicants

- 4.1 New applicants are advised to contact the Council, Thames Valley Police and Transport for Bucks at their earliest opportunity, preferably before an application is made. This allows the Authorised Officers to provide advice, as well as clarifying any areas of uncertainty.
- 4.2 The Council can also provide advice in relation to other legal requirements of a new licence holder, for example, planning permission or building control approval.

Applications

- 4.3 Applications will only be considered for sites in 'Consent Streets'. All applications must be made on the Council's prescribed application form.
- 4.4 Each application must be accompanied by the prescribed, non-refundable application fee. An application will not be considered as duly made until the prescribed application fee has been received.
- 4.5 The following will also be required to be submitted with the application:
- Where the proposed street activity is from a fixed position, a copy of a map of at least 1:1250 scale. The map should clearly identify the proposed site position by marking the site boundary with a red line. The map should also indicate the locations of other street traders and outlets trading in similar commodities to those proposed;
 - Details of the proposed activity, including the nature of goods being sold, times and days of operations and written permission of the landowner if on private land;
 - Confirmation that adequate levels of third party and public liability insurance is, or will be, in place during street trading activity.

Processing of an Application

- 4.6 On receipt of the application form an acknowledgment will be sent to the applicant.
- 4.7 An officer may visit the applicant and inspect the vehicle, barrow, cart, van, portable stall or other vehicle or premises/site which the applicant intends to trade from.
- 4.8 The application will either be:
- Granted and a trading consent will be issued with conditions attached, or
 - Refused.
- 4.9 Before a Street Trading Consent is granted or renewed the Council will carry out a consultation process with various persons and groups. In particular the following organisations or persons are consulted:
- Thames Valley Police,
 - Bucks Fire and Rescue Service,
 - Transport for Bucks, Bucks County Council.
 - Environmental Health (Food, safety and noise)
 - Ward and Parish or Town Councillors

- 4.10 Twenty-eight days will be given to consultees to make comments / objections. If no comments are received, the application will be granted in the terms applied for with standard conditions attached to the consent. If representations are received, then the Licensing and Regulation Committee will be engaged, who will make a decision based upon the application, representations made and in accordance with this policy.
- 4.11 Written observations from the above organisations and occupiers of properties will be taken into consideration when determining an application.

Key Considerations

- 4.12 The Council may have regard to the number, nature and type of traders already trading within a consent area when determining an application.
- 4.13 In considering applications for the grant or renewal of a Street Trading Consent the following factors will be considered:
- a) **Public Safety**
Whether the street trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site.
 - b) **Public Order**
Whether the street trading activity represents, or is likely to represent, a substantial risk to public order.
 - c) **The Avoidance of Public Nuisance**
Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public from noise or misbehaviour, particularly in residential areas.
 - d) **Highway**
The location and operating times will be such that the highway can be maintained in accordance with the Buckinghamshire County Council's requirements and that there are no dangers to those who have a right to use the highway and no obstruction for emergency access.
- 4.14 The Council will normally grant a street trading consent unless, in its opinion:
- A significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site;
 - Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited;
 - There would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour or fumes;

- There is already adequate like provision in the immediate vicinity of the site to be used for street trading purposes *but note that competition issues will not be a consideration*;
- There is a conflict with Traffic Orders such as waiting restrictions;
- The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes;
- The trading unit obstructs the safe passage of users of the footway or carriageway;
- The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities;
- The site does not allow the Consent Holder, staff and customers to park in a safe manner;
- The street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff.

Departure from Policy

- 4.15 In exercising its discretion in carrying out its regulatory functions, Chiltern District Council will have regard to this Policy document and the principles set out therein.
- 4.16 Notwithstanding the existence of this Policy, each application will be considered on its own merits based on the licensing principles detailed in this Policy.
- 4.17 Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons for doing so will be given. The Head of Health and Housing may authorise a departure from the policy in accordance with this section if he/she considers it necessary in the specific circumstances and will advise Councillors via the Members Services.
- 4.18 There is no right of appeal against a variation of a condition, or refusal to grant or renew a trading Consent.
- 4.19 Any proposed change to standard conditions will be consulted with consent holders and others, if relevant.

Consents

- 4.20 Consents may be issued for a period of up to consecutive 12 months or quarterly.
- 4.21 All Consents that have not been renewed by their expiry date will cease to exist and trading must cease until such time as a new Consent has been granted.

- 4.22 Upon renewal, the Council may consult further to determine if the street trader is a cause for concern or has been the subject of complaints.
- 4.23 Where a renewal application has been made and there have been no justifiable complaints, no enforcement issues and all fees have been paid on time, the consent will be renewed.
- 4.24 Where a renewal application has been made and there have been complaints or enforcement issues or fees have not been paid on time, then the application may be referred to the Licensing and Regulation Committee.
- 4.25 A Street Trading Consent cannot be transferred or sold to another person except that the Consent may be transferred to a member of the Consent Holder's immediate family in the event of the Consent Holder's death or incapacity on payment of a fee. The sub letting of a pitch is prohibited.
- 4.26 Where an application is referred to the Licensing and Regulation Committee, it will determine each application on its own merits. Members of the Committee will consider all information attached to the application. If a member of the Committee has an interest in a neighbouring premise or knows an applicant personally, they must declare an interest in accordance with Local Authorities (Model Code of Conduct) Order 2007the Code of Conduct adopted in accordance with the Local Government Act 2000. Members should take advice from the legal officer present at the meeting as to whether or not the interest prevents them from determining the particular application.
- 4.27 Following the determination of an application, the Head of Health and Housing will notify the applicant of the decision in writing as soon as possible after the decision.
- 4.28 There is no statutory right of appeal against refusal to issue a consent.

5.0 Consent Conditions

- 5.1 Standard conditions will be attached to every street trading consent detailing the holder's responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality. These are detailed in Annex 3.
- 5.2 Specific conditions will also be attached such as the days and hours when street trading is permitted, the goods which may be sold and the size and location of the pitch.
- 5.3 Failure to comply with conditions may lead to revocation or non renewal of consent.
- 5.4 In certain circumstances, the Council may wish to add, alter or amend the conditions on a trading Consent. Any amendments or variations to consents

or conditions that are requested by consent holders must be made in writing. An administration fee will be charged to the consent holder for any amendments or variations made. There is no right of appeal against the Council's decision to refuse to amend or vary a consent.

6.0 Fees

- 6.1 Fees will be set and reviewed annually on a full cost recovery basis. The level of fees applicable takes into account the duration of the consent and the trading hours. Details of the current fees can be found on the Council's website or on application to the Licensing Section. Fees must be paid in advance and arrangements are in place to enable annual fees to be paid quarterly in advance. One month's notice of ceasing to trade must be given. Where trading ceases during the term of a consent, refunds will not be given for any outstanding period of less than 1 month.
- 6.2 Applications for annual consents should be accompanied by a non-refundable application fee. If the application is approved, the balance of the quarterly fee will be due in advance of the consent being issued. If the application is not successful the application fee will be retained to cover the cost incurred in processing the application.

Street Trading Consents for which fees are not payable

- 6.3 Chiltern District Council will not require the payment of fees for the following street trading activities:
- fetes, carnivals or similar community based and run events
 - non-commercial or charitable events
 - farmers markets (producer-managed marketplace for local producers to sell their own produce direct to local people)
 - sales of articles by householders on land contiguous with their homes
 - the authorised street markets at Amersham and Chesham

7.0 Markets and Special Events

- 7.1 The Authorised Amersham and Chesham weekly markets are outside the scope of the street trading scheme.
- 7.2 For special events such as Christmas or Continental Street Markets, the Council will issue one consent to the person organising the event, rather than to each individual trader. This policy is aimed at promoting events and encouraging more traders to attend them.

- 7.3 The Council will require that the company produces a list of the individual traders before the trading day and that the traders hold and are able to produce some authorisation from the company organising the event.
- 7.4 The Council will require the operating company to hold an insurance certificate covering all the individual traders.
- 7.5 If the event is being held on behalf of raising funds for a charity, etc the fee will be waived.

8.0 Enforcement

- 8.1 The Council is committed to enforcing the provisions contained within the relevant legislation and to work in partnership with all enforcement agencies, to provide consistent enforcement on licensing issues.
- 8.2 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also responsible members of the trade.
- 8.3 In pursuing its objectives of detailed in this Policy, the Council will operate a proportionate enforcement regime in accordance with the Council's Enforcement Policy.
- 8.4 The responsibility for the overall supervision of street trading lies with the Head of Health and Housing.

9.0 Further Information

Further information on the Authority's licensing policy and application process can be obtained from:

Licensing Team

Chiltern District Council

King George V House

King George V Road

Amersham

Bucks HP6 5AW

T: 01494 732068

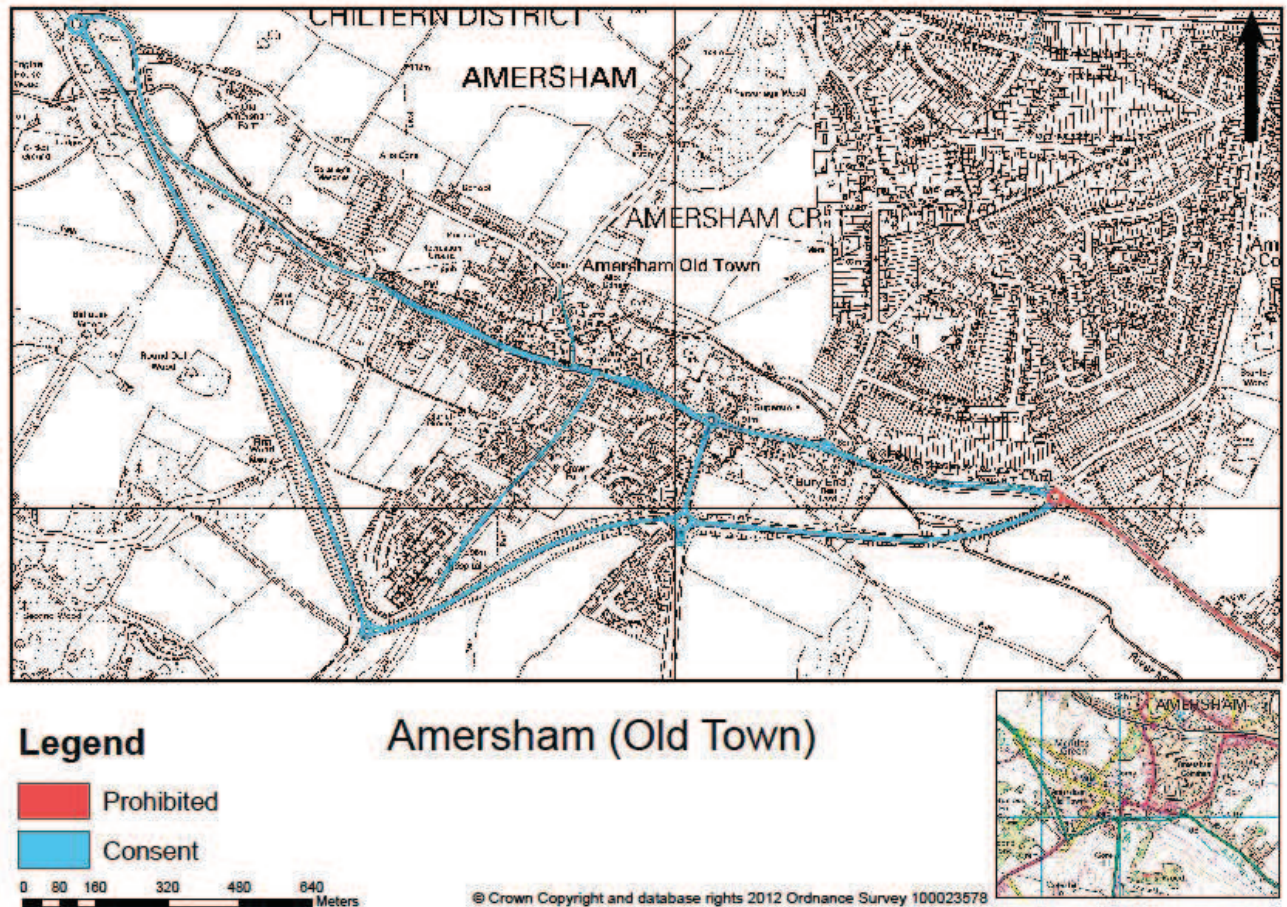
F: 01494 586504

E: licensing@chiltern.gov.uk

Website: www.chiltern.gov.uk

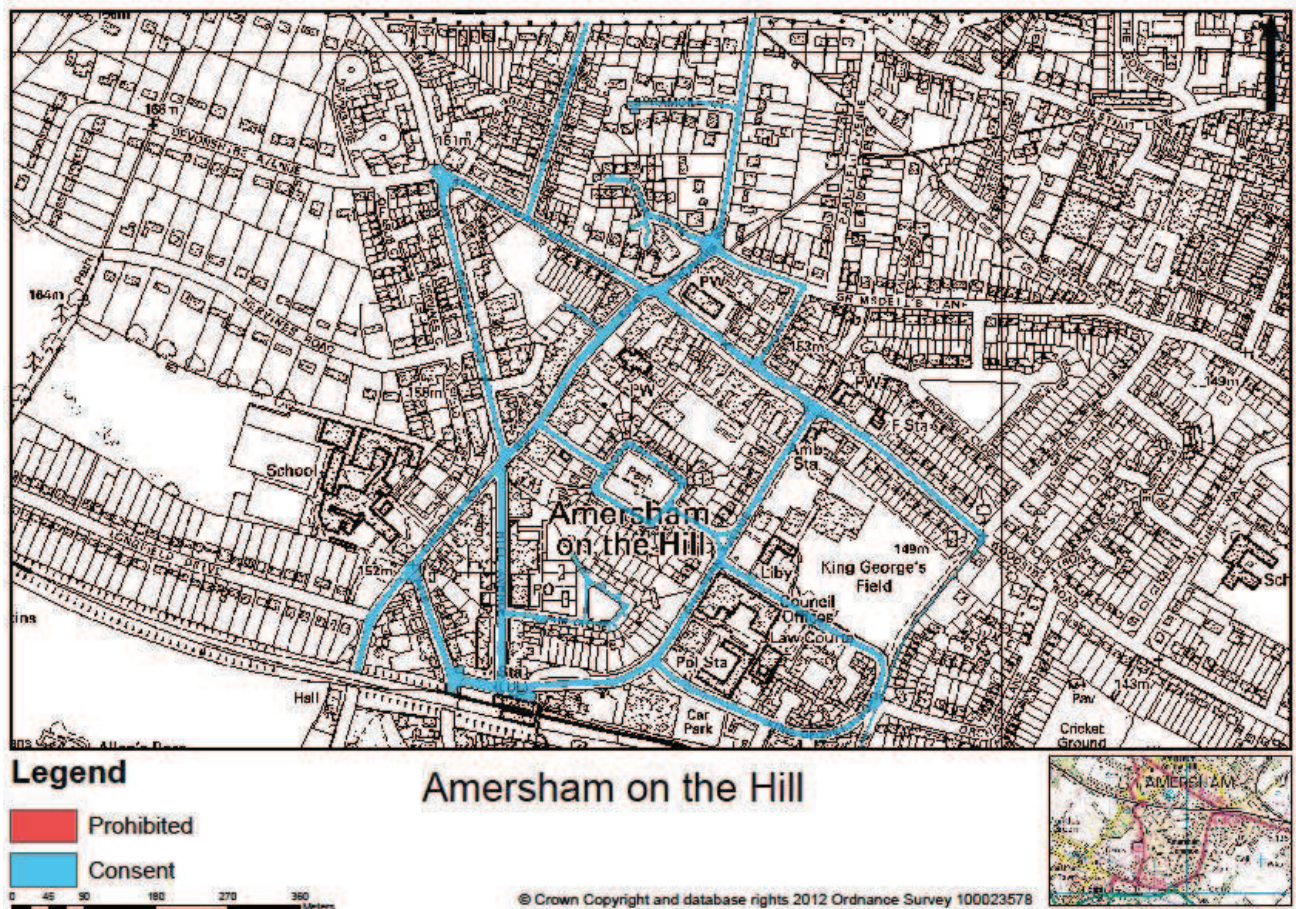
Annex 1 Consent Streets

Amersham



London Road West, also known in part as Chequers Hill;
 The Broadway;
 Market Square;
 High Street;
 Missenden Road (otherwise known as Wendover Road) all forming part of the traffic route A413 from the junction of Stanley Hill westwards to the point where the road passes over the River Misbourne west of the layby in front of the main entrance to the Shardeloes Estate;
 Church Street;
 Whielden Street/Whielden Lane from the junction of the A413 to a point opposite the Southern boundary of the Amersham Hospital Car Park;
 That section of Gore Hill from The Broadway to the junction with Fieldway.
 London Road (A413) towards Chalfont St Giles

Amersham-on-the-Hill



Chesham Road from the junction with Devonshire Avenue to the junction with Station Road;

Rectory Hill from the junction with Station Road to LRT overbridge;

Station Road from the junction of Chesham Road to the LRT overbridge;

Station Approach, Hill Avenue;

Elm Close, Chiltern Avenue;

King George V Road;

Hyrons Lane from the junction of Woodside Road to the LRT overbridge;

Woodside Road from the junction of Hyrons Lane to Rickmansworth Road;

Woodside Close, Sycamore Close;

Sycamore Road;

Service Road off Sycamore Road leading to Car Park;

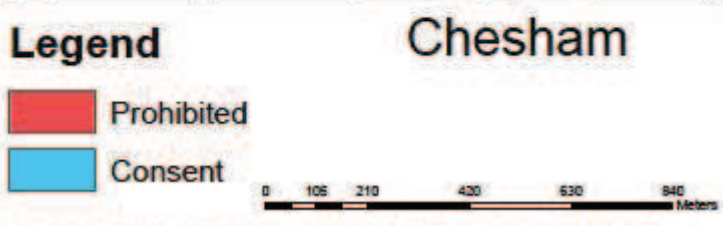
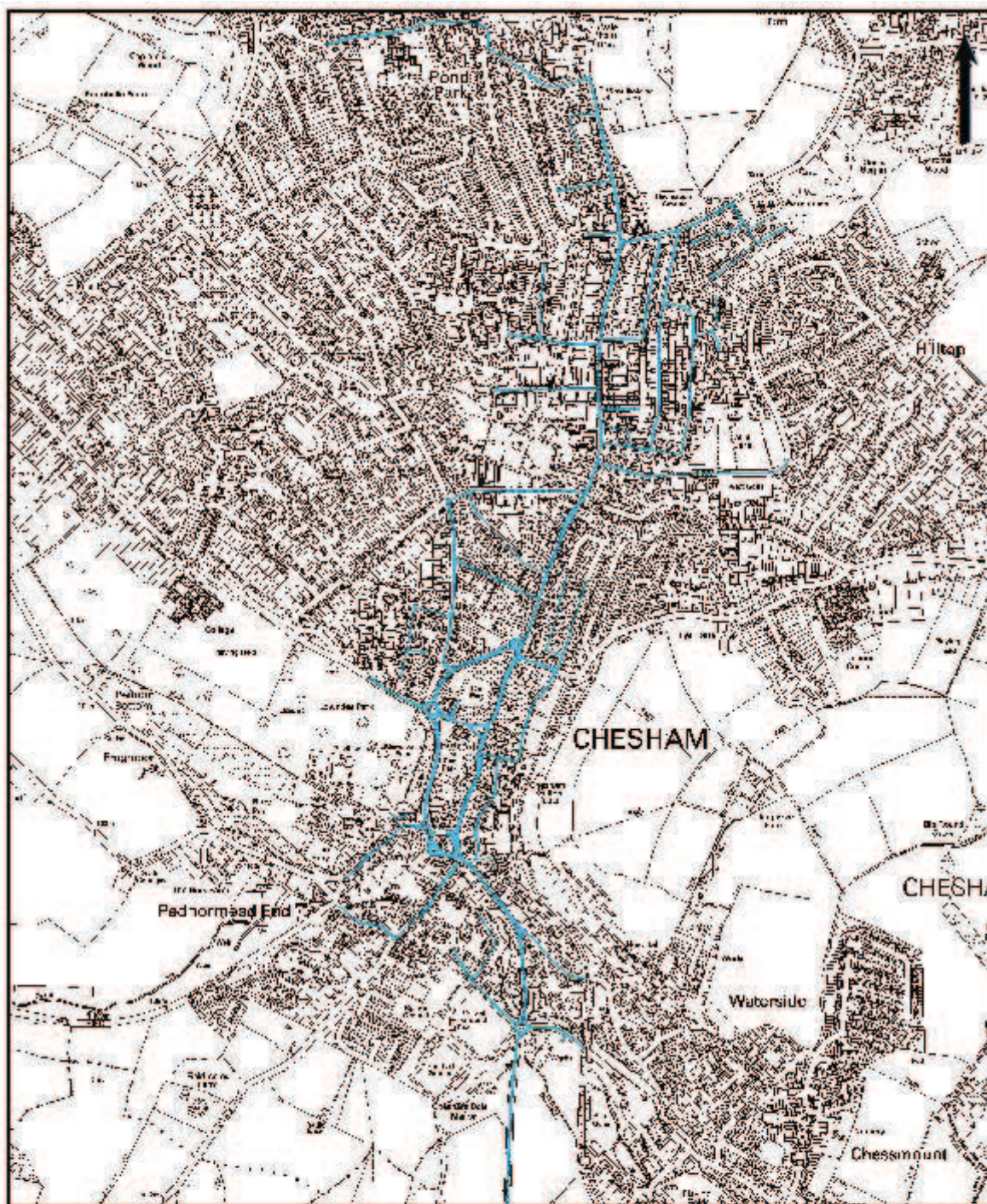
Short Way, Tudor Park;

Grimsdells Lane from the junction with Shortway to Sycamore Road;

Lexham Gardens;

Rickmansworth Road from the junction with Devonshire Avenue to Woodside Road.

Chesham

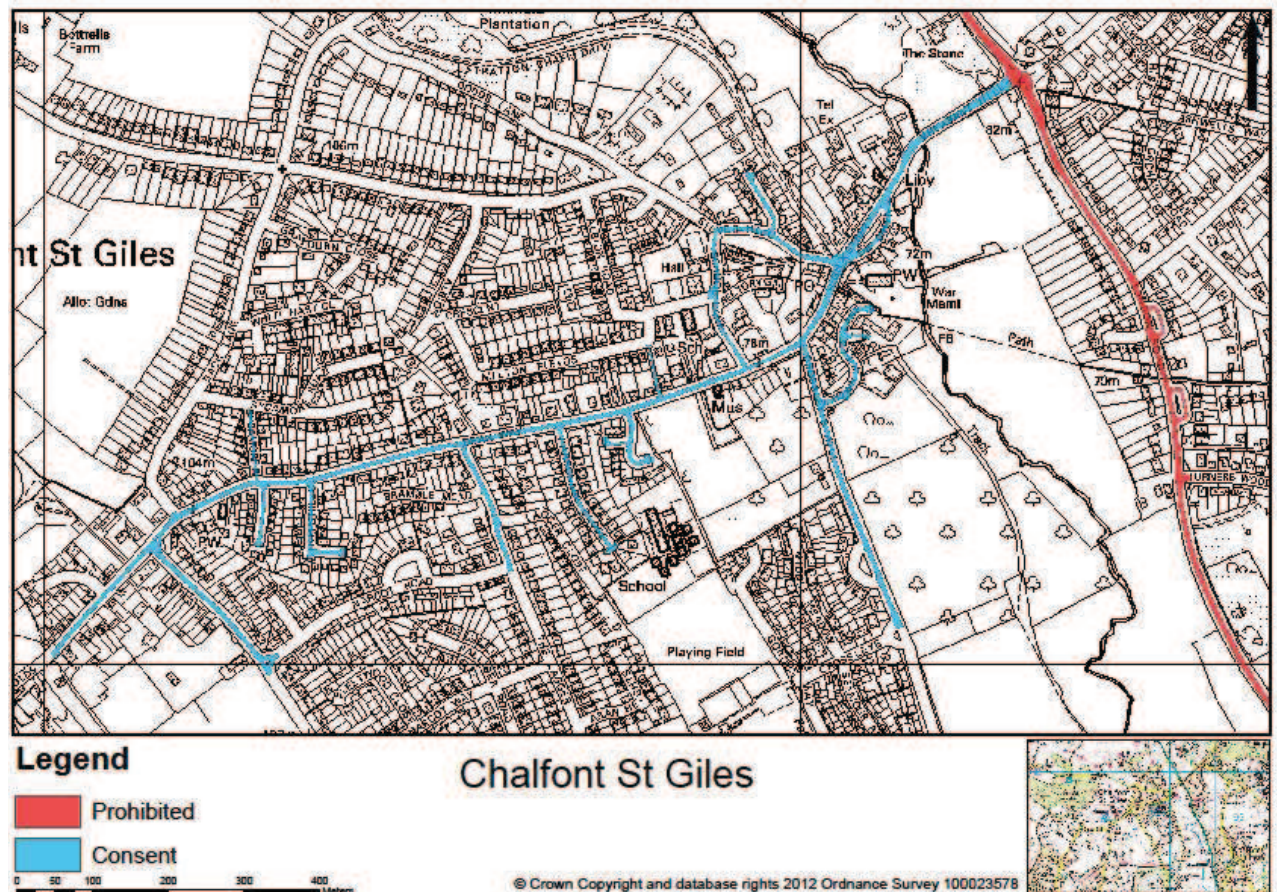


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Broad Street;
High Street;
Red Lion Street;
Market Square;
Waterside from the junction of Red Lion Street to the LRT overbridge;
Moor Road from the junction of Amersham Road to the LRT overbridge;
Amersham Road;
Amy Lane;
Meades Lane;
Germain Street from the junction with Fullers Hill and Wey Lane to the junction with Red Lion Street and Market Square;
Wey Lane;
Church Street;
St Mary's Way;
Blucher Street;
The Broadway;
Park Road from the junction of St Mary's Way to junction with Stanley Avenue;
Bellington Road from the junction of St Mary's Way to the junction with Sunnyside Road;
Sunnyside Road;
Higham Road;
Townsend Road;
Elgiva Lane;
Wesley Hill;
East Street;
Station Road;
The Backs;
White Hill from the junction of Victoria Road to the junction with Broad Street, High Street and St Mary's Way;
Townfield;
Gladstone Road;
Victoria Road;
Bury Lane;
Albert Road;
Abbotts Place;
Abbotts Vale;
Addison Road;
Alexander Street;
Alma Road;
Berkhampstead Road;
Birch Way;
Britannia Road;
Brockhurst Road;
Cameron Road (to junction with Stoney Grove);
Cherry Tree Walk;
Chilton Road;
Essex Road;
Frances Street;

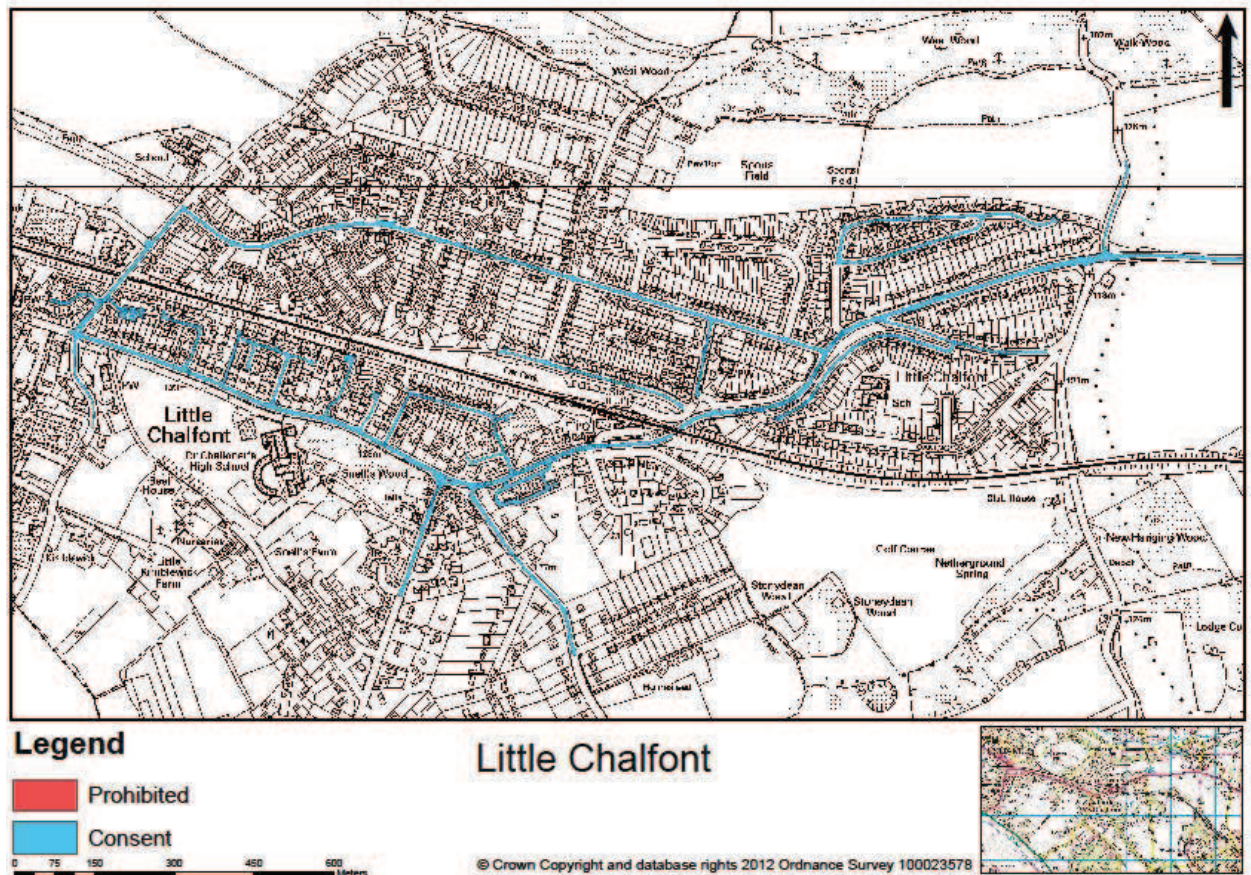
George Street;
Greenway;
Nashleigh Hill (to junction with Preston Hill);
Nutkins Way;
Preston Hill;
Russell Court;
Sayward Close;
Severalls Avenue;
Treachers Close;
Vale Rise;
Vale Road (to junction with Greenway).

Chalfont St Giles



Pheasant Hill;
 High Street (including The Green);
 Silver Hill (from the junction with High Street to the junction with School Lane);
 Up Corner Close;
 School Lane;
 Bowstridge Lane (from the junction with High Street to the junction with Crossleys);
 Townfield Lane;
 Dean Way;
 Hillside Close;
 Parsonage Road;
 The Lagger (from the junction with Dean Way to the junction with Narcot Road);
 Tripps Hill Close;
 Bowlers Orchard;
 Milton Hill;
 Sycamore Rise;
 Narcot Lane (from the junction with Three Households to the junction with Narcot Road);
 Three Households (from the junction with Narcot Lane to 10 metres beyond "Old Beams").
 London Road/Amersham Road (A413) towards Chalfont St Peter

Little Chalfont



Amersham Place;
 Amersham Road;
 Amersham Way;
 Applefield;
 Arbour View;
 Bedford Avenue;
 Bell Lane (to junction with Elizabeth Avenue);
 Beel Close;
 Burtons Lane (to junction with Loudhams Wood Lane);
 Chalfont Avenue;
 Chalfont Station Road;
 Chenies Parade;
 Chessfield Park;
 Church Grove;
 Clayton Walk;
 Cokes Lane (to junction with Snells Wood Court);
 Cumberland Close;
 Derwent Close;
 Elizabeth Avenue;
 Finch Lane (200 yards from junction with White Lion Road);
 Kenway Drive;
 Loudhams Road;
 St Nicholas Close;

Stoney Lane (200 yards from junction with Amersham Road);
White Lion Road (to junction with Bell Lane).

Chalfont St Peter

Gravel Hill/Chalfont St Peter By-Pass to the district boundary



Legend

-  Prohibited
-  Consent
-  District Boundary

Chalfont St Peter



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Annex 2 Prohibited Street

A413 from its junction with Stanley Hill, Amersham to the District Boundary at Chalfont St Peter

Annex 3

Standard Conditions Applicable to Street Trading Consents

General

- a) These Standard Conditions will apply to all licences unless disapplied or varied by the Head of Health and Housing.

Standard Conditions

1. Definitions
 - i) 'street' includes –
 - [a] any road, footway, beach or other area to which the public have access without payment ;and
 - [b] a service area as defined in section 329 of the Highways Act 1980 and also includes any part of a street;
 - (ii) 'street trading' means –

the selling or exposing for sale of any article (including a living thing) in a street;
2. The Consent granted by the Council is personal to the holder.
3. The street trading consent only relates to the vehicle/premises stipulated within the consent.
4. The consent holder can only trade in the goods stipulated in the consent.
5. Ancillary items can be sold where relevant to the goods being traded.
6. Any van, vehicle, barrow, cart or stall shall only be positioned within the designated area as outlined on the plan attached to the Consent.
7. Where appropriate the consent holder of any street trading consent and the stall and/or vehicle must comply with all relevant road traffic and highways legislation.
8. Where appropriate the consent holder of the street trading consent and the stall and/or vehicle must comply with all relevant food hygiene legislation.
9. The consent holder shall only trade from a stall or vehicle approved by the Council in writing.
10. The Consent may only be transferred to another person with the prior written consent of the Head of Health and Housing.

11. The consent holder shall not use the street for any trading purpose other than the purpose as permitted by the Consent and then only during the permitted hours.
12. The 'permitted hours' will be those stipulated within the consent but will not include any Bank Holiday, Easter Sunday and Christmas Day and New Year's Day when falling on a weekend.
13. Unless stipulated within the Consent, the van, vehicle, barrow, cart or stall shall be removed from the site at the end of each trading day.
14. The consent holder will vacate the site within 15 minutes of the end of the permitted hours.
15. The consent holder shall not trade in any street designated by the Council as a prohibited street.
16. WC facilities must be made available for staff and members of the public if seating is made available for consumption of food on site.
17. The consent holder shall maintain the stall or vehicle in a clean state and its structure shall be kept in good order, repair and condition to the satisfaction of an Officer of the Council authorised in writing under the appropriate legislation.
18. The consent holder shall conduct his/her business in such a manner to ensure that he/she does not:
 - (a) Cause a nuisance from noise, vibration, smoke or smell to the occupiers of adjoining property.
 - (b) Cause an obstruction to the vehicles or pedestrians in the street.
 - (c) Cause a danger to occupiers of adjoining property or to other users of the street.
19. The holder shall not seek to attract attention or custom by shouting or making undue noise or by permitting the playing of music, music re-producing or sound amplification apparatus or any musical instruments, radio or television sets whilst trading under this Consent, other than as specified in the Consent.
20. Refuse storage must be provided adjacent to the sale area. The storage must be of a substantial construction, waterproof and animal proof. The trade waste must be removed at the end of each working day or if the amount of refuse warrants it, when the container is full, whichever is the sooner.
21. The consent holder shall ensure that the whole of the lay-by and adjacent verge/ footpath (but not the carriageway) to a distance of 10 metres be kept free of litter and refuse at all times whilst resident.

22. A copy of the consent, suitably protected against the weather shall be displayed in a prominent position on the stall or vehicle at all times when trading is taking place.
23. The holder, or any employee of the holder, shall produce a copy of the Consent on demand when required by a Police Officer or an authorised officer of the Council.
24. Nothing in any consent shall purport to grant to the holder any other licence or permissions required under any other Enactment or requirement and the consent holder is specifically advised to obtain such other approvals as may be required.
25. The holder shall not place on the street any furniture or equipment or advertisement other than as specified in the Consent.
26. No poster, advertisement, signage or decoration of an unsuitable material or nature shall be displayed, sold or distributed on or about the vehicle or premises. For the purpose of this condition, material is unsuitable if in the opinion of an Officer of the Council authorised under the appropriate legislation, it is indecent, scandalous, offensive or likely to be harmful to any person likely to apprehend it. Material may also be considered to be unsuitable if it is of such a nature as to distract motorists driving on the highway.
27. The name and business address of the consent holder and other address at which the trailer is normally kept or garaged must be conspicuously and legibly displayed upon it in a place where the public may view it. Where this is a private address, suitable contact details must be displayed. The sign must be approved in writing by the Head of Health and Housing.
28. No signage or objects shall be placed on the highway or area surrounding the vehicle / premises without the appropriate permit.
29. Where a structure is not removed at the end of the trading day, no additional permanent or semi-permanent additions or paving shall be erected or constructed adjacent to the structure for which consent has been granted.
30. Failure to comply with any condition attached to the street trading consent may result in the revocation of such consent.
31. The holder shall notify the Head of Health and Housing at Council Offices, King George V House, King George V Road, Amersham, Bucks, HP6 5AW in writing of any criminal convictions or other legal proceedings arising out of the use or enjoyment of the Consent.

32. The holder of a Consent shall carry public liability insurance of not less than £10 million, evidence of which shall be supplied to the Council prior to the grant of the Consent.
33. The Council may revoke the Consent at any time.
34. The holder will return the Consent to the Council immediately upon revocation or surrender.
35. In the event of the Consent being surrendered or revoked before the expiry date no refunds will be given.
36. The Council may at any time vary these Conditions without notice.

Additional Conditions Applicable To Special Events/Markets

1. All stalls to be issued with a number that must be displayed on the stall.
2. The consent holder should keep records of each stallholder present on the market, to include the stallholder's pitch number, name and company name, their address, vehicle registration and a contact telephone number. This must be produced on request to an authorised officer.
3. The consent holder must not allow the sale of offensive weapons (including imitation fire-arms, firearms, airguns, swords and crossbows)
4. If the Public Conveniences are required to open beyond 20:00 a charge will be levied in accordance with the Council's fees and charges.
5. If additional Street Cleaning is required as a result of the event, a charge will be levied in accordance with the Council's fees and charges.

From: [Bill Richards](#)
To: [Licensing](#)
Cc: [Charlie Robinson](#)
Subject: Application for Street Trading Licence - Chesham Market Sq - Mr Mohammad
Date: 29 January 2016 14:28:03

Please find below comments from Chesham Town Council's local ward Member and Chairman of our Development Control Committee.

Strongly recommend refusal.

This is in a Conservation area

It is completely in the wrong place in front of a line of existing rate paying businesses, at least three of which are food and drink outlets already open in the evenings, but with approved venting in place. Also above most of the units around are residential flats with the area above the Building Society in the course of conversion.

Believe it is on designated highway land and would expect this use would increase traffic in the pedestrian dominated Market Square which is completely undesirable.

Regards

Bill Richards
Town Clerk
01494 583824

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Conditions relating to Street Trading Consent

1. Definitions

i) 'street' includes –

(a) any road, footway, beach or other area to which the public have access without payment
;and

(b) a service area as defined in section 329 of the Highways Act 1980 and also includes any part of a street;

(ii) 'street trading' means –

the selling or exposing for sale of any article (including a living thing) in a street;

2. The Consent granted by the Council is personal to the holder.

3. The street trading consent only relates to the vehicle/premises stipulated within the consent.

4. The consent holder can only trade in the goods stipulated in the consent.

5. Ancillary items can be sold where relevant to the goods being traded.

6. Any van, vehicle, barrow, cart or stall shall only be positioned within the designated area as outlined on the plan attached to the Consent.

7. Where appropriate the consent holder of any street trading consent and the stall and/or vehicle must comply with all relevant road traffic and highways legislation.

8. Where appropriate the consent holder of the street trading consent and the stall and/or vehicle must comply with all relevant food hygiene legislation.

9. The consent holder shall only trade from a stall or vehicle approved by the Council in writing.

10. The Consent may only be transferred to another person with the prior written consent of the Head of Health and Housing.

11. The consent holder shall not use the street for any trading purpose other than the purpose as permitted by the Consent and then only during the permitted hours.

12. The 'permitted hours' will be those stipulated within the consent but will not include any Bank Holiday, Easter Sunday and Christmas Day and New Year's Day when falling on a weekend.

13. Unless stipulated within the Consent, the van, vehicle, barrow, cart or stall shall be removed from the site at the end of each trading day.

14. The consent holder will vacate the site within 15 minutes of the end of the permitted hours.

15. The consent holder shall not trade in any street designated by the Council as a prohibited street.

17. The consent holder shall maintain the stall or vehicle in a clean state and its structure shall be kept in good order, repair and condition to the satisfaction of an Officer of the Council authorised in writing under the appropriate legislation.

18. The consent holder shall conduct his/her business in such a manner to ensure that he/she does not:

(a) Cause a nuisance from noise, vibration, smoke or smell to the occupiers of adjoining property.

(b) Cause an obstruction to the vehicles or pedestrians in the street.

(c) Cause a danger to occupiers of adjoining property or to other users of the street.

19. The holder shall not seek to attract attention or custom by shouting or making undue noise or by permitting the playing of music, music reproducing or sound amplification apparatus or any musical instruments, radio or television sets whilst trading under this Consent, other than as specified in the Consent.

20. Refuse storage must be provided adjacent to the sale area. The storage must be of a substantial construction, waterproof and animal proof. The trade waste must be removed at the end of each working day or if the amount of refuse warrants it, when the container is full, whichever is the sooner.

21. The consent holder shall ensure that the whole of the lay-by and adjacent verge/ footpath (but not the carriageway) to a distance of 10 metres be kept free of litter and refuse at all times whilst resident.

22. A copy of the consent, suitably protected against the weather shall be displayed in a prominent position on the stall or vehicle at all times when trading is taking place.

23. The holder, or any employee of the holder, shall produce a copy of the Consent on demand when required by a Police Officer or an authorised officer of the Council.

24. Nothing in any consent shall purport to grant to the holder any other licence or permissions required under any other Enactment or requirement and the consent holder is specifically advised to obtain such other approvals as may be required.

25. The holder shall not place on the street any furniture or equipment or advertisement other than as specified in the Consent.

26. No poster, advertisement, signage or decoration of an unsuitable material or nature shall be displayed, sold or distributed on or about the vehicle or premises. For the purpose of this condition, material is unsuitable if in the opinion of an Officer of the Council authorised under the appropriate legislation, it is indecent, scandalous, offensive or likely to be harmful to any person likely to apprehend it. Material may also be considered to be unsuitable if it is of such a nature as to distract motorists driving on the highway.

27. The name and business address of the consent holder and other address at which the trailer is normally kept or garaged must be conspicuously and legibly displayed upon it in a place where the public may view it. Where this is a private address, suitable contact details must be displayed. The sign must be approved in writing by the Head of Health and Housing.
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