



Regulatory & Appeals Committee

Date: Monday, 17 October 2016
Time: 7.00 pm
Venue: Committee Room 2
District Council Offices, Queen Victoria Road, High Wycombe Bucks

Membership

Chairman: Councillor J A Savage
Vice Chairman: Councillor Mrs L M Clarke OBE

Councillors: S Broadbent, M Clarke, A D Collingwood, C Etholen, R Gaffney,
M Hussain JP, D Knights, I L McEnnis, R Raja and Ms J D Wassell

Standing Deputies

Councillors: K Ahmed, Miss S Brown, A R Green and Mrs G A Jones

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Agenda

Item		Page
1.	APOLOGIES FOR ABSENCE To receive any apologies for absence.	
2.	MINUTES To confirm the minutes of the meeting held on 8 June (previously circulated)	
3.	DECLARATIONS OF INTEREST To receive any disclosure of disclosable pecuniary interests by Members relating to items on the agenda. If any Member is uncertain as to whether an interest should be disclosed, he or she is asked if possible to contact the District Solicitor prior to the meeting. Members are reminded that if they are declaring an interest, they should state the nature of that interest whether or not they are required to withdraw from the meeting.	

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5.	SEX ESTABLISHMENTS POLICY	5 - 39
6.	VARIATIONS TO HACKNEY CARRIAGE AND PRIVATE HIRE POLICY	40 - 136
7.	ACTIONS TAKEN UNDER DELEGATED AUTHORITY Submission of the file on Actions taken under Delegated Powers since the last meeting. This file is available in Committee Services for inspection and will also be circulated at the meeting.	

**For further information, please contact Iram Malik 01494 421204,
committeeservices@wycombe.gov.uk**

Agenda Item 4.

DELEGATION FOR OFFICERS TO PRESENT REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) CASES TO JUSTICES OF THE PEACE

Officer contact: Catherine Herries-Smith, 01494 421257, Catherine_herries-smith@wycombe.gov.uk

Wards affected:

PROPOSED RECOMMENDATION

To update and approve the designation of officers referred to below in the Executive Summary for the purpose of presenting RIPA cases to Justices of the Peace.

Corporate Implications

1. Changes to the Constitution are made by Council, following recommendation from this Committee, or Cabinet, or another committee, if appropriate. There are no financial implications arising from this report.
2. Since 1 November 2012, sections 37 and 38 of the Protection of Freedoms Act 2012 require a local authority who wishes to authorise the use of directed surveillance, acquisition of communications data and use of a covert human intelligence source (CHIS) to obtain an order approving the grant or renewal of an authorisation or notice from a Justice of the Peace (JPs) (a District Judge or lay magistrate) before it can take effect. The Standing Orders need to be amended to designate particular named officers for the purposes of presenting RIPA cases to JPs under s.223 of the Local Government Act 1972.

Executive Summary

3. The Office of Surveillance Commissioners considers that the best officer to apply to the magistrate for approval of an authorisation for directed surveillance, or CHIS (Cover Human Intelligence Source), is the Authorising Officer, although they recognise that this is not always practicable. Only he/she can answer questions about his/her reasoning on necessity, proportionality, collateral intrusion and risk. The role of the Senior Responsible Officer (SRO) is to oversee the competence of Authorising Officers and the processes in use in his public authority. Whilst legislation does not preclude his/her use as an Authorising Officer, it is unlikely that he/she would be regarded as objective if he/she oversees his own authorisations. The Corporate Director has been appointed to the role of SRO.
4. This report sets out some proposals to update the Constitution to enable the following officers, including Authorising Officers, to present RIPA cases to JPs:

Authorising Officers

- Karen Satterford Chief Executive
- Steve Richardson Head of Finance and Commercial Services
- Caroline Hughes Head of Environment
- Elaine Jewell Head of Community Services

Corporate Fraud Team

- Katie Nagiel Investigation Officer
- Joanna Price Corporate Investigator

Community Services

- Sarah McBrearty Community Safety Team Leader
- Michelle Harvey Anti-Social Behaviour Officer

Environmental Services

- Neil Stannett Environmental Health Manager
- Andrew Collinson Divisional Environmental Health Officer
- Julian Smith Divisional Environmental Health Officer
- Caroline Steven Licensing Team Leader
- Stephen Starsmore Environmental Health Officer

Sustainable Community Strategy/Council Priorities - Implications

5. The Council's Constitution and Standing Orders underpin the way the Council works and thus the Sustainable Community Strategy. A robust democratic process supports all the Council's priorities.

Background and Issues

6. The Regulation of Investigatory Powers Act 2000 ("RIPA") was designed to regulate the use of investigatory powers and to satisfy the requirements of the European Convention on Human Rights on its incorporation into UK law by the Human Rights Act 1998. RIPA regulates the use of a number of covert investigatory techniques, not all of which are available to local authorities. The three types of technique available to local authorities are: the acquisition and disclosure of communications data (such as telephone billing information or subscriber details); directed surveillance (covert surveillance of individuals in public places); and covert human intelligence sources ("CHIS") (such as the deployment of undercover officers). Local authorities sometimes need to use

covert techniques in support of their statutory functions. They, not the police, are responsible for enforcing the law in areas such as: environmental crime, taxi cab regulation; underage sale of knives, alcohol, solvents and tobacco and the employment of minors. The communications data powers are primarily used by local authorities to target rogue traders (where a mobile phone number can be the only intelligence lead). Directed surveillance powers are used in benefit fraud cases, to tackle anti-social behaviour (in partnership with the police) and fly-tipping, while CHIS and directed surveillance are used in test purchase operations to investigate the sale of tobacco, alcohol and other age-restricted products.

Wycombe District Council uses the power under RIPA, the Regulation of Investigatory Powers Act 2000, to conduct authorised directed surveillance in connection with the conduct of criminal investigations. Although the Council is also permitted under RIPA to authorise the interception of communications data and the use of Covert Human Intelligence Sources it has not done so since RIPA came into force in 2000.

On 1 November 2012 two significant changes took effect governing how local authorities use RIPA.

(a) Approval of Local Authority Authorisations under RIPA by a Justice of the Peace: Amendments in the Protection of Freedoms Act 2012 mean that local authority authorisations and notices under RIPA for the use of particular covert techniques can only be given effect once an order approving the authorisation or notice has been granted by a Justice of the Peace (JP).

(b) Directed surveillance crime threshold: Amendments to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (“the 2010 Order”) mean that a local authority can now only grant an authorisation under RIPA for the use of directed surveillance where the local authority is investigating particular types of criminal offences. These are criminal offences which attract a minimum custodial sentence of six months or criminal offences relating to the underage sale of alcohol or tobacco. Local authorities cannot authorise directed surveillance for the purpose of preventing disorder unless this involves a criminal offence(s) punishable (whether on summary conviction or indictment) by a minimum term of at least 6 months’ imprisonment.

Local authorities may therefore continue to authorise use of directed surveillance in more serious cases as long as the other tests are met – i.e. that it is necessary and proportionate and where prior approval from a JP has been granted. Examples of cases where the offence being investigated attract a minimum custodial sentence of six months could include serious criminal damage, dangerous waste dumping and serious or serial benefit fraud.

Next Steps

7. Following approval by the Regulatory and Appeals Committee the decision to authorise named officers will then need to be ratified by full Council

Background Papers

Agenda Item 5.

SEX ESTABLISHMENTS POLICY

Officer contact: Caroline Steven

DDI: 01494 - 421222

Email: caroline_steven@wycombe.gov.uk

Wards Affected: All

PROPOSED DECISION

That the current Sexual Entertainment Venue Policy is approved.

Executive Summary

Members will recall that, further to the implementation of new legislation, the Council approved a policy in relation to Sexual Entertainment Venues which became effective on the 1st April 2012. The Policy was last considered in 2013 and a review is now required. Given that there have been no comments in relation to the Policy and no changes in legislation it is not considered that any amendments are required at this time and that the Policy should remain unchanged.

Corporate Implications

The Council adopted new legislation in 2012 to enable licensing of Sexual Entertainment Venues, including sex shops, sex cinemas and lap dancing establishments. The foremost consideration in this respect is the safety of the public and the performers involved. Any policy considerations or changes should therefore reflect this need. Sections 13(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 permits local authorities to set standard conditions on premises providing sexual entertainment. Conditions should be aimed at protecting the public and the performers and at reducing nuisance to local residents. Licence holders have a right to appeal to a Magistrates Court if they are aggrieved by the imposition of any conditions and so it is considered that human rights are adequately protected.

There are no financial implications.

Policy/Community Plan Implications

The proposed recommendation is aimed at ensuring that businesses can be run effectively whilst ensuring public safety and minimising public nuisance. It therefore contributes to the People and Places themes in the Community Plan.

Detailed Report

1. In response to the implementation of new legislation relating to Sexual Entertainment Venues and the Council's decision to adopt new powers to control this type of business, a new Policy was produced and approved in 2012 which became effective on the 1st April 2012.
2. There is currently one Sexual Entertainment Venue in the district which is licensed to carry out lap dancing.
3. The Policy was reviewed and considered in 2013 when it was agreed that the terminal hour in the standard conditions be extended until 02:00 from Thursday to Saturday and 00:00 from Sundays to Wednesdays and bank holidays.

4. Although the Policy itself is not a statutory requirement, it is considered appropriate that it should now be reviewed given that 3 years have passed since it was last considered.
5. There have been no changes in legislation since the last review and no comments or complaints have been received in respect of the current Policy or the only licensed premises which fall under this policy. It is therefore considered that no amendments are required to the current Policy and that it should remain unchanged. Given the above, it is also not considered to be necessary for the policy to be subjected to a consultation process.

Background Papers

Relevant legislation



WYCOMBE DISTRICT COUNCIL

DRAFT

SEX ESTABLISHMENT AND ENCOUNTER POLICY

SEPTEMBER 2016

**Wycombe District Council
Sex Establishment Policy**

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Appendix 1 Standard Conditions / Regulations

Appendix 2 Procedure for Hearings

1. Introduction

- 1.1 This document sets out Wycombe District Council's proposed draft policy (the "Policy") regarding the regulation of sex establishments and the procedure for applications relating to sex establishment licences. The Policy became effective on the 1st April 2012. The policy will continue to be reviewed in light of developing practice, guidance and secondary legislation.
- 1.2 This document relates to applications for sex establishment licences. Sex establishments fall into one of the following three categories:
 - sex cinemas
 - sex shops
 - sexual entertainment venues
- 1.3 The scheme for the control of sex establishments by way of a licensing regime is contained in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009. In producing this Policy the Council has had regard to the Home Office Sexual Entertainment Venues Guidance for England and Wales (March 2010).
- 1.4 This Policy sets out the Council's approach to licensing of sex establishments for the benefit of applicants, operators and the general public. It also aims to ensure transparency and consistency in decision making. When the decision making powers of the Council are engaged, each application will be considered on its merits.
- 1.5 The procedure outlines:
 - the process for making an application, and
 - the process the Council will follow in considering and determining an application for a sex establishment.
- 1.6 This Policy will be reviewed at least every 3 years. Its contents will be revised to incorporate any new, relevant legislation and guidance as appropriate.

2. Consultation on the Policy

- 2.1 Consultation on this Policy will take place with:
 - The Chief Officer for Thames Valley Police for the area of Wycombe district;
 - One or more persons who appear to the authority to represent the interests of persons carrying on, or proposing to carry on the business of a sex establishment in the authority's area.
 - One or more persons who appear to the Authority to represent the interests of persons to be employed either as performers or otherwise in the business of a sex establishment;

- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by or otherwise have an interest in the Policy. This includes, but is not limited to, regulatory authorities such as Thames Valley Police, the Fire Authority, Community Safety and Child Protection;
 - Interested parties such as resident associations and trade associations and others as considered appropriate.
- 2.2 The Licensing Authority will give due weight to the views of those consulted and will amend the Policy where appropriate. In determining what weight to give particular representations, the factors to be taken into account will include:
- Who is making the representation (what is their expertise or interest)
 - How many other people have expressed the same or similar views
 - How far the representations relate to matters the Council should include in its Policy.
- 2.3 The full list of those consulted is available on request from the Licensing Unit or by email to licensing@wycombe.gov.uk
- 2.4 The Policy is published via the Licensing website:
- www.wycombe.gov.uk/licensing
- Hard copies are available upon request from the Licensing Unit.
- 2.5 Should you have any comments regarding this Policy, please send them via email or letter to:
- Licensing Team Leader
The Sex Establishment Policy
Wycombe District Council
Queen Victoria Road
High Wycombe
Bucks, HP11 1BB
licensing@wycombe.gov.uk
- Alternatively comments can be made on-line at
www.wycombe.gov.uk/licensing

3. Definitions

3.1 The Act

This refers to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009.

3.2 The Policy

This refers to Wycombe District Council's Sex Establishment and Encounter Policy.

3.3 Sex Cinema

A sex cinema is any premises, vessel, vehicle or stall used to a significant degree for the exhibition of moving pictures however produced, which:

- (a) are concerned primarily with the portrayal of, or primarily deal with or relate to or intending to stimulate or encourage sexual activity, acts of force or restraint which are associated with sexual activity
- (b) are concerned primarily with the portrayal of, or primarily deal with or relate to genital organs or urinary or excretory functions but does not include a dwelling-house to which the public is not admitted .

3.4 Sex Shop

A sex shop is any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating:

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

3.5 Sex Articles

A sex article is anything for use in connection with or for stimulating or encouraging

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

3.6 Sexual Entertainment Venue

A sexual entertainment venue is any premises where any live performance or any live display of nudity is of such a nature that, regardless of financial gain, it must reasonably be assumed to have been provided solely or mainly for the purpose of sexually stimulating any member of the audience. It includes, but is not limited to, lap dancing, pole dancing, table dancing, strip tease, live sex shows and similar venues.

3.7 The Organiser

This is any person who is responsible for the organisation or management operation of the relevant entertainment or the premises.

3.8 Display of nudity

This means:

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

3.9 Relevant locality

This is the locality where premises are situated or where the vehicle, vessel or stall is going to be used as a sex establishment. The locality and the area covered is a matter for the Local Authority to decide at the time it considers an application for the grant, renewal or transfer of a sex establishment licence.

3.10 Permitted hours

These are the hours of activity and operation that have been authorised under a sex establishment licence.

3.11 Appropriate Authority

Wycombe District Council is the 'Appropriate Authority' for the purposes of the sex establishment licensing regime introduced by the Local Government (Miscellaneous Provisions) Act 1982 (as amended) and adopted by the resolution of the Council on the 28th February 2011 taking effect from the 1st April 2011.

4. Background to the Area

4.1 District background

The District is a mixed urban and rural area, whose amenity the Council has a duty to protect. One of the Council's aims is to promote safer and stronger communities. These factors will be taken into account where applications will increase the concentration of entertainment uses in a way that would materially impact on the local area.

4.2 Wycombe District is situated in the heart of Buckinghamshire, which includes such features as the Chilterns and Thames Valley. The three main towns, High Wycombe, Marlow and Princes Risborough are within 'The Chilterns', a designated Area of Outstanding Natural Beauty, whose secluded countryside and rural communities provide a unique environment for residents and visitors to enjoy.

- 4.3 There is currently one premise licensed under the Licensing Act 2003 that conducts lap dancing, which is a 'sexual entertainment venue' under the new legislation.

Strategic Vision

- 4.4 Wycombe District Council's vision to 2026 is that Wycombe District, will be economically strong and the place to live work and visit.
- 4.5 To deliver this vision the Council has adopted a Corporate Plan ((2016-2019) which sets out the strategic direction for the Council and informs the work of each of its services under three priorities of "place, people and pounds". We have set a series of projects to deliver these priorities and these can be found in our Corporate Plan on our website www.wycombe.gov.uk
- 4.6 Wycombe District Council recognises that some of the issues that face our communities are bigger than we can deal with on our own. To address this we work in partnership with other local agencies to make a positive difference in people's lives. This group of agencies is called the Wycombe Partnership. The Partnership is collectively responsible for the delivery of the Sustainable Community Strategy (20139–2031) which has five common themes across Buckinghamshire: thriving economy; sustainable environment; safe communities; health and wellbeing and community involvement.
- 4.7 The projects and activities set out within Wycombe District Council's Corporate Plan are our direct contributions to the partnership Sustainable Community Strategy.
- 4.8 This aims of this Policy complement the thriving economy; safe communities; health and wellbeing and cohesive and strong communities themes of our Sustainable Community Strategy and the priorities as set out in our Corporate Plan.
- 4.9 All of these issues will be taken into consideration when considering applications made for sex establishment licences.

4.10 Impact

In considering applications for the grant of new licences or variation of conditions, the Council will assess the likelihood of a grant causing adverse impacts, particularly on local residents. The Council will take the following general matters into account:

- Type of activity;
- Duration of proposed licence;

In considering all applications for renewal the Council will take into account:

- Proposed hours of operation.
- Layout and condition of the premises

- The use to which premises in the vicinity are put
- The character of the locality in which the premises are situated

4.11 In considering all applications for the grant of new licences or applications for variation of conditions the Council will take into account the potential impacts of the licensed activity on:

- Crime and disorder;
- Cumulative impact of licensed premises in the area including hours of operation;
- The character of the locality in which the premises is situated;
- Levels of recorded crime and disorder in the area;
- Past demonstrable adverse impact from the activity;
- Whether appropriate measures have been agreed and put into effect by the applicant to mitigate any adverse impacts;

4.12 **Location**

The Council acknowledges that the character of a locality is not something that remains static, but which can alter at any time. Its decision on an application will be based on its assessment of the character of a locality at the time an application is determined.

4.13 Licences will only be granted in predominately commercial areas and the Council is mindful of its power to determine that no sex establishment should be located in a particular locality. In accordance with case law, the Council shall decide a locality as a matter of fact to be determined by the particular circumstances of each case and not by drawing boundaries on a map.

The Council shall reserve the right to identify future areas that are not appropriate in accordance with The Home Office Sexual Entertainment Venues Guidance (March, 2010). The Policy shall be to determine the merits of any future applications dependant upon the prevalent 'character' of a locality, and in accordance with Government guidance and relevant case law.

5. **General Policy** **Principles to be applied**

5.1 Specific mandatory grounds for refusal of a licence are set out in the Act. A licence cannot be granted:

- a) to anyone under 18 years of age;
- b) to someone who has held a licence that was revoked in the previous 12 months and who was disqualified from holding a licence for that period;
- c) to someone who has been refused a new licence or renewal of licence within the last 12 months (from the date of making the application);

- d) to an individual who is not resident in the United Kingdom or who has not been resident for six months prior to the making of an application;
- e) to a company not incorporated in the United Kingdom;

5.2 Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, local authorities must have regard to the likely effect of the exercise of their functions on, and do all that they can to prevent, crime and disorder in their area. This policy will have regard to the likely impact of such licences on related crime and disorder in the district. In giving “due regard” to this the Council will consider all information available and representations made from any objectors, the Applicant and in particular Thames Valley Police.

- 5.3 Every application for the grant, renewal or transfer will be considered on its individual merits, on a case by case basis.
- 5.4 The Council may also refuse a licence if the applicant is unsuitable to hold a licence because they have been convicted of a relevant offence or for any other reason. The suitability of an applicant is a matter for the local authority to determine at the time of application.
- 5.5 The Local Authority will take into account representations from the applicant, any person objecting and the Chief Officer of Police. The Council shall normally take into account:
 - previous knowledge and experience of the applicant and their managerial competence;
 - any evidence of the operation of any existing/previous licence held by the applicant, including any licence held in any other area;
 - any report about the applicant and /or management of the premises received from objectors or the Police plus any relevant criminal convictions or cautions;
 - that the operator is proposing a management structure which will deliver compliance with operating conditions and policies. Information should be provided detailing the training of staff and the welfare of performers as well as means to protect the public;
 - any other relevant information.
- 5.6 The number of sex establishments or sex establishments of a particular kind in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality.
- 5.7 The grant or renewal of licence would be inappropriate having regard to:
 - i) the character of the relevant locality;
 - ii) the use to which any premises in the vicinity are put; or
 - iii) the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made;
 - iv) Where it can be shown that the business would be managed for the benefit of a third party who would be refused a licence;

- 5.8 The relevant locality will be determined in accordance with where the premises are situated or where the vehicle, vessel or stall is going to be used. The area and extent of the relevant locality is a matter of the local authority to decide at the time the application is made. Each application will be considered on its own merits.
- 5.9 In determining the character of relevant locality and the appropriate number of sex establishments in that relevant locality, the Local Authority will take into account, but not limit its determination to:
- (a) the use to which any premises in the vicinity are put;
 - (b) the number of existing sex establishments both in total and also in respect of each type (*i.e.* sex cinemas, sex shops and sex entertainment venues);
 - (c) the number of existing premises engaged in and or offering entertainment of an adult or sexual nature or entertainment associated with such entertainment (for example tattooing, piercing etc;)
 - (d) the proximity of residents to the premises, including any sheltered housing and accommodation for vulnerable persons;
 - (e) the proximity of educational establishments to the premises;
 - (f) the proximity of places of worship to the premises;
 - (g) access routes to and from schools, play areas, nurseries, children's centres or similar premises;
 - (h) the proximity to shopping centres;
 - (i) the proximity to community facilities/halls and public buildings such as swimming pools, leisure centres, public parks, youth centres/clubs. This list is not exhaustive;
 - (j) the potential impact of the licensed activity on crime and disorder and public nuisance;
 - (k) the potential cumulative impact of licensed premises in the area taking into account the days and hours of operation of the activity and the character of the locality where the premises are situated;
 - (l) the nature and concerns of any objections received from residents/establishments objecting to the licence application;
 - (m) any evidence of complaints about noise and/or disturbance caused by the premises;
 - (n) current planning permission/planning requirements on the Premises and any current planning policy considerations;
 - (o) whether there is planned regeneration of the area;
 - (p) any current licensing permissions relating to the premises in relation to activities, uses and hours;
 - (q) the proposed activity and hours of opening

5.10 Permitted Trading Hours

Premises will not be permitted to be open for trade other than at the following hours:

Sex Establishments (Shops/Cinemas): between 09.00 hours – 18.00 hours on Mondays to Saturdays, with no trading permitted on Sundays.

Sexual Entertainment Venues: Thursday - Saturday 12:00 – 02:00 hours,
Sunday – Wednesday and Bank Holiday's; 12:00 – 00:00 hours.

6. The Application Process

Making an application

- 6.1 Any application should be made in writing to the Council Licensing Team. Please note that generally, applications may take 8-12 weeks to determine. Applications can be made by individuals (over 18) or by companies.
- 6.2 Applicants for a licence must complete and return the application form, together with:
- two sets of floor plans, drawn to scale and showing all means of entry and exit, any parts used in common with any other building and indicating how the premises lie in relation to the street;
 - two sets of plans showing the existing and front elevation of the premises depicting all signage;
 - two sets of plans (scale 1:500) showing the sex establishment in relation to other premises within 100 metres;
 - two sets of plans (scale 1:50) showing the layout of the sex establishment;
 - the correct fee as approved by the Council. Fees will be reviewed on an annual basis and details will be published on the Council's website and included within application packs.
- 6.3 As part of the application process, applicants are required to post a white A3 notice at the proposed site for 21 days, from the date the application is lodged with the Council, setting out the application details.
- 6.4 The notice must be posted in a prominent position on the premises for the whole of that time so that it can be easily read by passers-by. Applicants are also required to place a public notice in a local newspaper, for example the Bucks Free Press, at their own expense. The newspaper notice should appear in the publication within 7 days of the application being lodged. Within 14 days of the date on which the Application is made the applicant must also send one complete copy of the newspaper containing the advertisement to the Council's Licensing Unit.
- 6.5 Authorised Officers from the relevant Authority may choose to inspect the premises. This includes Council Licensing Officers, Thames Valley Police and the Fire Authority to ensure that required technical standards are met. If works are required to bring the premises up to standard, the applicant will be notified. Licences will not be issued until all required works are satisfactorily completed.
- 6.6 As part of the established procedure for dealing with applications, the Council's Control of Pollution Team will be consulted. If there is the possibility of noise nuisance from amplified music or other sources, these

officers may also carry out an inspection and recommend noise insulation work. Any requirements they identify must be complied with at all times any licence is in force.

- 6.7 Notice of all applications (new, renewal, variation and transfer) shall be given to Council Licensing Officers, Thames Valley Police, the Council's Control of Pollution Unit, the Fire Authority, relevant Ward Members and any other person(s) as deemed appropriate by the Council. Copies of all documentation must be provided to all parties.
- 6.8 Applicants are advised that any person who, in connection with an application for the grant renewal or transfer of a licence, makes a statement which s/he knows to be false in any material respect, or which she/he does not believe to be true, is guilty of an offence and liable to summary conviction to a fine not exceeding £20,000.
- 6.9 Any licence approved does not constitute any approval under any other Acts (for example, the Town and Country Planning Act 1990) or Bye-Laws. The applicant must ensure that all other necessary consents and approvals are obtained prior to operation.
- 6.10 The Council will not determine an application for grant of a licence unless the applicant allows an authorised officer a reasonable opportunity to enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.
- 6.11 On the grant of a licence, the licence document will have the agreed days and hours of operation set out, together with any other specific and/or standard conditions applied. Licence holders must comply with all requirements of the licence. Sex Establishment Licences will normally expire on an annual basis, but can be issued for a shorter term if deemed appropriate.
- 6.12 Application forms, sample advertisements and site notices are available via www.wycombe.gov.uk/licensing or on request from the Licensing Unit.
- 6.13 Renewal of Licences**
- To continue operating as a sex establishment, licence holders must make a renewal application prior to the expiry of any existing licence.
- 6.14 The Council will not determine an application for renewal of a licence unless the applicant allows an authorised officer a reasonable opportunity to enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.

6.15 Variation of Licence

The application form, with relevant plans and fee should be sent to the Licensing Unit. Please note that applications for any variation to a licence are also subject to the site and newspaper notice requirements as set out above for new applications.

- 6.16 Variation applications relate only to proposed changes to such matters as the hours and area of the premises covered by the licence. Any changes in Licensee must be the subject of a transfer application.

6.17 Transfer of Licence

The Council will not determine an application for transfer of a licence unless the applicant allows an authorised officer a reasonable opportunity to enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.

7. Representations on an Application

- 7.1 As a result of the specific statutory advertising requirements, the Council will not proactively consult local residents on applications. The Council will reserve the right in exceptional circumstances to consult local residents in relation to applications for grant, renewal or variation of the terms or conditions of a licence depending upon the individual circumstances of each application. The nature and extent of consultation will depend on the history of a particular premises and the perceived likelihood of problems occurring and objections being received.
- 7.2 Any person wishing to object to an application must submit a written representation within the 28 day consultation period specified to the Licensing Service, setting out the grounds of objection.
- 7.3 Representations made before the application is submitted can be taken into account. The Council also has discretion to consider representations made after the 28 day consultation period although this will be assessed on a case by case basis.
- 7.4 The legislation dictates that, unless a person making representations consents, their name and address shall not be revealed to the applicant. They may also be reluctant to appear before a hearing of the Sub-Committee.
- 7.5 However, the grounds of any objection made in relation to an application must be provided to the applicant prior to the determination of the application. The report to the relevant Sub-Committee will provide full details of the objections, including any actions / undertakings proposed by the applicant to address matters raised.
- 7.6 Additionally, the applicant and any persons who made representations and who wish to attend the hearing will have the opportunity to address

the Sub-Committee before the application is determined (See Appendix 2 below).

8. Grandfather Rights

There are no grandfather rights contained within the Act. Where an application is made for a new licence to carry out the same activities as previously undertaken at a premise, where hours of operation and conditions are requested as previously licensed, the Council shall give due weight to the fact that the licence was granted in the previous year and for a number of years before that if relevant. However, the Council will take into account:

- Levels of recorded crime and disorder in area;
- Evidence of past demonstrable adverse impacts from the activity on the safety and amenity of local residents;
- Whether appropriate measures have been agreed and put into effect by the applicant to mitigate any adverse impacts.

9. Appeals

9.1 There is no right of appeal:

- against refusal of a licence on the grounds set out in paragraph 5.1 above, unless an applicant can prove the appropriate ground of refusal does not apply to them;
- where refusal of a licence is based on the grounds set out in paragraphs 5.6 and 5.7 above;
- against conditions applied to a licence

9.2 Any appeal to the Magistrates' Court must be made within 21 days from the date on which the person is notified of the decision or became aware of the condition.

9.3 Where an appeal is lodged (other than on grounds previously stated) against refusal to renew or for revocation, the licence remains in force until such time as the appeal is determined. Where an appeal is lodged against conditions applied to a licence, the conditions are deemed not to come into force until the determination or abandonment of the appeal.

10. Enforcement Enforcement Policy

10.1 The Council's Licensing Enforcement Policy is based upon the principles of consistency, transparency and proportionality as set out in the Department of Trade and Industry's Enforcement Concordat which also takes into account the Attorney-General's Guidelines to Crown Prosecutors for bringing prosecutions.

10.2 The Enforcement Policy (available on request from the Licensing Unit) proposes that a graduated response is taken where offences against licensing legislation are found or where licence conditions have been

contravened. An isolated administrative offence – such as failing to display a Premises Licence Summary – may be dealt with purely by way of a written warning whilst more serious offences which have either been committed over a period of time or which jeopardise public safety – such as failing to maintain fire safety equipment properly – may result in a referral for prosecution.

Enforcement General

- 10.3 The Council will seek to work actively with the police in enforcing licensing legislation and is a signatory to the Buckinghamshire Memorandum of Understanding and Joint Enforcement Protocol along with Thames Valley Police and the other local authorities in Buckinghamshire. The Protocol seeks to ensure a consistent and appropriate approach to enforcement. The Protocol is available on the Council's website at www.wycombe.gov.uk/licensing or a copy can be obtained by contacting the Licensing Unit on 01494 421222 or at licensing@wycombe.gov.uk. The police, the Authority and other agencies will share information about licensees and licensed premises under the provisions of current legislation.
- 10.4 The Council will provide a licensing enforcement function to investigate allegations of unlicensed activities and to ensure that licence conditions are complied with. Any inspection regime will be relative to the type of premises to be inspected i.e. properly managed and maintained premises will not require the same number of inspections as problem and high risk premises.
- 10.5 The Council will carry out its responsibilities in relation to enforcement so as to promote business whilst protecting the public and will aim to ensure that enforcement is fair, open, reasonable, consistent and proportionate. Action will be taken against the most appropriate person, which may not be the licence holder or premises supervisor, depending upon the circumstances.

11. Human Rights

- 11.1 The Human Rights Act 1998, incorporates the European Convention on Human Rights, and makes it unlawful for a local authority to act in a way which is incompatible with a Convention right. The Council will have particular regard to the following relevant provisions of the European Convention on Human Rights:
- Article 6 that in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
 - Article 8 that everyone has the right to respect for his home and private life, including, for example, the right to a “good night sleep”;
 - Article 1 of the first protocol that every person is entitled to the peaceful enjoyment of his or her possessions. It should be noted that the Courts have held that a licence is a person's possession.

12. Further Information / Contacts

Licensing Unit
Wycombe District Council
Queen Victoria Road
High Wycombe
Buckinghamshire
HP11 1BB

e-mail: licensing@wycombe.gov.uk
Tel: 01494 421222
Fax: 01494 421791

Further information about the new licensing regime can also be obtained from:

Department for Media, Culture and Sport,
2-4 Cockspur Street
LONDON
SW1Y 5DH
Tel: 020-7211 6200
e-mail: Enquiries@culture.gov.uk
Web: www.culture.gov.uk

The Local Government Licensing Forum
www.lglf.org

Copies of reports and minutes of the Licensing Committee are available on the Council's website at www.wycombe.gov.uk, following the links to **Council and Democracy** or by contacting the Licensing Unit (details as above)

APPENDIX 1

WYCOMBE DISTRICT COUNCIL

REGULATIONS PRESCRIBING STANDARD CONDITIONS APPLICABLE TO LICENCES FOR SEX ESTABLISHMENTS

THESE REGULATIONS ARE MADE BY WYCOMBE DISTRICT COUNCIL UNDER PARAGRAPH 13(1) OF THE THIRD SCHEDULE OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (as amended)

Notes

- (i) Except where the context demands otherwise the singular includes the plural and the masculine includes the feminine.
- (ii) Nothing in these rules shall be construed as interfering with (i) the discretion of the licensee or his representative regarding the admission of any person or (ii) the need to strictly comply with all relevant statutory requirements.
- (iii) These rules are divided into five Parts as follows:
 - Part I General
 - Part II Rules which apply to all premises
 - Part III Rules which apply to Sex Shops
 - Part IV Rules which apply to Sex Cinemas
 - Part V Rules which apply to Sexual Entertainment Venues
- (iv) In these regulations all references to a British Standard (BS) shall be deemed to refer to the current standard.
- (v) A Premises Licence is also likely to be required for the operation of a Sex Cinema.

Part I General

Definitions

1. In these Regulations, save when the context otherwise requires, the following expressions shall have the following meanings:
 - i) "Sex Establishment", "Sex Cinema", "Sex Shop", "Sex Article" and "Sexual Entertainment Venue" shall have the meanings ascribed to them in the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.
 - ii) "Premises" means a building or part of a building and any forecourt yard or place of storage used in connection with a building or part of a building which is the subject of a licence for a Sex Establishment granted under the said Third Schedule.

- iii) "Approval of the Council" or "Consent of the Council" means the approval or consent of the Council in writing.
- iv) "Approved" means approved by the Council in writing.
- v) "The Council" means Wycombe District Council.

General

- 2. In the event of a conflict between these Regulations and any special conditions contained in a licence relating to a Sex Establishment the special conditions shall prevail.
- 3. The grant of a licence for a Sex Establishment shall not be deemed to convey any approval or consent which may be required under any enactment, by law, order or regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.

Part II Rules which apply to all Premises

Exhibition of Licence

- 4. The copy of the Licence and these Regulations, which are required to be exhibited in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, shall be reproductions to the same scale as those issued by the Council. The copy of the Licence required to be displayed as aforesaid shall be suitably framed and exhibited in a position that it can easily be seen by all persons using the premises. The copy of these Regulations shall be retained in a clean and legible condition.

Times of Opening

- 5. Except with the previous consent of the Council a Sex Cinema or Sex Shop shall not be open for trade except between the hours of 09.00 hours – 18.00 hours on Mondays to Saturdays, with no trading permitted on Sundays. A Sexual Entertainment Venue shall not be open for trade other than between the hours of 12:00 – 00:00 Mondays to Wednesdays, 12:00 – 02:00 Thursdays to Saturdays and 12:00 – 23:00 hours on Sundays and Bank Holidays.

Responsibility of Licensee

- 6. The licensee shall take all reasonable precautions for the safety of the public and employees and, except with the consent of the Council, shall retain control over all portions of the premises.
- 7. The premises shall not be used for regulated entertainment, exhibition or display of any kind unless the Council's consent has first been obtained and any necessary licence granted.

Conduct and Management of Premises

8. The Licensee or some responsible person over 18 years of age nominated by him in writing for the purpose of managing the Sex Establishment in his absence shall be in charge of and within the Premises during the whole time they are open to the public. Such written nomination shall be continuously available for inspection by an officer authorised in writing by the Council. The person in charge shall not be engaged on any duties which will prevent him from exercising general supervision and he shall be assisted as necessary by suitable adult persons to ensure adequate supervision. The person in charge shall be conversant with these rules, a copy of which shall be held on the premises.
9. The Licensee or the responsible person approved under Regulation 8 shall maintain a daily register to be kept on the Premises in which he shall record the name and address of any person who is to be responsible for managing the Sex Establishment and the names and addresses of those employed in the Sex Establishment. The register is to be completed each day within 30 minutes of the Sex Establishment opening for business and is to be available for inspection by the police and by authorised officers of the Council.
10. The Licensee shall ensure that during the hours the Sex Establishment is open for business, every employee wears a badge of a type to be approved by the Council bearing the photograph of the employee, indicating his name and that he is an employee.
11. A notice showing the name of the person responsible for the management of a Sex Establishment shall be prominently displayed within the Sex Establishment throughout the period during which he is responsible for its conduct.
12. Where the Licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days of such change and such written details as the Council may require in respect of any new director, secretary or manager are to be furnished within 14 days of a request in writing from the Council.
13. The Licensee shall maintain good order in the premises at all times.
14. The Licensee shall ensure that no part of the premises is used by prostitutes (male or female) for the purposes of soliciting or any other immoral purposes.
15. The Licensee shall ensure that the public are not admitted to any part or parts of the Premises other than those which have been approved by the Council.
16. Neither the Licensee nor any employee or other person shall seek to obtain custom by means of personal solicitation outside or in the vicinity of the premises.

17. No person under the age of 18 shall be admitted to the premises or employed in the business of the sex establishment.
18. The Licensee shall comply with all statutory provisions and any regulations made thereunder.

External Appearance

19. No display, advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing or any matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the Premises except:
 - i) any notice of a size and in a form approved by the Council which is required to be displayed so as to be visible from outside the Premises by law, or by any condition of a licence granted by the Council.
 - ii) such display, advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing, or any matter or thing as shall have been approved by the Council.
20. The entrances to the Premises shall be of a material or covered with a material which will render the interior of the Premises invisible to passers by.
21. Windows and openings to the Premises other than entrances shall not be obscured otherwise than with the consent of the Council but shall have suspended behind them, in a position and at an attitude approved by the Council opaque curtains of a type and size approved by the Council. This regulation shall not be construed as lessening the obligations of the Licensee under Regulation 19 hereof.

State, Condition and Layout of the Premises

22. The Premises shall be maintained in good repair and condition at all times.
23. The number, size and position of all doors or openings provided for the purposes of the ingress and egress of the public shall be approved by the Council and shall comply with the following requirements :
 - (i) all such doors or openings approved by the Council shall be clearly indicated on the inside by the word "exit".
 - (ii) doors and openings which lead to parts of the premises to which the public are not permitted to have access shall have notices placed over them marked, "private".
 - (iii) save in the case of emergency no access shall be permitted through the premises to any unlicensed premises adjoining or adjacent.
24. The external doors to the premises shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.

25. The Licensee shall make provision in the means of access both to and within the premises for the needs of members of the public visiting the premises who are disabled.
26. No fastening of any description shall be fitted upon any booth or cubicle within the premises nor shall more than one person (including any employee) be present in any such booth or cubicle at any time.
27. Alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall not be made except with the prior approval of the Council.
28. All parts of the premises shall be kept in a clean and wholesome condition to the satisfaction of the Council at all times.

Maintenance of mean of escape

29. The means of escape provided for all persons on the premises shall be maintained unobstructed, immediately available and clearly identifiable in accordance with the approved arrangements.
30. All fire-resisting and smoke stop doors shall be maintained self-closing and shall not be secured open.

Fire Appliances

31. Fire appliances and equipment as approved by the Fire Officer shall be efficiently maintained in satisfactory working order and kept available for instant use. They shall be in the charge of a suitable person specially nominated for the purpose.
32. Portable fire appliances shall be examined at least once a year and periodically tested in accordance with the current British Standard by a competent person and the date of such test shall be clearly marked on the appropriate extinguishers or on stout tabs securely attached to them. Extinguishers which incorporate an anti-freeze agent shall be examined and recharged in compliance with manufacturer's instructions.

Lighting

33. The Licensee or any other person concerned in the conduct or management of the licensed sex establishment shall, in the absence of adequate daylight, ensure that adequate lighting is maintained to the satisfaction of the Council in all parts of the premises to which the public and staff have access and is in operation continuously during the whole time the premises are open to the public.
34. The normal lighting shall be maintained alight and the lighting to 'EXIT' notices shall not in any circumstances be extinguished or dimmed while the public are on the premises, provided that so long as there is sufficient daylight in any part of the premises, artificial light need not be used in that part.

Electrical Installations

35. The electrical installation for the premises shall be maintained in a safe working condition, as prescribed in the current edition of the Regulations for Electrical Installations issued by the Institute of Electrical Engineers.
36. Unless the Council decide otherwise, an inspection certificate, as prescribed in the current edition of the Regulations for Electrical Installations issued by the Institution of Electrical Engineers, for the electrical installation associated with the premises shall be submitted to the Council at least once every five years or such other time specified on the certificate. The certificate shall be signed by a qualified engineer.

Change of Use

37. No change of use of any portion of the premises from that approved by the Council shall be made until the consent of the Council and Thames Valley Police has been obtained.
38. No change from a Sex Cinema to a Sex Shop or from a Sex Shop to a Sex Cinema shall be effected without the consent of the Council and Thames Valley Police.
39. Neither Sex Articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a Sex Cinema or a Sexual Entertainment Venue.

Admission of Authorised Officers

40. Officers of the Council, Thames Valley Police, and other authorised agencies shall be admitted immediately at all reasonable times and at any time the premises are open for business to all parts of the premises.

Part III Conditions Applying to Sex Shops

Goods Available in Sex Establishments

- 41. All Sex Articles and other things displayed for sale, hire, exchange or loan within a Sex Shop shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged.
- 42. All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase, hire, exchange or loan and a notice to this effect is to be prominently displayed within the Sex Establishment.
- 43. No film or video film shall be exhibited, sold or supplied unless it has (a) been passed by the British Board of Film Censors and bears a certificate to that effect or (b) approved by the Council and is a reproduction authorised by the owner of the copyright of the film or video film so certified.

Part IV Conditions Applying to Sex Cinemas

Film Categories

- 44. The categories U, PG, 12, 15, 18 and RESTRICTED 18 have the following effect:

U	Universal.- Suitable for all
PG	Parental Guidance. Some scenes may be unsuitable for young children.
12	Passed only for persons of 12 years and over.
15	Passed only for persons of 15 years and over.
18	Passed only for persons of 18 years and over.
RESTRICTED (18)	Passed only for persons of 18 or over who are members (or their guests) of a properly constituted club.

Exhibition of Films

- 45. 'Film exhibition' means film exhibitions as defined in the Cinemas Act 1985; i.e. any exhibition of moving pictures which is produced otherwise than by the simultaneous reception and exhibition of (a) television programmes, broadcast by the British Broadcasting Corporation or the Independent Broadcasting Authority or (b) programmes included in a cable programme service which is or does not require to be licensed under Section 4 of the Cable and Broadcasting Act 1984.
- 46. No film shall be exhibited at the premises unless:
 - (a) it is a current news-reel; or
 - (b) it has been passed by the British Board of Film Classification as a U, PG, 12, 15, 18 or RESTRICTED (18) film and no notice of objection to its exhibition has been given by the Council; or
 - (c) it has been passed by the Council as a U, PG, 12, 15, 18 RESTRICTED (18) film.

RESTRICTED (18) films

47. Films in the RESTRICTED (18) category may be shown at the premises only with the Council's prior written consent and in accordance with the terms of any such consent.

Unclassified Films

48. Not less than twenty-eight days notice in writing shall be given to the Council of any proposal to exhibit any other film which has not been classified as specified in rules 45 and 47 above. Such a film may only be exhibited if the Council's prior written consent has been obtained and in accordance with the terms of any such consent.

Persons under 18 Notice

49. No person appearing to be under the age of 18 shall be admitted to any part of the programme and the licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms:

PERSONS UNDER 18 CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME.

Category notices

50. A representation or written statement of the terms of any certificates given by the British Board of Film Censors or the British Board of Film Classification shall be shown on the screen immediately before the showing of any film to which it relates and the representation or statement shall be shown for long enough and in form large enough for it to be read from any seat in the auditorium.

Timetable of films

51. The licensee shall display in a conspicuous position, to the satisfaction of the Council, at each entrance to the premises, during the whole time the public are being admitted to the premises and so as to be easily seen and read by the public, a timetable of the films on exhibition.

Advertisements

52. No advertisement displayed at the premises of a film to be exhibited at the premises shall depict as a scene or incident in the film any scene or incident which is not included in the film as certified by the British Board of Film Censors or the British Board of Film Classification or approved for exhibition by the licensing authority, as the case may be.
53. Where the licensing authority has given notice in writing to the licensee of the premises objecting to an advertisement on the ground, that, if displayed, it would offend against good taste or decency or be likely to encourage or incite to crime to lead to disorder or to be offensive to public feeling, that advertisement shall not be displayed at the premises except with the prior consent in writing of the licensing authority.

Objection to exhibition of film

54. Where the licensing authority has given notice in writing to the licensee of the premises prohibiting the exhibition of a film on the ground that it contains material which, if exhibited, would offend against good taste or decency or would be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, that film shall not be exhibited in the premises except with the prior consent in writing of the licensing authority.

Additional conditions for 'Club' Cinemas showing films in the restricted classification

55. (i) No club showing films in the 'restricted 18' category may operate in a multi-screen complex whilst persons under 18 are being admitted to any performance in the complex unless the Council's written consent has first been obtained.

(ii) When the programme includes a film in 'restricted 18' category the licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms:

"CINEMA CLUB - MEMBERS AND GUESTS ONLY. PERSONS UNDER 18 CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME".

(In case of a multi-screen complex where consent has been granted the notice shall specify the particular part of the premises in which films in the 'restricted 18' category are being exhibited).

(iii) The timetable of films required by rule 51 shall include the following addition to the categories shown;

"Category 'RESTRICTED 18' passed only for persons of 18 years and over who are either members of the cinema club or who are guests of a member".

(iv) All registers of members and all visitors, books of their guests shall be available for immediate inspection by the Council's Officers during any performance, or at any other reasonable time.

(v) Tickets shall in no circumstances be sold to persons other than members.

(vi) No persons under 18 years of age shall be employed in any capacity at licensed premises which are operating as cinema clubs.

(vii) Subject to prior written consent by the Council, a subscription may entitle the club member to attend other clubs under the same management.

(viii) Membership rules for these club cinemas shall include the following:

- (a) The club rules must be submitted to the Council 14 days before the club commences operations and notice of all rule changes shall be given to the Council within 14 days of the change.

- (b) Only members and their guests shall attend exhibitions of moving pictures classified in a restricted classification
- (c) Membership shall be open to persons of both sexes of not less than 18 years of age. Applications for membership, including both name and address, shall be in writing, signed by the applicant, and if deemed necessary such applicants shall provide satisfactory references and proof of age.
- (d) No person shall be admitted to membership until the expiration of at least 24 hours after such written application has been approved by the licensed proprietors.
- (e) New members shall be supplied with a personal copy of the club rules before being admitted to membership and be given a copy of any rule changes within 14 days of the change.
- (f) An annual subscription shall be fixed for the club and shall run for 12 months from the date of registration. Membership may be renewed annually at the subscription for the time being in force, but the licensed proprietors may refuse to renew any membership without assigning reason for such refusal.
- (g) Members shall be entitled on any day to bring not more than one guest to accompany the member, and the name of the guest shall be entered in the visitors' book and counter-signed by the member.
- (h) On admission, a member and his guest shall be bound by the rules of the club and by any by-laws and regulations made thereunder.
- (i) Tickets shall be sold only to members on the production of a membership card, and members shall, if required, sign an acknowledgement for the ticket or tickets issued.
- (j) Membership cards shall be personal to the member and shall not be transferable to any other person.
- (k) Neither membership tickets nor guest tickets shall be transferable.
- (l) No member shall introduce as a guest any persons under the age of 18 or any persons whose application for membership has been refused. The proprietors will reserve the right to refuse admission to any person.
- (m) Proof of identify, or of age, or of any particulars of any guest shall be produced by any member or guest if demanded by the licensed proprietors.
- (n) Members shall undertake to behave in a proper and orderly manner. Any member or guest acting in a manner which is offensive, or a nuisance or annoyance to others may be refused admission or expelled from the premises. A member may also be deprived of membership.

Sale of sex articles

- 56. Neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or

restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a 'sex cinema'.

Part V Conditions Applying to Sexual Entertainment Venues

Times of Relevant Entertainment

1. Relevant entertainment shall be permitted at premises between 12:00 – 01:00 Mondays to Saturdays and 12:00 – 23:00 on Sundays and Bank Holidays

Performances of Relevant Entertainment

2. The performance of relevant entertainment within the premises shall not be visible from any area outside of the premises at any time.

Age Restrictions

3. A prominent clear notice shall be displayed at each entrance to the premises advising customers that no person under 18 will be admitted and they may be asked to produce evidence of their age.
4. All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 25 years and who is seeking access to the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or Proof of Age card carrying a "PASS" logo.

Staff

5. All staff employed to work at any premises licensed as a Sexual Entertainment Venue in a managerial or supervisory capacity shall be required to provide an Enhanced Criminal Records Bureau Disclosure to the Licensing Authority in which the premises is located.

Club Rules

6. The premises must provide a copy of its Club Rules to the Council and Thames Valley Police.
7. All performers and staff shall be aware of the Club Rules.
8. All dancers, staff and door supervisors shall read a copy of the rules relating to operating relevant entertainment. They shall sign and date a copy which shall be retained by the premises as part of their due diligence.

Management Operation Manual

9. A Management Operation manual detailing all aspects of procedure when the premises are operating relevant entertainment shall be produced and approved by Thames Valley Police. This document shall be on going and under constant review.

Performers

10. Performers shall be aged not less than 18.
11. All performers shall be aware of the Management Operation.
12. A log book shall be maintained on the premises detailing the names, start and finish times of individual performers involved in all forms of adult entertainment.
13. At all times during the performance, performers shall have direct access to a dressing room without passing through or in close proximity to the audience.
14. On leaving the premises performers, who wish to be, shall be escorted by a staff member to their vehicle or other safe location.

Performances

15. There shall be no physical contact between customers and the dancers at any time except for the placing of money or tokens in a garter or into the hands of the dancer at the beginning or conclusion of a performance. Clear notices shall be displayed at each table stating this requirement.
16. No performances shall include any sex act with any other performer, persons in the audience or with the use of any object.
17. No audience participation shall be permitted.
18. Signs displaying the rules on the performance relevant entertainment will be displayed throughout the premises and be clearly visible to patrons. This will include any private individual booth area.
19. In the event of the relevant entertainment be performed for private viewing, the patron shall be informed of the duration and price of the relevant entertainment, and the details shall be specified in a clearly visible notice in each area designated for private relevant entertainment.

Door Supervisors

20. An adequate number of registered Door Supervisors shall be on duty on the premises whilst relevant entertainment takes place. There shall be at least one Door Supervisor on each entrance, in each separate part of the premises and in the vicinity of the dressing room.
21. The Door Supervisors shall be on duty at the premises at all times when the premises provide relevant entertainment.
22. All Door Supervisors working outside the premises or whilst engaged in the dispersal of patrons at the close of business shall wear high visibility clothing.
23. The premises shall be a member of the Pubwatch scheme and have radio communications with the Council's CCTV Control Room.

Closed Circuit Television (CCTV)

24. A CCTV system shall be installed to cover all entrances and exits to the premises and areas where relevant entertainment will take place. This system must be installed and fully operational before the premises opens for the licensable activity applied for. All cameras shall continually record whilst the premises are open to the public and video recordings shall be kept available for a minimum of 28 days with date and time stamping.
25. At the time of installation or upgrading of any CCTV system it shall comply with the current and relevant Thames Valley Police guidelines for Standard Minimum Closed Circuit Television Requirements (Issue 1, July 2004). To obtain a clear head and shoulders image of every person entering the premises on the CCTV system, persons entering the premises should be asked to remove headwear, unless worn as part of religious observance.
26. The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
27. A plan shall be submitted illustrating the position of all cameras and shall be with the approval of Thames Valley Police.
28. A member of staff who is fully trained in the use of the system shall be on duty at all times when the premises are open till the premises are clear of customers, cleared of staff and closed.
29. The premises will provide any footage upon request by Thames Valley Police or the Licensing Authority within 24 hrs of the request.
30. The recordings for the preceding two days shall be made available immediately upon request, and recordings outside this period shall be made available within 24 hours.

Crime Survey

31. Upon completion of a crime survey by Thames Valley Police, the Licence Holder shall act accordingly with all reasonable recommendations of the survey in so far as they relate to licensable activities.

Layout of premises

32. The approved activities shall take place only in the areas designated by the Licensing Authority and Thames Valley Police.
33. All dance booths are to be equipped with a panic alarm for safety.

34. Arrangements shall be put in place to restrict access to the dressing room at all times when the relevant entertainment is taking place, and until such time as all performers have vacated it.
35. The approved access to the dressing room(s) shall be maintained whilst striptease or entertainment of a like kind is taking place.
36. The layout within areas used by customers shall not undergo substantial change without the prior written consent of both Thames Valley Police and the Licensing Authority.

Change of Use of Premises

37. The Licensing Authority and Thames Valley Police must be informed should the licensee seek to change the use of the establishment to another form of sex establishment.

Sale of Goods

38. Neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a 'Sexual Entertainment Venue'.

APPENDIX 2

WYCOMBE DISTRICT COUNCIL

PROCEDURE AT ORAL HEARINGS BEFORE THE COUNCIL'S SUB-COMMITTEE UNDER SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

1. The Panel will be assisted on matters of law and procedure by their Legal Advisor ("the Legal Advisor") who will be one of the Council's Solicitors.
2. The Sub-Committee will be sent the report and associated papers in advance of the hearing and will come to the panel meeting having read the papers and familiarised themselves with the application.
3. The hearing will be in public, unless the Sub-Committee decide that it is in the public interest to exclude the public from all or part of a hearing. The Licensing Authority has determined that it is in the public interest to exclude the public, including all parties, from that part of the hearing when the Sub-Committee are deliberating in order to reach their decision.
4. The Chairman (or if he or she wishes, the Legal Advisor) will briefly explain the procedure to all parties and will introduce the Members of the Sub-Committee and other persons present. He or she will explain the roles of the Sub-Committee and the Legal Advisor.
5. Any party may attend the hearing and may be assisted or represented by any person, whether or not that person is legally qualified.
6. If a party is unrepresented, the Legal Advisor to the Sub-Committee may assist them in presenting their case and this assistance may include asking them questions for the purpose of clarifying their representation.
7. Any party wishing to call another person (other than a person representing them) to make oral representations must provide details of this in advance of the hearing. At the beginning of the hearing, the Sub-Committee will consider any such requests and confirm whether permission is granted for that person to speak.
8. The purpose of an oral presentation is for a party to amplify their written application or representation and no new representations should be made at the hearing. In order to ensure fairness, all parties are expected to restrict their case to a reasonable time period for their oral presentation (including presentations made by another person on their behalf, but excluding time taken to answer questions from other parties). The Chairman will be responsible for ensuring that this time limit is adhered to. In the case of interested parties, where the representations relate to the same or similar issues, they should either appoint a spokesperson to

speak of their behalf for up to the maximum period of 5 minutes or should split the time between them. Each separate Responsible Body is entitled to make oral presentations for a maximum period of 5 minutes. If a party believes it is necessary to make an oral presentation in excess of 5 minutes, they should make their request to the Chairman prior to any party having presented their case. The Sub-Committee will decide if it is appropriate for a longer time period to be given. If a longer time period is allowed, the other parties will also be able to make oral presentations up to this new maximum period. The Sub-Committee's decision on the length of oral presentations is final.

9. The Sub-Committee will generally allow parties to ask questions of other parties and the procedure outlined below allows for this. However, the Sub-Committee may stop a party asking questions if they feel the questions are unnecessary. Parties are reminded to treat other parties with respect and any form of harassment or excessive questioning will not be tolerated. In such a case, the Chairman will ask the party to discontinue that type of questioning and may ask the party to leave if they are disrupting the proceedings.
10. Any person disrupting the proceedings, whether a party or not, may be asked to leave the hearing and will only be permitted to return on such conditions as the Sub-Committee shall specify.
11. ORDER OF ORAL PRESENTATIONS
 - a. The Licensing Officer will present the report on the application and outline any objections received. He or she will refer in particular to objections and representations where a party has chosen not to attend the hearing.
 - b. Any party may question the Licensing Officer.
 - c. The Sub-Committee may question the Licensing Officer.
 - d. Any responsible body having made a written representation may present their case.
 - e. Any other party may question a responsible body.
 - f. The Sub-Committee may question a responsible body.
 - g. An interested party, having made a written representation, may present their case.
 - h. Any other party may question an interested party.
 - i. The Sub-Committee may question an interested party.
 - j. The Applicant may present their case.
 - k. Any other party may question the Applicant.
 - l. The Sub-Committee may question the Applicant.
12. The Legal Advisor will raise any relevant legal points and if any are raised, the parties will have an opportunity to respond to any legal advice given.
13. The Sub-Committee, their Legal Advisor and any person present solely for the purpose of taking notes of the meeting will then withdraw or will require

other persons, including all parties, to leave the room in order for the Sub-Committee to determine the application.

14. The Sub-Committee will come to a decision.
15. The Legal Advisor will by letter inform the Applicant, the Licensing Officer and any person who has made a representation (whether or not they were present at the meeting) of the Sub-Committee's decision within the time limits as set out in Regulations.

Agenda Item 6.

VARIATIONS TO HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

Officer contact: Caroline Steven

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Email: caroline_steven@wycombe.gov.uk

Wards Affected: All

PROPOSED DECISION

The Committee is asked to approve the proposed amendments to the Hackney Carriage and Private Hire Policy and conditions as described in the report below and detailed within the table at Appendix (A) for a 12 week consultation exercise with relevant parties.

Executive Summary

The Hackney Carriage and Private Hire Policy became effective in 2008 with minor amendments having been made since its implementation. As a result of recent changes within the licensing regime and and review of licensing proceddures the Committee is now requested to consider various amendments to both the Policy and the licence conditions.

Corporate Implications

The Council is required by law to license the operation of taxis and private hire vehicles. The paramount consideration in this respect is the safety and convenience of those travelling in licensed vehicles. Section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976 permits local authorities to place conditions on licensed private hire drivers and vehicles. Conditions should be aimed at improving service and protecting the users of licensed vehicles.

Policy/Community Plan Implications

The amendments suggested would contribute to the three objectives set out in the Corporate Plan.

Detailed Report

1. The Hackney Carriage and Private Hire Licensing Policy was last formally reviewed in 2012. Further review has been postponed until now due to anticipated comprehensive changes in licensing law as a result of a Law Commission report in this area. This report did not, however, result in any significant changes and it is now considered appropriate to review and update the policy.
2. The majority of the proposed changes are intended to clarify or expand upon specific policy requirements. Some conditions have been removed because they are no longer considered necessary and others have been amended for the avoidance of doubt. Further amendments have been made to ensure consistency between the Policy and conditions attached to licences. Other parts of the policy which are no longer considered to be relevant have been removed.

Data Protection

3. A section relating to data protection has been included within the policy to clarify the means by which personal data is handled by the Licensing Unit and to confirm that such data may be shared in appropriate circumstances and in line with the provisions of the Data Protection Act 1998.

Criminal Record Checks

4. Some significant changes are also proposed as a result of issues which have arisen since the policy was last reviewed. These include the requirement for all drivers to subscribe to the Disclosure and Barring Service Update Service, which will enable criminal record checks to be carried out on drivers quickly and efficiently without the need for drivers to complete application forms or wait up to several months for their Disclosure Certificate to be issued. The lengthy delays often experienced by drivers can result in licences not being issued prior to expiry dates which has a serious impact on drivers' livelihoods. It will also mean that, once drivers have subscribed, any other relevant authority (such as Bucks County Council) will be able to carry out necessary checks without the need for the driver to complete further forms and pay additional fees. It is therefore considered that subscription to the Update Service will be a significant benefit to all members of the licensed trade, whilst also improving efficiencies for the authorities that issue licences.

Online Applications

5. It is also proposed that, in the future, applicants and licence holders will be required to submit new and renewal applications via the Council's online application system. This new system has been trialed with private hire operators for the last two years and has proved to be largely successful for both applicants and officers. Payments for licence fees can be made via the system and required documents can be uploaded. Original documentation can then be submitted for checking when the licence is collected from the Council Offices. The new system would enable all applicants to apply from home or from their place of business and would reduce the amount of visits required to the Council Offices.

There will be computers and assistance available in the Customer Service Centre at the Council Offices for any applicants that do not have access to a means of submitting applications online.

Immigration Act 2016

6. The provisions of the Immigration Act 2016 enacted, but not yet in force, introduce requirements on local authorities to issue only short term licences to those awaiting decisions in relation to their immigration status. This has in any case been the practice of officers for some time but specific reference to the Act has now been included within the Policy.

Revocation of Licences

7. Case law has confirmed that local authorities are unable to suspend licences and then subsequently revoke a licence where an investigation is being carried out in respect of the licensee. The policy has therefore been amended to reflect the fact that licensees will generally have their licences revoked with immediate effect where they are being investigated for a serious offence and it appears appropriate to do so.

Child Sexual Exploitation

8. A further significant change is the requirement for all drivers and applicants to undergo training in Child Sexual Exploitation. As Members will be aware, issue

has been widely publicised in the national press following a number of high profile criminal cases. As the licence trade are often involved in the transportation of children and vulnerable adults it is considered important that all licensees have an understanding of the issue, are aware of the signs of abuse and know how to report any suspicions they may have in this respect. It is proposed that this training would be delivered free of charge to existing drivers and that new applicants would be trained and tested as part of the application procedure.

Vehicle Age Limits

9. It is proposed that the age requirements in relation to licensed vehicles are amended to allow older vehicles to be licensed in the first instance and also to be licensed for a longer period. The current requirement is that vehicles must be less than 4 years old when first licensed and that any licence ceases when the vehicle reaches 8 years of age. Having taken into consideration the requirements of surrounding authorities and the views of the trade, however, it is considered that it would be reasonable to allow vehicles to be up to 5 years old when first licensed and for any licence to cease when the vehicle reaches 10 years of age. All vehicles would still be required to be tested and visually inspected by an authorised garage and deemed suitable prior to any licence being issued.
10. It is further proposed that the age limit for wheelchair accessible vehicles (WAVs) be reduced to the same level of 10 years from the current permitted 14 years. It has become apparent that many WAVs (especially hackney carriages) are more usually used for non-wheelchair journeys and as such deteriorate at the same rate as other licensed vehicles.

Wheelchair Accessible Vehicles

11. Concerns have been raised by the trade about the current policy of allowing only side-loading wheelchair accessible vehicles as hackney carriages. It has been suggested that rear loading vehicles can be more suitable for this purpose and safer and more comfortable for the passenger. As a result, it is proposed that this requirement is removed and that any such vehicle is treated on its merits in individual cases.

Tinted Windows

12. Concerns have also been raised by the trade that the current policy on tinted windows is too restrictive, in that many modern vehicles are manufactured with tinted windows which do not comply with the policy and this leads to difficulties in purchasing suitable vehicles or results in costly replacement of glass. Having benchmarked against surrounding authorities and considered the levels of tinting in modern vehicles, it is considered that the current requirements in relation to light transmission should be reduced from 70% in all rear windows to 60%. This also takes into consideration the fact that there have been no reported assaults in the rear of licensed vehicles and that visibility would remain at an acceptable level with the proposed new level.

The existing requirement of 75% light transmission through the windscreen and 70% through front windows would remain unchanged given that these are statutory requirements. The existing exemption from this policy for executive vehicles would remain in place.

Seat Requirements

13. Concerns have recently been raised as to the suitability of the front, middle seat in certain makes and models of 9 seat vehicles which are licensed for 8 passengers. It has become apparent, that some of these seats are entirely unsuitable in that the seat is too narrow, the leg room is insufficient and the passenger would be required to sit at very close proximity to the driver. As a result, it is considered that a requirement should be re-introduced in terms of minimum seat width and that a requirement should also be introduced in relation to minimum leg room. Such a requirement would not apply retrospectively, although in cases where a seat is deemed to be entirely unsuitable the vehicle would be licensed to carry a lower number of passengers.

Vehicle Signage

14. In terms of signage on private hire vehicles, it has been noted that there has been a considerable level of non-compliance in relation to Council-issued door stickers and the use of company door stickers. In many cases Council-issued door stickers are missing and the reason given is that they have been stolen or fallen off the vehicle because they were fixed with the use of magnets. Such stickers are required to be securely fixed to the vehicle and it is not considered that magnets are sufficient to achieve this requirement. It is therefore proposed that stickers should be attached by means of the adhesive on the sticker itself and that magnets should not be permitted. There has been no evidence to suggest that this adhesive causes damage to paintwork when they are removed and as such this would appear to be a reasonable requirement.
15. It has been noted that some private hire companies have been using different company stickers on the rear of their vehicles compared with the Council-issued door stickers on the front doors. It is considered that this is inappropriate and causes confusion to customers. It is therefore proposed that any company signage should reflect the company details contained within the Council-issued door stickers, the contents of which are requested by the applicant on application.
16. It has also been noted that private hire vehicle licensees are failing to remove both Council-issued door stickers and their own company signage following the expiry of the licence. It is considered that this causes significant confusion to members of the public and that it indicates that the vehicle is licensed when no licence is in force. As a matter of public safety it is considered that licensees should be required to remove any signage which indicates that the vehicle is licensed once that licence has either expired, been suspended or revoked.

CCTV

17. With the increasing use of CCTV in licensed vehicles, it is now considered to be necessary and appropriate to include guidelines on the use of this type of equipment in licensed vehicles and so a new policy to this effect is proposed.

Criminal Records Policy

18. The Criminal Records Policy has also been significantly amended to take into consideration all areas of the licensed trade and to differentiate between drivers, operators and vehicle licensees.
19. It is also considered appropriate that the period of time in which licensees should notify the authorised officer of any criminal matters should be reduced from 7 days

to 72 hours. This is to take account of allegations of serious crimes where the licensing authority may be minded to revoke the licence with immediate effect to protect public safety.

Enforcement Policy

20. The enforcement policy has also been amended to bring it into line with current practices and legislation, although its purpose and scope remain largely unaltered. It is, however, proposed that any informal interviews held with licensees, either as a result of the receipt of a complaint or as part of an application process, should be recorded so that an accurate record of the conversation can be retained. This will also relieve the administrative burden currently imposed on officers who must record such informal interviews in long hand. In addition, with the move to a paperless work environment it will allow more efficient storage of interview records.
21. If approved, it is suggested that the amended policy is subject to a 12 week consultation exercise so that the views of relevant parties can be ascertained prior to the policy being re-considered by this committee.

Background Papers

Files in Environmental Services



DRAFT

**HACKNEY CARRIAGE
AND PRIVATE HIRE
LICENSING POLICY**

October 2016

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1. **Introduction**

The Licensing Unit at Wycombe District Council (“the Council”) is responsible for processing all applications for hackney carriage and private hire licences including drivers, vehicles and private hire operators. The Unit also manages complaints and enforcement in relation to hackney carriage and private hire issues.

Licensing of hackney carriage and private hire drivers, vehicles and operators aims to ensure the following:

- That all licensed drivers/proprietors and operators are “fit and proper” persons to ensure the highest levels of public safety and good practice.
- That all licensed vehicles are roadworthy and fit for use.
- To encourage the use of environmentally friendly vehicles
- To encourage the use of vehicles that are accessible to persons who have disabilities.

The Council will ensure that these aims are met by setting minimum requirements for the licensing of drivers, vehicles and operators. These requirements include:

- Up to three yearly licensing of drivers including medical checks, criminal record clearance, an appropriate level of driving ability and a sound knowledge of the area, customer care and disability awareness and child sexual exploitation (licences expire on 31st March or 31st July);
- Up to five yearly licensing of private hire operators with checks made on record keeping and criminal clearance and child sexual exploitation (licences to expire on the 30th April);
- Annual or 6 monthly licensing of vehicles with routine inspections by authorised garages and council officers, checks of documentation such as insurance certificates and strict mechanical testing and child sexual exploitation (licences expire throughout the year);
- Investigation of complaints and enforcement of legislation and licence conditions with appropriate action taken in accordance with the Council’s licensing enforcement policy (Appendix 7) and criminal records policy (Appendix 6);
- Ongoing training, development and monitoring of the Council’s Licensing staff;
- Provision of information to the private hire and hackney carriage trades and members of the public through press releases and publications, the Council’s website and attendance at relevant forums.

2. Legislation and Guidance

This policy makes reference to legal requirements. Legislation includes, but not limited to, the following:

- Town Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976
- The Equality Act 2010
- The Human Rights Act 1988
- The Data Protection Act 1998.
- The Police and Criminal Evidence Act 1984

The Policy has regard to the Department for Transport's Taxi and Private Hire Licensing: Best Practice Guidance – October 2006 and updated March 2010. The Department for Transport has produced Best Practice Guidance for licensing authorities which sets out standards which can be considered good practice in this area of licensing, although it also recognises that individual licensing authorities should produce their own policies in relation to specific licensing matters. The Guidance has been taken into consideration in preparing this policy.

2.1 Consultation

The Council is keen to hear the views of persons who may be affected by this policy and has identified people and organisations that may be interested in commenting on this document. The following individuals / bodies are consulted and the Council invites comments from any interested party:

Representatives of the Hackney Carriage and Private Hire Trade	Bucks County Council Highways
National Private Hire Association	Primary Care Trusts
All existing licensed Hackney Carriage and Private Hire Drivers.	Amey / Bucks County Council (school transport contracts)
Thames Valley Police	Adjoining Local Authorities
Ward Councillors	Citizens Advice Bureau
Town and Parish Councils	Age Concern
MPs and MEPs	Dial-A-Ride
Local Businesses and Residents	Hearing Dogs for Deaf People
Public Safety Team	Buckinghamshire Association for the Blind and Partially Sighted People
Chamber of Commerce	Disability Rights Commission

The Policy and associated documentation are available for inspection on the Council's website at www.wycombe.gov.uk and hard copies are available at the Council Offices or by contacting licensing@wycombe.gov.uk or by telephoning the Licensing Unit on 01494 421713 or 421749.

2.2 Data Protection

Information held on files and databases comprising personal data under the Data Protection Act 1998 will be processed in accordance with the requirements of that Act. The purpose of the licensing regime is public protection and to this end information may be shared internally between Council departments.

In addition, in accordance with statutory provisions and in the interests of crime prevention information may also be shared with other authorities and bodies.

2.3 Implementation

This document originally took effect on the 1st January 2008 following extensive consultation and it has been kept under review and revised periodically as appropriate.

3. HACKNEY CARRIAGE AND/OR PRIVATE HIRE DRIVER LICENCE – NEW AND RENEWAL APPLICATIONS

Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 require that “a district council shall not grant a driver's licence to drive a private hire vehicle or hackney carriage unless they are satisfied that an applicant is a fit and proper person”.

In order for a driver to show they are “fit and proper” they must provide evidence of:

- Driving standard
- Appropriate attitude / behaviour / integrity
- Medical fitness
- Criminal history
- Relevant knowledge
- Understanding of English (spoken, written and reading)

Application forms must be completed in full.

New applicants will be required to submit the following documents:

1. An online application form completed in full.
2. Unless they already subscribe to the Update Service, a completed Disclosure and Barring Service application plus the specified identity documents and any fee payable (para 3.5). The Disclosure application will be provided by the

Licensing Unit. As part of the application process the applicant will be required to register with the DBS update service. Applicants who have subscribed to the Update Service will be required to provide a copy of their most recent Disclosure certificate.

3. The applicant's original DVLA driving licence. Applicants must have held a full DVLA or EU licence for at least 3 years (See para.3.2 below).
4. 4 colour, passport sized photographs of the applicant, taken within the last month, prior to the application which conform to the standards required by HM Passport Office.
5. Driver and Vehicle Licensing Agency (DVLA) mandate completed and signed by the applicant.
6. DVLA mandate code provided by the applicant. This must have been obtained from the DVLA within the previous week.
7. For all applicants, who have been absent from the United Kingdom for a continuous period of 3 months or more in the previous 5 years, a certificate of good conduct from the local police or the appropriate embassy (see para.3.5 below).
8. Once a satisfactory Disclosure and Barring service application has been received and the applicant has successfully undertaken the appropriate knowledge test, the following documents will be required to be submitted:
 - (i) A completed medical certificate (para.3.4)
 - (ii) A test pass certificate for the Driver and Vehicle Standards Agency practical driving test for licensed drivers or equivalent approved practical driving test.

For those not holding an EU passport, evidence will need to be provided of the applicant's right to work in the United Kingdom, which will include a relevant visa or letter from the appropriate Embassy / Authority.

Where no action has been taken on an application for a period of six months, the application will be archived and the applicant will be required to submit a new application. The applicant will be informed in writing and given an opportunity to continue with the application process but if no response is received within 14 days the application will be archived.

Private Hire driver licences will generally expire on a three yearly cycle on the 31st March. Joint Hackney Carriage and Private Hire driver licences will expire on a three yearly cycle on the 31st July. Licences may be issued for a shorter period depending on the circumstances of the case. Any applicant who has only been granted a temporary right to work in the UK will be granted short term licences in line with the provisions of the Immigration Act 2016. A fee will be payable for additional short term licences in this case.

Renewal applications from existing licensed drivers will only be accepted as valid if they include and/or are accompanied by the following:

1. An online application form, completed in its entirety with the appropriate payment made.
2. Their most recent Disclosure and Barring Service Disclosure certificate.
3. The applicant's original DVLA driving licence.
4. A completed medical certificate (see para.3.4 below).
5. 4 colour, passport sized photographs of the applicant, taken within the last month prior to the application, which conform to the standards required by HM Passport Office.
6. DVLA mandate completed and signed by the applicant.
7. DVLA mandate code provided by the applicant. This must have been obtained from the DVLA within the previous week.
8. For any applicants who have been absent from the United Kingdom for a continuous period of 3 months or more in the previous 3 years, a certificate of good conduct from the appropriate embassy (see para.3.5 below).
9. For those not holding an EU passport, evidence will need to be provided of the applicant's right to work in the United Kingdom, which will include a relevant visa or letter from the appropriate Embassy / Authority.

3.1 Fee

All applications must be accompanied where appropriate by the required fee as prescribed from time to time by the Council. Licensing fees are reviewed on an annual basis and adopted by Full Council.

3.2 Driving Standards

A licence will not be granted to any person who, at the time of the application, has not held a full driving licence for a continuous period of one year immediately prior to the date of receipt of a valid application by the Council.

Where an applicant (or an existing licensed driver) has been disqualified from driving for any period, as a result of a conviction, a Private Hire and/or Hackney Carriage Licence will not be granted to that applicant until he or she has been in possession of a DVLA driving licence for a continuous period of one year immediately prior to the date of receipt of a valid application by the Council.

In accordance with the Driving Licences (Community Driving Licence) Regulations 1996 (SI 1996 No 1974) and the Driving Licences (Exchangeable Licences) Orders 1984, 1985, 1999 and 2002, driving licences issued by EU/EEA States and Countries

detailed in the Driving Licences (Exchangeable Licences) Orders are also permitted to count towards the 1 year qualification period requirement for the grant of a hackney carriage and/or private hire driving licence. For a full list of EU/EEA States and countries qualifying under the Driving Licences (Exchangeable Licences) Orders please refer to Appendix 2.

In order to establish that an applicant reaches an acceptable driving standard, new applicants will also be required to successfully undertake the Driver and Vehicle Standards Agency's driving test aimed at licensed drivers or an equivalent approved practical driving test. Applicants will be expected to arrange and pay for this test. Existing drivers may also be required to undertake this test where serious concerns are raised about the standard of their driving. Applicants will usually be expected to take the test within three months of the date of the request and it may be necessary for the test to be taken at a test centre outside of Wycombe District to comply with this time limit. Exceptions will be considered on a case by case basis.

The Agency can be contacted as follows:

DVSA, PO Box 280, Newcastle-Upon-Tyne, NE99 1FP

Email: customer.services@dsa.gsi.gov.uk

Website: www.gov.uk/contact-dvsa

Phone: 0300 200 1122

3.3 Age

A licence will not be granted to any applicant until they have attained 21 years of age.

3.4 Health / Medical Certificate

A Council issued medical certificate signed by the applicant's **registered** medical practice/practitioner and issued within the previous four months will be required from all applicants. An applicant can also provide a PSV/HGV Group II medical certificate which has been completed by their own doctor within the previous four months. This certificate will be required on application for renewal applications and will be requested from new applicants following successful completion of the knowledge test and Driver and Vehicle Standards Agency driving test or equivalent approved practical driving test. The medical practice/practitioner will undertake a thorough examination of the applicant and validate the certificate. The Council has adopted the Group II requirements of the DVLA driver medical standards and applicants will be required to demonstrate fitness to this standard. The applicant is responsible for the payment of all fees required for any medical examination direct to their medical practitioner.

Drivers aged 60 or over shall be required to provide a medical certificate signed by the applicant's **registered** medical practice/practitioner with every subsequent annual renewal application.

Should concerns arise regarding the health of a licensed driver, the Council may at any time request further information or a further medical examination to be carried out and submitted. The Council reserves the right to revoke or suspend a licence if the requested information is not submitted within 4 weeks of the request and a

satisfactory explanation is not given for the failure to provide such information or where the information provided raises further concerns as to the applicant's fitness to carry out their duties as a licensed driver.

3.5 Criminal Records and Complaints

Prior to consideration of any application (new and renewal), the Council will obtain from the Disclosure and Barring Service (DBS) an appropriate Disclosure in respect of the applicant, to be assessed in accordance with the Council's Criminal Records Policy (see Appendix 6) All applicants will be required to subscribe to the DBS Update Service.

Prior to consideration of any application, applicants who have been absent from the United Kingdom for a continuous period of three months or more in the previous five years (new applicants) or three years (renewal applicants) are required to provide a certificate of good conduct from any country or countries of residence (within the previous five years) in addition to the Certificate from the DBS.

A licence will not usually be granted to any applicant who does not comply with the minimum requirements as set out in the Council's Criminal Records Policy (see Appendix 6). Where several minor offences have been committed, the Council will take into consideration any pattern of offending. The Council can also take into consideration spent convictions, cautions and other relevant information when determining an application for a driver's licence.

A licence may be revoked with immediate effect pending the outcome of any investigation or trial where an existing driver has been arrested or charged with a serious offence during the currency of the licence. Serious offences can include but are not limited to:

- Driving or being in charge of a vehicle whilst under the influence of drink or drugs
- A drug related offence
- An offence of a sexual nature
- An offence involving violence
- An offence involving dishonesty

A licence may also be revoked with immediate effect where information received raises grave doubts as to the fitness of a driver, regardless of whether criminal charges are brought.

A licence will not usually be granted to any person who, at the time of the application, has been arrested and bailed or charged with a serious offence, as outlined above, until the matter has been determined.

Where existing drivers commit offences and/or breaches of licence conditions/byelaws, the nature and number of incidents will be taken into consideration in relation to any suspension or revocation of a licence.

Complaints in relation to existing drivers will generally be held on file and taken into consideration for a period of three years from receipt; although where a further warning is issued, complaint received or concerns are raised during this period, the original warning or complaint will be kept on file from the date of the most recent issue. Equally, where a pattern of behaviour is established, older complaints may be taken into consideration. Complainant's details will remain strictly confidential unless express consent has been given for their details to be shared.

Where a licence is revoked for persistent breach of licence conditions a licence will not usually be granted until a period of at least 3 to 5 years has elapsed.

Any warnings as to future conduct issued in relation to specific matters will be kept on file and may be taken into consideration during the currency of any licence or application.

A licensee or applicant shall within 72 hours notify the Authorised Officer of the Council in writing if they are arrested, charged, cautioned or convicted of any offence (including motoring offences) during the currency of the licence or once an application has been submitted. The Licensee or applicant's representative must fulfil this requirement if the Licensee or the applicant is detained. Fixed Penalty Notices shall be reported to the Authorised Officer of the Council in writing upon acceptance from a police officer, as opposed to when the driving licence is updated.

3.6 Knowledge test

New applicants will be required to pass a written test in English under the supervision of a Council officer. The knowledge test comprises of questions relating to the conditions of the licence, the laws relating to the licence, geographical knowledge of the area, customer care and disability awareness. The test for hackney carriage or joint hackney carriage and private hire driver licences requires a greater knowledge of the district than the test for private hire drivers only. Relevant licence conditions are provided with application packs. Street atlases and the Highway Code are available at most book shops or online.

The fee for the first test is paid for at the time of application. Payment must be made in advance of any subsequent test(s).

3.7 Child Sexual Exploitation Training

Wycombe District Council is committed to safeguarding the needs of children and vulnerable groups and it is therefore considered appropriate that all licensed drivers receive training in these matters to assist them in promoting the welfare of children and vulnerable groups within the District.

Applicants will be required to complete an online training course at the Council Offices in English under the supervision of a Council officer on the same occasion as they sit the Knowledge Test. Information relating to Child Sexual Exploitation will be provided as part of the application pack.

Existing drivers seeking to renew their licence will also be required to provide evidence that they have undertaken an approved training course.

3.8 Renewal of Licences

It is the driver's responsibility to ensure that their licence is renewed prior to the expiry of their current licence. Any licence that has expired prior to the submission of a valid renewal application **will not** be renewed and a new application must be submitted.

Any applicant submitting a new application, within three months of the expiry of their previous licence in these circumstances will not, however, be required to undertake the knowledge test or Driver and Vehicle Standards Agency practical driving test for licensed drivers or equivalent approved practical driving test.

The Licensing Unit will endeavour to issue reminder letters at least six weeks prior to the expiry of a licence although there is no statutory duty on the Council to do so and the responsibility ultimately lies with the Licensee to ensure that complete applications are submitted on time.

Under no circumstances will renewal (or new) licences be issued without full and satisfactory checks having first been carried out, including medical and Disclosure and Barring Service checks.

3.9 Change of Type of Licence

Licensees wishing to change from holding a private hire licence to a joint hackney carriage and private hire driver licence will be required to undertake the relevant knowledge test, in addition to any other routine checks such as medical or Disclosure and Barring Service checks. Licensees wishing to convert from a joint licence to a private hire only licence will not be required to carry out any further checks other than those required as a matter of routine.

In either of the above circumstances, the normal fee will be required on application and no refund will be payable in respect of any existing licence.

3.10 Right of appeal

Where refusal, suspension or revocation of an application / licence is considered, the applicant / driver will usually be invited to attend a meeting with a Licensing Officer to discuss any concerns raised. During this meeting the applicant/driver will be given an opportunity to state their case in relation to the issue(s) of concern. Following this meeting, the matter will be referred to the Licensing Team Leader to determine the most appropriate action.

Any applicant who is aggrieved by the Council's refusal to grant/suspend/revoke a driver's licence may appeal to a Magistrates' court within 21 days of being notified in writing of the decision.

In accordance with the provisions of s.61(2B) of the Local Government (Miscellaneous Provisions) Act 1976, as amended by s.52 of the Road Safety Act 2006, where it appears to the Council that it is in the interests of public safety for any revocation or suspension to have immediate effect, the Licensee will have no right to drive as a private hire or hackney carriage driver pending an appeal. This power will only generally be invoked where there are allegations of serious violence offences, driving or being in charge of a vehicle whilst under the influence of drink or drugs, drug related offence(s), offences of a sexual nature or where there is considered to be a serious risk to passengers or members of the public in allowing the driver to continue as a hackney carriage and / or private hire driver.

4. HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE LICENCES

Section 47(2) of the Local Government (Miscellaneous Provisions) Act 1976 permits a District Council to require that a hackney carriage licensed by them under the Town Police Clauses Act 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.

Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states that the Council shall grant a private hire vehicle licence provided the Council is satisfied that the vehicle is:

- Suitable in type, size and design for the use of a Private Hire Vehicle;
- Not of such a design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage;
- In a suitable mechanical condition;
- Safe;
- Comfortable;
- That there is in force in relation to the use of the vehicle a policy of insurance that complies with the Road Traffic Act 1988.

All applications submitted for the initial grant or renewal of a licence should be made at least 15 working days before the licence is required to enable the Licensing Unit to undertake the necessary checks and processes detailed in this document.

Applications will only be accepted if completed in full and accompanied by all required documents, as detailed below:

1. Completed online application form (via the Council's website) with the correct payment.
2. Scanned MOT Certificate for the vehicle issued by an approved Vehicle Testing Station (see para.4.3).
3. Scanned vehicle registration document in the name of the applicant or other acceptable proof of ownership (the V5 New Keeper Supplement completed by the applicant or an official receipt from a registered company in the case of newly manufactured vehicles).

4. Scanned certificate of insurance for the vehicle which covers the activity required (i.e. public or private hire – see para.4.2) and which is valid on the date that the licence is due to come into force.
5. Scanned schedule of insurance where the certificate does not specify the registration number of the vehicle to be licensed.
6. In the case of applications for executive status, the supporting documentation as specified at para 4.17 of the policy and the exemption notice previously issued in relation to the vehicle where appropriate

Originals of the documents referred to above will be required to be submitted to the Council's Customer Service Centre on collection of the licence.

4.1 Licence Fee

All applications must be accompanied by the appropriate fee as prescribed from time to time by the Council; the current scale of fees is available from the Licensing Unit or at www.wycombe.gov.uk/licensing. It is the responsibility of the applicant to ensure that the correct fee is paid.

Licensing fees are reviewed on an annual basis and adopted by Full Council following advertisement by a notice in a local newspaper where required. The notice will also be displayed at the Council Offices to allow for any comments to be made. Any increase in fees agreed will apply on or after 1st April each year.

In the event of the surrender of a vehicle licence before its expiry, there shall be no refund of the licence fee except where it is as a result of the vehicle licence holder's illness certified to the Council by the licensee's registered medical practitioner in which case a pro rata refund shall be payable.

4.2 Insurance

A hackney carriage vehicle must be insured for public hire and reward, such insurance to provide, as a minimum requirement, insurance cover for third party, fire and theft and also to include legal liability for passengers and luggage (minimum of £1 million).

A private hire vehicle must be insured for private hire and reward, such insurance to provide, as a minimum requirement insurance, cover for third party, fire and theft and also to include legal liability for passengers and luggage (minimum of £1 million).

4.3 Testing of vehicle

All vehicle licence applications must be accompanied by an MOT certificate issued by an authorised testing station. The original certificate will be returned to the applicant once a photocopy has been taken. Additional MOT certificates may also be required following an accident and/or mechanical breakdown. A list of the nominated testing stations is attached at Appendix 3.

Vehicles under the age of six years will require annual testing, whereas those over six years shall require testing every six months.

The applicant is responsible for the payment of all fees required for any visual and mechanical inspections direct to the nominated testing station. Authorised garages are not the agents of the Council.

Should concerns arise during the period of the licence regarding the mechanical fitness of a licensed vehicle the Council may request a further test to be undertaken and a further MOT to be produced at the Licensee's expense.

4.4 Type of vehicle

In order to assess vehicle suitability, the Council will take into account passenger safety, comfort and the design of the vehicle. No vehicle shall be licensed as a private hire vehicle or hackney carriage unless:

1. it is a saloon car, hatchback car or other vehicle of suitable type and design;
2. it has at least four doors (a rear-opening hatchback will not be considered or counted as a door for the means of entry or egress);
3. a licence shall not be granted in respect of any vehicle unless its steering wheel is located on the off side of the vehicle;
4. it has four road wheels and a suitable means of repair in the event of failure of one of the tyres;
5. the number plates are in compliance with applicable DVLA regulations;
6. it has an area for storage of luggage and/or the means for all luggage to be secured and kept secure at all times so that no damage or injury is caused to either passengers or luggage;
7. no vehicle shall be licensed which would require passengers to gain access to seating or egress from the vehicle by climbing over other seating or luggage;
8. it has a seat width of at least 16 inches, a seat depth of at least 17.5 inches, a rear seat height of at least 30 inches and it has knee space of at least 21.5 inches (measured from the rear of the seat);
9. all seats within the vehicle, front and rear must be fitted with working seat belts. Drivers are reminded that it is their responsibility to ensure that all passengers under the age of 14 are using appropriate seat belts;
10. in the interests of public safety, tinted windows are not permitted on licensed vehicles unless a minimum of 75% light is transmitted through the front windscreen and 70% light is transmitted through any front passenger windows. All other glass on the vehicle must transmit a minimum of 60% light. An exemption is in place for vehicles which have been designated in writing

for executive use and those which were licensed prior to the introduction of this requirement;

11. a licence shall not be granted in respect of any vehicle with seating capacity of over eight (8) passenger seats.
12. a licence shall not be granted in respect of any vehicle which is licensed by any other authority. The Council does not permit dual-plating of any licensed vehicle at any time. Any vehicle found to be licensed by another authority will have the licence suspended pending the surrender of the other licence.
13. a certificate of compliance / conformity must be provided for any vehicle which has been modified in any way since manufacture.
14. where a vehicle is fitted with a CCTV system the licensee ensure that the CCTV system complies with the requirements of the CCTV Policy (Appendix 9).

In exceptional circumstances, (e.g. stretch limousines) the above requirements may be waived, although confirmation should be sought from the Licensing Unit prior to any vehicle being purchased or any application being made.

4.5 Accessibility

Wycombe District Council is committed to social inclusion and ensuring a wide variety of vehicle types are available for disabled residents to avoid discrimination in terms of travel arrangements.

A mixed fleet which provides the greatest opportunities and flexibility for a range of disabilities is considered most appropriate to serve the widest possible needs of disabled persons across the District.

Details of taxis and private hire companies that take bookings for wheelchair accessible vehicles are available from the Licensing Unit at licensing@wycombe.gov.uk

Any new application for a hackney carriage vehicle licence (over and above the original 50 licensed hackney carriages) will only be considered if the vehicle is wheelchair accessible.

The following requirements must also be complied with for all wheelchair accessible vehicles:

- Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus.
- Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position so as not to obstruct any emergency exit.
- A suitable restraint must be available for the occupant of a wheelchair.

- Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper.
- Ramps and lifts must be securely stored in the vehicle before it may move off.

Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307) – or as amended from time to time. Any such equipment must be maintained in good working order and be available for use at all times.

Any driver of a licensed wheelchair accessible vehicle must have successfully completed a Passenger Assistance Training course.

Signage is to be fixed to the outside of all vehicles to convey to passengers that the vehicle has been designed or adapted to carry a wheelchair.

Drivers of any licensed vehicle cannot refuse to carry an assistance dog unless they have a medical exemption issued by the Council. Such exemptions shall only be issued following receipt of a medical report produced by the driver's registered general practitioner. Assistance dogs should only be carried in the rear of the vehicle.

4.6 Age of Vehicle

A licence shall not be granted in respect of any vehicle which is more than five years old when first licensed by the Council. Any licence issued will cease once the vehicle reaches ten years of age.

In the case of vehicles designated as "prestigious" or "limousines" on the registration document, the maximum age for licensing shall be fourteen years.

The age of the vehicle shall be calculated with reference to the registration documentation for the vehicle. In the case of imported vehicles, the age of the vehicle shall be calculated from the date of first registration or manufacture if earlier.

Vehicles which are less than six years old will be licensed annually. Vehicles between six and ten years of age (or fourteen in the case of "prestigious" vehicles and limousines) will be licensed for a period of no longer than six months.

4.7 Examination of the licensed vehicle

In order to establish that the vehicle complies with the Council's requirements, it shall be inspected and approved by an authorised garage or an officer of the Licensing Unit before any licence is issued.

It is the responsibility of the applicant to ensure that any vehicle complies in every respect with Council policy. It is also the applicant's responsibility to ensure that the inspecting garage has been provided with all relevant information to ensure that the inspection sheet has been correctly completed. The Council shall not be liable for

any financial loss or expense incurred resulting from any failure to provide the relevant information.

Without prejudice to the generality of the Council's examination of the vehicle, no vehicle shall be licensed unless it is clean and tidy, its carpets are clean and damage free, its seats clean and undamaged and the exterior is undamaged and free of rust. During the period of the licence the Council may request at any time that the vehicle and supporting documents are produced at the Council Offices for a further inspection by an authorised garage or authorised officer.

4.8 Fire extinguisher

A licence shall not be granted in respect of a vehicle unless it is fitted with a fire extinguisher approved by the Authorised officer. The fire extinguisher must be fitted in such a position that it is readily available for use and the label affixed to it shall not have been tampered with. The fire extinguisher must be hand-held and be at least 1.0 kg in weight or 1.0 litre in volume and comply with current British/European Standards along with the requirements relating to fire extinguishers for use in public service vehicle.

Fire extinguishers must contain a pressure gauge to enable an Authorised Officer to confirm it is operative. All extinguishers must be checked and serviced if required or replaced on an annual basis. The check/service shall be conducted by a registered company in accordance with the requirements of current British Standards. The date of the test and signature of the tester must be clearly visible on a sticker attached to the extinguisher along with details of the company carrying out the check / service.

The fire extinguisher must bear the private hire/hackney carriage vehicle licence number.

4.9 No smoking signs

No vehicle licence shall be granted unless prescribed "No Smoking" signage is present and correctly displayed within the vehicle.

“4.10 Hackney Carriage Roof Sign

A licence shall not be granted in respect of any hackney carriage vehicle without a fixed, double sided roof sign bearing the word "TAXI" in black lettering, on a white background (not applicable to purpose built hackney carriage vehicles which may be constructed differently). When illuminated, a roof sign must not show a white light to the rear. Where permission has been given for hackney carriages to use bus lanes within the District, such use will only be permitted if a full-width roof sign is used which also complies with the requirements listed above, unless it is a purpose-built hackney carriage vehicle with a built-in roof sign.

4.11 Taximeter

All hackney carriage vehicles shall be fitted with a taximeter installed by an authorised taximeter company. The taximeter is to be maintained so that it complies with the following requirements:

1. when the taximeter is in action, there shall be recorded on its face 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 scale of fares set by the Council;
2. The taximeter shall be located within the Vehicle in an approved position and shall not be concealed from view (e.g. in a glove compartment or behind a gear stick) and shall not be replaced or altered without prior approval;
3. The taximeter shall be calibrated by the taximeter company at first installation and then on an annual basis or following a change to the Table of Fares. Once adopted, a table of fares must be clearly displayed within the vehicle;
4. From the 30th October 2016 all taximeters fitted to licensed vehicles must comply with the Measuring Instrument Directive of 2016.

4.12 Table of Fares

A district council may fix the rates for fares for hackney carriages within the district for time as well as distance, and all other charges in connection with the hire of such a vehicle or with the arrangements for the hire of a vehicle.

The driver of a hackney carriage shall not demand or take for the hire of the Vehicle a sum greater than the rate of fare or fares prescribed by the Council from time-to-time **except** where a fare has previously been agreed and the journey ends outside of the District.

A copy of the fare table issued by the Council shall be exhibited at all times inside the vehicle in an approved position and shall not be concealed from the view of passengers while the vehicle is being used for hire or rendered illegible.

If a hackney carriage is used under a contract for private hire, the driver cannot charge more than the fixed rate in the authorised fare table. As a result, the driver must have the meter running at the correct tariff whenever they have passengers in the vehicle. The produced tariffs are for maximum fares and drivers have the discretion to charge less than the displayed fare.

Fares set for hackney carriages will be subject to a yearly review. In order for this review to be carried out, comparison will be made with fares charged in neighbouring authorities and the relevant retail price index rates will be taken into consideration. A public notice will be placed in a local newspaper stating the proposed variation of the fares. The notice shall allow 28 days for comments. If no objections are received the fares will take effect from the 1st April. Should objections be received the matter will be referred to the Chairman of the Regulatory and Appeals Committee for consideration.

4.13 Door Stickers

Members of the public can often confuse hackney carriages with private hire vehicles. It is important to distinguish between the two types of vehicle to ensure that passengers are conveyed home safely, fully insured and that each vehicle is easily identifiable to members of the public.

All private hire vehicles within Wycombe District must display yellow door signs on the driver door and the front passenger door of the vehicle. The only exceptions to this requirement are where vehicles have been granted executive status or vehicles granted with temporary licences. These must be positioned so that the sign is above the rubbing strip on the doors or, in any event, the top of the sticker cannot be more than 15cm below the bottom of the window. The stickers must be properly maintained and securely fixed to the vehicle. Stickers secured by means of a magnet are not considered to be securely fixed.

The stickers will clearly display the vehicle licence number and the operating company's name and phone number. All signage affixed to a vehicle must contain the same company information. The stickers will also include the Council's logo and state that the vehicle must be pre-booked. The stickers must remain on the vehicle at all times when the licence is in force.

All signage which indicates that a vehicle is licensed must be removed on the expiry or termination of the licence, or the transfer of the vehicle. This requirement is to ensure that it is clear to members of the public that the vehicle is not licensed by the Council.

The Council will supply the stickers and replace them as required at a charge.

4.14 Advertising

Other than the door stickers referred to above in paragraph 4.13, 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 Wycombe District Council in accordance with the Council's advertising policy (Appendix 8).

4.15 Fuel Efficient Vehicles

The Council is committed to encouraging applications for fuel efficient vehicles. Vehicle pollution is the biggest single threat to air quality in the county and there is widespread agreement that more must be done to target polluting vehicles. The Council will offer a reduction of 25% on vehicle licence fees for any vehicle which falls within B and A, B or C for road tax purposes. Evidence will need to be provided prior to any discount being given.

In cases of Liquid Petroleum Gas (LPG) converted vehicles, applicants are required to produce, prior to the licence being granted, 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.

Current LPG member garages which are situated in the Buckinghamshire area are listed as follows:

- Asda filling station, Crest Road, High Wycombe, Bucks, HP12 4NU;
- Asda filling station, 66 Whitelion Road (A404) Amersham Bucks, HP7 9JS;
- Myze Farm, West Wycombe, Bucks, HP14 3BA (depot with public access);
- Shell Beaconsfield, Burtley Wood. Bucks, HP9 2SE (M40 Junction 2).

4.16 Dual Plating

No vehicle shall be licensed by the Council if it is already licensed as either a hackney carriage or private hire vehicle by another authority. Additionally, vehicles can only be licensed as **either** a hackney carriage or a private hire vehicle. The Council will not issue both types of licence simultaneously. It is the applicant's responsibility to ensure that the vehicle is not licensed elsewhere.

4.17 Use of Executive Vehicle Licence Plates

The Licensing Unit has 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 and that private hire vehicles are readily recognisable as such. To that end the Council's standard conditions require the display of private hire licence plates and door stickers, and forbid the use of tinted windows.

The Council recognises a class of Executive Status vehicles which will be exempt from these requirements. For such vehicles, more discreet executive plates will be issued, the requirement to display door stickers will be waived and windows may be tinted.

Exemption notices as defined in the Executive Status conditions will only be issued in special circumstances:

Work of a corporate or executive nature is defined as work which satisfies both conditions (a) and (b) below. The work must be conducted:

- (a) solely for corporate or other business account customers who have a contract or written agreement with the licensee; and
- (b) on an account basis whereby payments are made pursuant to an invoice, remotely and otherwise than for cash.

In order to obtain executive status the following must be complied with:

- (1) The applicant must apply for executive status with full details of the vehicle, including make and model, registration, vehicle licence details where applicable, owner's details and full name and address of the driver using the vehicle.
- (2) The vehicle must be a high quality, executive or prestigious vehicle such as a 5 or 7 series BMW, E, R or S Class Mercedes, Jaguar XF or XJ, a Chrysler Grand Voyager or similar. Applicants should supply the Licensing Unit with a full

specification of any other vehicle for confirmation as to whether it would be eligible for executive status prior to purchasing any make or model of vehicle other than those listed above.

- (3) The vehicle must be in a pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim or seating.
- (4) The applicant must satisfy the Council that they intend to operate the vehicle solely for work of an executive or corporate nature as defined in the Executive Status conditions. Full details of all corporate or other business clients must be provided, including their names, addresses, individual contacts, plus a contact telephone number and e-mail address, together with details of the number of journeys undertaken for each customer on a weekly basis for a three to six month period to be specified by the Council.
- (5) The applicant must sign an acknowledgment that they fully understand, accept and will comply with both the Executive Status conditions and this policy.

Following application for executive status, the vehicle will be assessed on its own merits and inspected by an authorised Council officer to ensure that it is fit for purpose. Officers of the Licensing Unit may contact customers to verify the details given in the application. Officers may also make enquiries to customers to verify the details given in the application.

The decision whether to grant or refuse executive status will be determined by the Licensing Team Leader. If an applicant is aggrieved by the decision they will have a right to appeal in writing within 14 days of the date of the decision to the Environmental Health Manager at Council Offices, Queen Victoria Road, High Wycombe, HP11 1BB.

If executive status is granted, the Council will issue an Exemption Notice as defined in the Executive Status Conditions. The Council retains an absolute discretion to serve a Withdrawal Notice at any time, so removing the Executive Status of the vehicle. An exemption notice is not transferable between private hire vehicle operators.

The Council views the conferring of executive status as a privilege and expects the Executive Status Conditions to be complied with strictly. The Council will be particularly vigilant to ensure that only work of a corporate or executive nature as defined in the Conditions is carried out. In the event of any breach of the Executive Status Conditions, the Council will consider the service of a Withdrawal Notice, even for a first breach.

Following service of a Withdrawal Notice, executive plates must be returned to the Council forthwith. The vehicle will then be subject to ordinary private hire conditions as to the display of licence plates, door stickers and non-tinted windows.

4.18 Stretched Limousines and Novelty Vehicles

In recent years there has been rapid growth in demand for the hire of limousines and specialist vehicles.

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 and which is capable of carrying up to, but not exceeding, 8 passengers.

The Council will not license this type of vehicle as a Hackney Carriage.

On application for a vehicle licence for stretch limousines and novelty vehicles the following documents must be provided, in addition to the requirements for a standard Private Hire vehicle:

- a) Individual 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

The requirements for licensing stretched limousines and novelty vehicles and the conditions to be attached to these licences can be found at Appendix 5 in this policy.

4.19 Renewal of Licences

It is the proprietor's responsibility to ensure that licences are renewed prior to the expiry of the current licence. Any application submitted after the expiry of the licence will be treated as a new application, unless the application is made within three days of expiry and exceptional circumstances exist as to why the application was not submitted prior to expiry. Evidence of exceptional circumstances will be required.

4.20 Sale of Licensed Vehicle

In line with the Hackney Carriage and Private Hire Vehicle Licence conditions, the licence plate and paper licence must be returned to the Licensing Unit prior to the sale of any licensed vehicle, along with a written request to transfer the vehicle licence to a specified person where appropriate. This is to ensure that the vehicle remains properly insured and only driven by an appropriately licensed person.

Where the vehicle is sold with the intention of its continued use as a licensed vehicle, the new owner must apply for the licence to be transferred into their name by completing the appropriate application form and submitting this along with a valid insurance certificate (and schedule if required), the V5 Registration Document in the applicant's name or the completed New Keepers Supplement and the relevant fee.

4.21 Change of Vehicle / Variation of Licence

Where a change of vehicle is required during the currency of a vehicle licence due to sale of the vehicle, mechanical breakdown or accident, a new application must be submitted along with the appropriate fee and any documents usually required for a vehicle licence. The application will be treated as a new vehicle application and the previous licence must be surrendered. Where more than six months remain on the previous licence a set refund may be given.

4.22 Temporary Licence / Plate

In cases of mechanical breakdown or damage following an accident, a temporary licence and plate can be issued to a different vehicle. This licence will last for a period of no more than two calendar months and will be renewable on only two occasions up to a maximum of six months. If the vehicle is still required at the end of this period a full licence must be applied for.

A temporary licence will not be issued to any vehicle that is licensed by the Council at the time of application. A temporary licence will also not be issued to any person who has failed to return a temporary licence and plate when requested to do so within the previous two years. A fee is payable for temporary licences. The licence fee discount usually applied to vehicles falling within tax bands A to C is not applicable to temporary licences.

Temporary licence plates must be displayed on the vehicle in accordance with the conditions of the licence. It is the responsibility of the licence holder to meet any costs incurred as a result of fixing the plate to the vehicle and making good any damage caused when the temporary licence is removed.

Council issued door stickers are not required to be displayed on a vehicle while a temporary vehicle licence is in force.

4.23 Rights of appeal

Vehicle licences may be suspended or revoked for breach of licence conditions, where the vehicle is deemed unroadworthy or where there is no current operator for a private hire vehicle. The licence holder will be issued with full reasons in writing for any such action.

Where a vehicle licence has been suspended or revoked under section 60 of the Local Government (Miscellaneous Provisions) Act 1976, any applicant who is aggrieved by the Council's decision to suspend, revoke or refuse to grant a vehicle licence or to attach conditions may appeal to the Magistrates Court within 21 days of being notified in writing of the decision.

5. PRIVATE HIRE OPERATOR LICENCES

Section 55 of the Local Government (Miscellaneous) Provisions Act 1976 states that the Council shall grant a private hire operator licence provided the Council is satisfied that the applicant is a fit and proper person to hold such a licence.

In order for an operator to prove that they are “fit and proper” they must provide evidence of:

- Disclosure and Barring Service certificate and/or certificate of good conduct (where relevant).
- References (where not already a licensed driver).
- Knowledge of the relevant conditions and legislation by successfully undertaking a knowledge test.
- Knowledge of Child Sexual Exploitation by successfully undertaking the on-line course as detailed below at para 5.4.
- Any other information reasonably required to enable the application to be determined.

All applications submitted for the initial grant of a licence should be made at least eight weeks before the licence is required to enable the Licensing Unit to undertake the necessary vetting procedures as detailed in this document.

Applications must be made online via the Council’s website and any necessary documents provided. Any forms received without accompanying documentation will be returned to the applicant as invalid.

Any application for the renewal of a licence must be made before the expiry of the current licence. Where an existing licence has expired before an application to renew is received it will be treated as an application for a new licence (see para 5.9 below).

Applications will only be acceptable if they include the following:

1. Application form (provided online by the Council) completed in its entirety along with payment of the appropriate licence fee.
2. 2 colour, passport sized photographs of the applicant taken within the last month prior to the application which conform to the standards required by HM Passport Office.
3. Public liability insurance (where relevant).
4. Employer’s liability insurance (where relevant.)
- 5.

Where an existing operator applies to amend his or her licence to include an additional named operator, that person will be required to satisfy the Council that he/she is a “fit and proper person” by completing the application process outlined above.

5.1 Licence Fee

All applications must be accompanied by the appropriate fee as prescribed from time to time by the Council. The current scale of fees is available from the Licensing Unit or on the website www.wycombe.gov.uk

Licensing fees are reviewed on an annual basis and adopted by the Council following advertisement by notice in a local newspaper. The notice will also be displayed at the Council Offices to allow for any comments to be made. Any increase in fees agreed will apply on or after 1st April of each year.

5.2 Criminal Record

Prior to consideration of any new application for any person not already licensed by the Council as a private hire operator, the Council will obtain from the Disclosure and Barring Service (DBS) a Standard Certificate in respect of the applicant, to be assessed in accordance with the Council's Criminal Records Policy (at Appendix 6). All applicants will also be required to subscribe to the DBS Update Service.

Applicants who have been absent from the United Kingdom for a continuous period of three months or more in the last five years (new applicants) or three years (renewal applicants) are required to provide a certificate of good conduct from any country or countries of residence (within the previous five years) in addition to the Certificate from the DBS.

Where existing operators commit offences and/or breaches of licence conditions, the nature and number of incidents will be taken into consideration in relation to any suspension or revocation of a licence. Complaints or warnings in relation to existing operators will generally be held on file and taken into consideration for a period of three years from receipt, although where a further warning is issued/complaint is received during this period, the original warning/complaint will be kept on file from the date of the most recent warning/complaint. Any warnings as to future conduct issued in relation to specific matters will generally be kept on file during the currency of any licence or application. Where a licence is revoked for persistent breach of licence conditions, a period of 3 to 5 years should generally elapse before a further application is favourably considered.

A licence shall not usually be granted to any applicant who does not comply with the minimum requirements as set out in the Council's Criminal Records Policy (see Appendix 6). Where several minor offences have been committed the Council will take into consideration any pattern of offending. The Council can also take into consideration spent convictions, cautions and other relevant information when determining an application for a private hire operator licence.

A licence may be revoked with immediate effect pending the outcome of any investigation or trial where an existing operator has been arrested or charged with a serious offence during the currency of the licence. Serious offences can include but are not limited to:

- Driving or being in charge of a vehicle whilst under the influence of drink or drugs.
- A drug related offence.

- An offence of a sexual nature.
- An offence involving violence.
- An offence dishonesty.

A licence may also be revoked with immediate effect where information received raises grave doubts as to the fitness of an operator, regardless of whether criminal charges are brought.

A licensee or applicant shall, within 72 hours notify the Authorised Officer of the Council in writing if they are arrested, charged, cautioned or convicted of any offence (including motoring offences) during the currency of the licence or once an application has been submitted. The Licensee or applicant's representative must fulfil this requirement if the Licensee or the applicant is detained. Fixed Penalty Notices shall be reported to the Authorised Officer of the Council in writing upon acceptance from a police officer, as opposed to when the driving licence is updated.

5.3 Knowledge Tests

New applicants will be required to pass a written test in English under the supervision of a Council officer. The test comprises of questions relating to the conditions of the licence and the laws affecting the licence. Conditions and laws relating to private hire vehicle and driver licences are also included insofar as they relate to the operation of private hire vehicles. Relevant conditions are provided with application packs and copies of the relevant parts of the Local Government (Miscellaneous Provisions) Act 1976 are available at legislation.gov.uk.

The fee for the first test must be paid at the time of application. Payment must be made in advance of any subsequent test(s).

5.4 Child Sexual Exploitation Training

Wycombe District Council is committed to safeguarding the needs of children and vulnerable groups and it is therefore considered desirable that all licensed operators receive training in these matters to assist them in promoting the welfare of children and vulnerable groups within the District.

Applicants will be required to complete an online training course at the Council Offices in English under the supervision of a Council officer on the same occasion as they sit the Knowledge Test. Information relating to Child Sexual exploitation will be provided as part of the application pack.

Existing operators seeking to renew their licence will also be required to provide evidence that they have undertaken an approved training course.

5.5 Trading Names

Only trading or business names which have been authorised in writing by the Licensing Unit can be used. This requirement relates to any names used on promotional material, advertisements, website information or any other form of written document.

5.6 Company Applicants

Applications can be made in the name of a company. In such circumstances all company directors must be listed within the application form. Any director who does not hold a valid operator licence at the time of application will be required to successfully undertake a knowledge test and child sexual exploitation training as referred to above. All directors must be considered to be “fit and proper” persons in order for a licence to be issued to a company.

Any changes to directors during the currency of the licence must be notified to the Licensing Unit in writing within seven days of the change. Any new director would also need to be considered a “fit and proper person” to undertake the role and would therefore be required to undertake a knowledge test, child sexual exploitation training and submit a DBS Disclosure application within one month of the notification.

Where the new director fails to comply with these requirements the Council will consider taking formal action in relation to the operator licence.

5.7 Premises

In order to ensure proper regulation and enforcement is undertaken by the Council, a licence shall not be granted to any applicant whose operating centre or intended operating centre is outside of Wycombe district. This does not apply to premises where, as a result of boundary changes, the operating centre is no longer within the district at the time application is made to renew a licence. A landline telephone number will be required to which bookings can be made. Only telephone numbers which have been approved in writing by the Council can be used for the acceptance of bookings.

5.8 Planning permissions

The grant of an operator licence does not constitute planning consent which may also be required. Applicants are therefore advised to contact the planning department at Wycombe District Council.

5.9 Renewal of Licences

It is the licensee’s responsibility to ensure that their licence is renewed prior to its expiry. Any licence that has expired prior to the submission of a valid renewal application **will not** be renewed and a new application will need to be submitted (which may result in considerable delay).

Any applicant submitting a new application in these circumstances within three months of the expiry of their licence will not, however, be required to undertake the knowledge test or child sexual exploitation training.

The Licensing Unit will endeavour to issue reminder letters at least 28 days prior to the expiry of the licence. There is no statutory duty for the Council to do this,

however, and the responsibility ultimately lies with the holder of the licence to ensure that all licences and paperwork are current.

5.10 Amendments to Licences

Should an operator require any amendment to their licence, such as an increase in the number of vehicles to be licensed or a change of trading name, this request must be made in writing and a new licence issued prior to the amendment being implemented.

For any change in the location of the operating centre, planning approval may be required and applicants are advised to contact the planning department at Wycombe District Council prior to making any formal request. A fee will be payable for any amendment required.

5.11 Rights of appeal

Any applicant who is aggrieved by the Council's decision to refuse to grant, renew or to revoke an operator's licence or to apply conditions to the licence may appeal to a Magistrates court within 21 days of being notified in writing of the decision.

6. ENFORCEMENT

All enforcement of private hire and hackney carriage vehicle/driver and/or private hire operator licences will be carried out in accordance with the Council's adopted Licensing Enforcement Policy (Appendix 7).

Enforcement may be carried out in conjunction with other authorised bodies, such as DVSA and Thames Valley Police.

The Licensing Unit will aim to undertake enforcement fairly, providing advice where appropriate to ensure that drivers and proprietors fully understand the relevant legislation and conditions.

Any enforcement action carried out will be proportionate and reasonable and will aim to treat all licensees fairly and consistently.

Complaints received and warnings issued in relation to existing drivers and operators will generally be held on file and taken into consideration for a period of three years from receipt, although where a further warning is issued or complaint received during this period, the original warning/complaint will be kept on file from the date of the most recent warning.

Informal interviews with drivers and or applicants will generally be recorded on disk/tape to ensure that there is an accurate record of the meeting.

Any warnings as to future conduct issued in relation to specific matters will generally be kept on file during the currency of any licence or application.

7. SERVICE STANDARDS

To ensure the efficient use of officer time and to save on costs, the Council's preferred means of communication is by e-mail at licensing@wycombe.gov.uk.

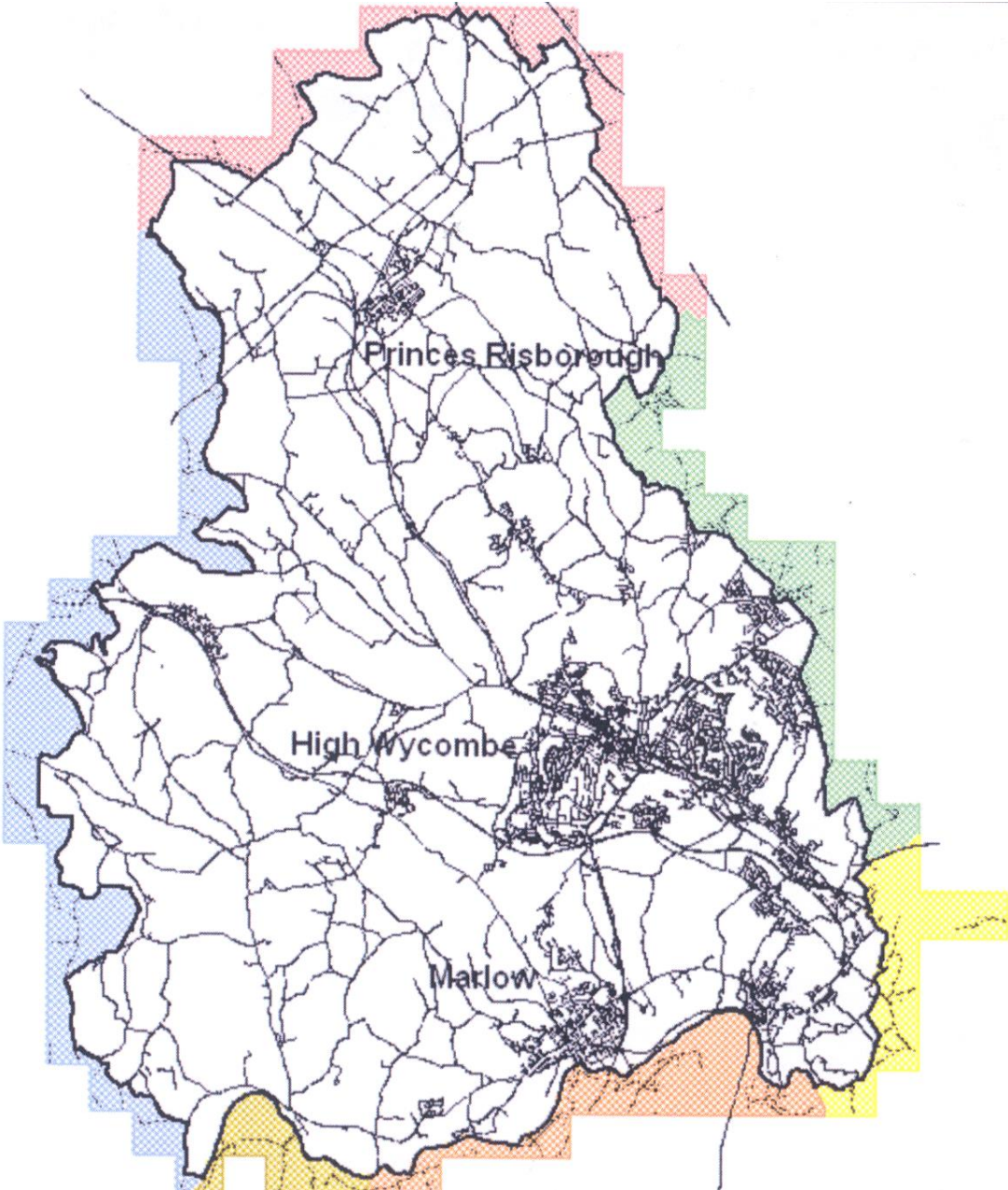
Where it is necessary to speak to a licensing officer in person appointments can be made.

The Licensing Unit will endeavour to:

- Issue a Private Hire Driver / Hackney Carriage Driver Licence within ten working days of satisfactory completion of the application process.
- Issue a Private Hire / Hackney Carriage Vehicle Licence within ten working days of the date of receipt of a complete and valid application.
- Issue a temporary Private Hire / Hackney Carriage Vehicle Licence within two working days of the date of receipt of a complete and valid application.

Please Note: Failure to provide all information and necessary documentation as detailed in the application form will result in the application being rejected and delays in issuing the licence. Failure to attend appointments without 24 hours' notice is likely to result in a cancellation fee being charged.

Appendix 1 - Map of Wycombe District Council



Appendix 2 EU /EEA States - EU Members (Total: 28 States)

Country	Accession Date
Austria	1995
Belgium*	1957
Bulgaria	2007
Croatia	2013
Cyprus	2004
Czech Republic	2004
Denmark	1973
Estonia	2004
Finland	1995
France*	1957
Germany*	1957
Greece	1981
Hungary	2004
Ireland	1973

Italy*	1957
Latvia	2004
Lithuania	2004
Luxembourg*	1957
Malta	2004
Netherlands*	1957
Poland	2004
Portugal	1986
Romania	2007
Slovakia	2004
Slovenia	2004
Sweden	1995
Spain	1986
United Kingdom	1973

* Founding Member

EEA Member States (Total: 28 EU States + 4 EFTA Member States)

Appendix 3 Mechanical Testing Stations (as of 01 January 2014)

APPOINTMENTS SHOULD BE MADE BEFORE INSPECTION

ASW Autos

Unit 1, Copyground Lane
HP12 3HE

Tel: 01494 520500**Autoclinics**

Old Bus Garage
Lansdale Road
HP11 2PB

Tel: 01494 450058**Lucas Autocentre Ltd t/a HiQ**

Brook Street
HP11 2EQ

Tel: 01494 524430**Manleys Garage**

East Richardson Street
HP11 2SB

Tel: 01494 523062**MOTSTOP**

2A Desborough Avenue
HP11 2RN

Tel: 01494 536415**Pedestal Garage**

504 West Wycombe Road
HP12 4AH

Tel: 01494 452456**Wycombe MOT's**

Leigh Court, Leigh Street
HP11 2QU

Tel: 01494 538333

Appendix 4 List of Offences

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976

In relation to the maximum penalties specified, the levels of fine are currently as follows:

Level 1 - £200

Level 2 - £500

Level 3 - £1,000

Level 4 - £2,500

A) Town Police Clauses Act 1847

HACKNEYS		
Section	Offence	Maximum Penalty
40	Giving false information on application for HC Licence	Level 1
44	Failure to notify change of address of HC proprietor	Level 1
45	Plying for hire without HC Proprietors licence	Level 4
47	Driving a HC without a HC drivers licence	Level 3
47	Lending or parting with HC driver's licence	Level 3
47	HC proprietor employing unlicensed driver	Level 3
48	Failure by HC proprietor to hold HC driver's licence	Level 1
48	Failure by HC proprietor to produce HC driver's licence	Level 1
52	Failure to display HC plate	Level 1
53	Refusal to take a fare	Level 2
54	Charging more than the agreed fare	Level 1
55	Obtaining more than the legal fare	Level 3 and 1 month's imprisonment in default
56	Travelling less than the lawful distance for an agreed fare	Level 1
57	Failing to wait after a deposit to wait has been paid	Level 1
58	Charging more than the legal fare	Level 3
59	Carrying other person than the hirer without consent.	Level 1
60	Driving HC without Proprietors consent	Level 1
60	Allowing another to drive HC without proprietors consent.	Level 1
61	Drunken driving of HC	Level 1
61	Wanton or furious driving leading to injury or danger	Level 1

62	Driver leaving HC unattended.	Level 1
64	HC driver obstructing other HC's.	Level 1

(b) Local Government (Miscellaneous Provisions) Act 1976

HACKNEYS		
Section	Offence	Maximum Penalty
49	Failure to notify the transfer of a HC proprietors licence	Level 3 (by virtue of s76)
50(1)	Failure to present a HC for inspection, as required	Level 3 (by virtue of s76)
50(2)	Failure to inform the Authority where the HC is stored, if requested.	Level 3 (by virtue of s76)
50(3)	Failure to report an accident to the Authority	Level 3 (by virtue of s76)
50(4)	Failure to produce the HC Proprietors licence and insurance certificate	Level 3 (by virtue of s76)
53(3)	Failure to produce the HC drivers licence	Level 3 (by virtue of s76)
57	Making a false statement or withholding information to obtain a HC drivers licence	Level 3 (by virtue of s76)
58(2)	Failure to return a plate after notice given following expiry, revocation or suspension of a HC proprietor's licence.	Level 3 + fine of £10 per day
61(2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	Level 2
64	Permitting any vehicle other than a HC to wait on a HC stand.	Level 3 (by virtue of s76)
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement.	Level 3 (by virtue of s76)
67	Charging more than the meter fare when HC used as private hire vehicle	Level 3 (by virtue of s76)
69	Unnecessarily prolonging a journey.	Level 3 (by virtue of s76)
71	Interfering with a taximeter.	Level 3 (by virtue of s76)
73(1)(a)	Obstruction of an Officer or Constable	Level 3 (by

		virtue of s76)
73(1)(b)	Failure to comply with a requirement of an authorised officer or constable.	Level 3 (by virtue of s76)
73(1)(c)	Failure to give information or assistance to an authorised officer or constable.	Level 3 (by virtue of s76)
73(2)	Making a false statement when providing information	Level 3 (by virtue of s76)
46(1)(a)	Using an unlicensed PH Vehicle	Level 3 (by virtue of s76)
46(1)(b)	Driving a PH vehicle without a PH driver's licence	Level 3 (by virtue of s76)
46(1)(c)	Proprietor of a PH vehicle using an unlicensed driver.	Level 3 (by virtue of s76)
46(1)(d)	Operating a PH vehicle without a PH operator's licence.	Level 3 (by virtue of s76)
46(1)(e)	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle.	Level 3 (by virtue of s76)
46(1)(e)	Operating a vehicle as a PH vehicle when the driver is not licensed as a PH driver.	Level 3 (by virtue of s76)
48(6)	Failure to display a PH vehicle plate.	Level 3 (by virtue of s76)
49	Failure to notify transfer of a PH vehicle licence.	Level 3

PRIVATE HIRE		
Section	Offence	Maximum Penalty
50(1)	Failure to present a PH vehicle for inspection, as required	Level 3 (by virtue of s76)
50(2)	Failure to inform the Authority where the PH vehicle is stored, if requested.	Level 3 (by virtue of s76)
50(3)	Failure to report an accident to the Authority	Level 3 (by virtue of s76)
50(4)	Failure to produce the PH vehicle licence and an insurance certificate	Level 3 (by virtue of s76)
53(3)	Failure to produce a PH drivers licence	Level 3 (by virtue of s76)

54(2)	Failure to wear a PH driver's badge.	Level 3 (by virtue of s76)
56(2)	Failure by a PH operator to keep records of bookings.	Level 3 (by virtue of s76)
56(3)	Failure by a PH operator to keep records of PH vehicles operated by him.	Level 3 (by virtue of s76)
56(4)	Failure to produce a PH operator's licence on request.	Level 3 (by virtue of s76)
57	Making a false statement or withholding information to obtain a PH driver or operator licence.	Level 3 (by virtue of s76)
58(2)	Failure to return a plate after notice given following expiry, revocation or suspension of a PH vehicle licence.	Level 3 + fine of £10/day
61(2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	Level 3 (by virtue of s76)
67	Charging more than the meter fare when HC used as private hire vehicle	Level 3 (by virtue of s76)
69	Unnecessarily prolonging a journey.	Level 3 (by virtue of s76)
71	Interfering with a taximeter.	Level 3 (by virtue of s76)
73(1)(a)	Obstruction of an Officer or Constable	Level 3 (by virtue of s76)
73(1)(b)	Failure to comply with a requirement of an authorised officer or constable.	Level 3 (by virtue of s76)
73(1)(c)	Failure to give information or assistance to an authorised officer or constable.	Level 3 (by virtue of s76)
73(2)	Making a false statement when providing information	Level 3 (by virtue of s76)

c) Transport Act 1980

Section	Offence	Maximum Penalty
64(2)(a)	Driving a PH vehicle with a roof sign, which contravenes s64 (1).	Level 3
64(2)(a)	Causing or permitting a PH vehicle to be driven with a roof sign which contravenes s64 (1).	Level 3

Appendix 5 Licence Conditions

Private Hire Vehicle Driver Licence Conditions

The following requirements and conditions are made by Wycombe 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.

1. Definitions

In these Conditions:

“the 1976 Act” shall mean the Local Government (Miscellaneous Provisions) Act 1976

“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 Environment Service Division or any other officer authorised by the Head of the Environment Service.

“the Council” shall mean Wycombe District Council.

“the Hirer” shall mean any person or persons who from time-to-time hires or books the Vehicle

the Licence” shall mean a Private Hire Vehicle Licence issued by the Council.

“the Licensee” shall mean the person(s) named in the Licence

“the Operator” shall mean any person or company or partnership licensed by the Council to operate private hire vehicles.

“the Vehicle” shall mean the vehicle named in the licence.

2. 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 or policy implemented by the Council.

3. Maintenance of the Vehicle

The Licensee shall:

- Ensure that the Vehicle to be driven by him or her is in a roadworthy condition, thoroughly cleaned, all equipment, fittings and fixtures are present and serviceable and complies with the conditions attached to the Licence relating to the Vehicle before the 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(s) and private hire operator of the Vehicle.

4. **Conduct of the Licensee**

The Licensee shall:-

- at all times be clean and respectable in his or her dress and personal hygiene, 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 from the Vehicle;
- any driver driving a wheelchair accessible vehicle must have successfully completed an Approved Passenger Assistance Training Course and have been issued with the appropriate identify badge;
- 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 vehicle licensee of the Vehicle;
- not drink, eat or play audio equipment in the Vehicle without the permission of the Hirer;
- shall ensure that no annoyance or disturbance is caused to residents or other road users whilst in possession of 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;
- 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;
- 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;
- not initiate any dialogue of a “sexual” nature with a passenger. Licensed drivers are not permitted to become involved “sexually”, or have sexual contact, even with consent, whilst in a licensed vehicle with any person.

5. **Taximeter**

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.

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. The Licensee shall not tamper with or permit any person to tamper with any taximeter with which the Vehicle is fitted or with the fittings thereof.

The Licensee shall ensure that when the Vehicle is not in use the taximeter is switched off.

6. **Fares and Fare Table**

The Licensee shall not demand from the Hirer a fare in excess of any previously agreed 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 to be charged shall not be greater 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.

7. **Accidents and Damage to the Vehicle**

The Licensee shall report to the Authorised Officer in writing any accident (motoring or otherwise) involving the Vehicle within 72 hours of the accident. 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 in writing any damage materially affecting the safety, performance or appearance of the Vehicle to the Authorised Officer within 72 hours of the Vehicle being damaged. The Licensee shall ensure that the Vehicle is not used for hire until it has been inspected and / or approved by the Authorised Officer.

8. **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 Hirer, the Licensee shall ensure that he or she is aware of the destination and how to reach the destination.

9. **Driver’s Identity Badge**

The Licensee shall wear 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.

10. **Seat Belts**

When driving the Vehicle the Licensee shall wear a seat belt unless the Vehicle is being used to carry a passenger or passengers for hire, when the wearing of a seat belt is at the driver's discretion.

11. **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

12. **Carriage of Animals**

The Licensee shall not permit any animal belonging to or under the care of the Licensee to ride in the Vehicle when using the Vehicle for private hire.

The Licensee shall not refuse any request to carry an assistance dog (for example a guide or hearing dog), accompanying a person with a disability unless the Licensee and/or driver has been exempted from this requirement by the Council issuing an exemption certificate from carrying animals (issued because of medical reasons). Such a certificate must be displayed in a prominent position.

There can be no additional charge imposed for carrying an assistance dog.

The Licensee shall not refuse any reasonable request to carry an animal belonging to the Hirer in the rear of the Vehicle.

13. **Private Hire Vehicle Operator**

The Licensee shall not use the Vehicle for private hire unless the bookings are invited and accepted by the Operator. The Licensee shall ensure the Operator has a current private hire vehicle Operator's licence issued by the Council. The Licensee shall not be entitled to demand and take for the hire of the Vehicle a fare greater than the rate of fare or charge agreed between the Hirer and the Operator.

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 he or she ceased driving for the Operator.

14. Operation of the Vehicle

The Licensee of the Vehicle shall not cause or permit the vehicle to stand in a road or other place in such a manner as to suggest that it is standing or otherwise plying for hire or that that it is a hackney carriage and in no circumstances shall he/she cause or permit the vehicle to wait on any hackney carriage stand at any time.

15. Deposit of Licence

The Licensee shall deposit a copy of his or her Private Hire Driver's 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 Licensee ceases to drive that vehicle.

16. Insurance

The Licensee shall ensure that he or she is covered by valid insurance for private hire 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.

17. Lost Property

The Licensee shall ensure that at least once every day he or she carefully searches the Vehicle for any property which has accidentally been left in the Vehicle.

The Licensee shall ensure that any property accidentally left, or found or handed to him in the vehicle will be taken, within 48 hours to the Police Station, Queen Victoria Road, High Wycombe and leave it in the custody of the officer in charge of the Police Station and obtain a receipt.

18. Inspections

The Licensee shall not obstruct the Authorised Officer or any Police Officer from carrying out any inspection or test of the Vehicle.

19. Medical Fitness

The Licensee shall notify the Authorised Officer in writing as soon as possible and in any event not later than seven days of any illness or injury affecting his or her fitness to drive in any way.

20. Convictions and DVLA Driving Licence

The Licensee shall within 72 hours disclose to the Authorised Officer in writing if they are arrested, charged, 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 Licensee is detained. Fixed Penalty Notices shall be reported to the

Authorised Officer in writing upon acceptance from a police officer, as opposed to when the driving licence has been updated.

The Licensee shall make his or her driving licence available for inspection by the Operator, the Authorised Officer or a police officer upon request.

21. Change of Address

The Licensee shall within seven days notify the Authorised Officer in writing of any change in his or her address during the period of the Licence. The Licensee shall also provide an updated copy of their DVLA driving Licence reflecting any change in address details to the Licensing Unit within one month of any change in his or her address.

22. Acknowledgement of Notifications

If the Licensee has not received written acknowledgement of any notification required by the conditions of the licence from the Licensing Unit within one month, the Licensee shall confirm with the Unit that the notification has been received.

23. Variation of Conditions

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

24. Appeals

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.

INFORMATIVES:

1 Suspension, Revocation or 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:

- Any conviction for an offence involving dishonesty, indecency or violence.
- Any offence, or non-compliance with the provisions of the Town Police Clauses Act 1847 or Local Government (Miscellaneous Provisions) Act 1976.
- Failure to comply with any of these Conditions. The Council reserves the right to waive any of these Conditions, at its absolute discretion.
- Failing to pay the appropriate licence fee. The Licence shall be suspended immediately if the Licence is obtained by payment that is referred back to the Council by a Bank or other financial institution and revoked if the fee is not paid within ten working days of the payment being referred back to the Council.
- Any criminal convictions
- Any other reasonable cause

2 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 Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847.
- Fails to comply with any requirement 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.

HACKNEY CARRIAGE DRIVERS BYELAWS

Made under Section 68 of the Town Police Clauses Act 1847 and by Wycombe District Council with respect to hackney carriages in the Wycombe District.

Interpretation

- 1 In these byelaws “the Council” means Wycombe District Council, “the district” means Wycombe District and “the 1976 Act” means the Local Government (Miscellaneous Provisions) Act 1976.

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

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

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 what badges.

- 3 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 conditions attached to the hackney carriage vehicle licence locked in the position in which no fare is recorded on the face of the taximeter;
 - (b) Before commencing 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 the hiring; and
 - (c) Cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness defined for the purposes of the Road Traffic Act 1988, and also at any other time at the request of the hirer.
- 4 The 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.
- 5 The driver of a hackney carriage shall, when plying for hire in any street and not actually hired -
- (a) Proceed with reasonable speed to one of the stands fixed from time to time by the Council;
 - (b) On arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
 - (c) From time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

- 6 The 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.
- 7 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.
- 8 The proprietor or driver of a hackney carriage shall comply with every reasonable requirement of any person hiring or being conveyed in such carriage.
- 9 The proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number specified on the plate affixed to the outside of the carriage.
- 10 Where the driver of the hackney carriage has been provided with a driver's badge by the Council, he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
- 11 Where the driver of the hackney carriage has been provided with an identity card by the Council, he shall, when standing or plying for hire, and when hired, display the card in such hackney carriage in such position and manner to be plainly visible.
- 12 The driver of a hackney carriage so constructed 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 a 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 set down such person.
- 13 The driver of a hackney carriage shall take all reasonable precautions to ensure that no annoyance or disturbance is caused to residents or other road users whilst passengers are being collected or conveyed in such hackney carriage.
- 14 The driver of a hackney carriage shall not use the horn or lights of such hackney carriage or shout in order to signify to the hirer that the vehicle is waiting for the hirer.
- 15 The driver of a hackney carriage shall not, in such carriage when driving for hire, except with the permission of the hirer or any other person being conveyed in such carriage smoke tobacco or any other like substance.
- 16
 - (a) The proprietor or driver of a hackney carriage shall at all times, when standing, plying or driving for hire, exhibit a statement of fares set by the Council under Section 65 of the 1976 Act in a visible place inside such hackney carriage;
 - (b) The proprietor and driver of a hackney carriage shall not wilfully or negligently cause or suffer the letters or figures of a statement of fares set by the Council under Section 65 of the 1976 Act to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

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

- 17 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.
- 18 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 claimed sooner by or on behalf of its owner, to the Police Station, Queen Victoria Road, High Wycombe, Bucks 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 said Police Station whichever be the greater) but not more than five pounds.

Provisions for the cessation of use of a hackney carriage, which at any time fails in any way to comply with the Council's requirements respecting the fitness of hackney carriages for public hire.

- 19 The proprietor and driver of a hackney carriage shall cease to use any hackney carriage which at any time fails in any way to comply with any of the provisions of the Council's conditions relating to the fitness for hire of hackney carriages.

Penalties

- 20 Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale and in the case of a continuing offence to a further fine not exceeding level 2 of the standard scale for each day during which the offence continues after conviction therefore.

Repeal of Byelaws

- 21 The byelaws relating to hackney carriages which were made by the Council on the fifteenth day of May ninety eighty-one and which were confirmed by the Secretary of State on the twenty-eighth day of August nineteen eighty-one are hereby repealed.

Private Hire Vehicle Licence Conditions

The following requirements and conditions are made by Wycombe 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.

1. Definitions

In these Conditions:

“the 1976 Act” shall mean the Local Government (Miscellaneous Provisions) Act 1976

“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 Environment Service Division or any other officer authorised by the Head of the Environment Service.

“the Council” shall mean Wycombe District Council.

“the Hirer” shall mean any person or persons who from time-to-time hires or books the Vehicle

“the Licence” shall mean a Private Hire Vehicle Licence issued by the Council.

“the Licensee” shall mean the person(s) named in the Licence

“the Operator” shall mean any person or company or partnership licensed by the Council to operate private hire vehicles.

“the Vehicle” shall mean the vehicle named in the licence.

2. General

The Licensee shall ensure that the Vehicle complies in all respects with the requirements of any Act and Regulation affecting the operation of private hire vehicles and motor vehicles, these Conditions and any Code of Practice or policy implemented by the Council.

3. Construction

The Vehicle shall be of such design and appearance and include such fittings as are specified by the Council from time to time.

4. Maintenance of the Vehicle

The Licensee shall not allow any change in colour and mechanical or structural specification of the Vehicle without the prior written consent of the Council. The Licensee shall ensure that the Vehicle, including all fittings, is roadworthy, well maintained and kept in good working order to comply with MOT requirements.

The Licensee shall ensure that the interior and exterior of the vehicle are kept in a clean and tidy condition and that all bodywork is sound and reasonably well maintained, free from dents and other distortion and/or damage. Any repairs and cosmetic improvements must be of a reasonable quality and a good paint match achieved. Doors, door locks, boot/tail gate and locks, bonnet, hinges and catches, windows, sunroofs and hoods should be operating correctly and all upholstery should be reasonably maintained and free from unsightly repairs, stains and burns.

The Licensee shall ensure that the Vehicle is regularly maintained and tested. Every day before the Vehicle is used, it shall be checked to ensure that it is roadworthy and complies with these Conditions and that any equipment, fittings or fixtures are present and serviceable. Details of checks and inspections shall be recorded in the record book to be kept in accordance with Condition 21 below.

The Licensee shall ensure that all drivers permitted to drive the Vehicle check that the Vehicle is roadworthy and complies with these Conditions and that all equipment, fittings or fixtures are present and serviceable. The Licensee shall record any defects discovered by the driver in the record book referred to in Condition 21 below.

5. Taximeter

If the Vehicle is equipped with a taximeter:

- the Vehicle may not be used until the taximeter has been tested by the Authorised Officer;
- the Vehicle may not be used until the location of the taximeter has been approved;
- the Licensee shall cause the taximeter to be maintained in a good mechanical condition;
- the Licensee shall ensure that when the taximeter is brought into action, the fare and permitted extras are shown legibly on the face of the meter and are no more than permitted by the approved tariffs as set by the Council
- the taximeter may be subject to an inspection and testing at any time. Should any defect be identified with the taximeter by the Authorised Officer a notice shall be served suspending the Licence until the defect is rectified;
- the Licensee shall ensure that a fare table or a scale of fares is clearly exhibited in the Vehicle in a position approved by the Authorised Officer;

6. Fares and Fare Table

If the Vehicle is equipped with a taximeter the Licensee shall ensure that a fare table or a scale of fares provided by the Operator is exhibited at all times inside the Vehicle in a position approved by the Authorised Officer. The Licensee shall ensure that such fare table is not concealed from view while the Vehicle is being used for hire or rendered illegible.

7. Damage to the Vehicle

The Licensee shall report in writing any damage materially affecting the safety, performance or appearance of the Vehicle to the Authorised Officer within 72 hours of

the Vehicle being damaged. The Licensee shall ensure that the Vehicle is not used until it has been repaired to the satisfaction of the Authorised Officer. Where a vehicle has not been inspected by an Authorised Officer prior to repairs being carried out, a new MOT certificate will generally be required to ensure that the vehicle is in a roadworthy condition. The Licensee shall ensure that the Vehicle is not used for hire until it has been inspected and/or approved by the Authorised Officer.

8. Vehicle Inspections

The Licensee shall make the Vehicle available for inspection by the Authorised Officer or a police officer at any time and will confirm the location of the Vehicle upon request. The Licensee shall also, if requested, afford such facilities as may be reasonably necessary to enable the Authorised Officer or a police officer to inspect and test the Vehicle in the places notified under this condition.

9. Licence Plate

The Licensee shall ensure that the licence plate issued by the Council is securely fixed to the exterior of the rear of the Vehicle at all times and is maintained and kept in such condition that the information contained on the plate is clearly visible to public view at all times. Alteration of the size and condition of the licence plate is prohibited. The plate shall be secured to the vehicle by the use of a bracket. If a bracket is not suitable or practicable the plate shall be fixed with the aid of screws and bolts.

The Licensee shall return the plate to the Council forthwith upon termination of the Licence, whether such termination is through suspension, surrender, revocation or normal expiry.

10. Other Signs or Notices

The Licensee shall affix and maintain in good condition and in a conspicuous position, in accordance with the directions of the Authorised Officer, any sign or notice as required from time to time by the Authorised Officer. All private hire vehicles within Wycombe District which are not subject to an exemption must display yellow door signs on the driver door and the front passenger door of the vehicle. These must be positioned so that the sign is above the rubbing strip on the doors or in any event the top of the sticker cannot be more than 15cm below the bottom of the window. The use of magnets to secure Council issued door stickers is not considered secure and is not permitted.

Vehicles which have been granted executive status are not required to display the Council issued yellow door signs and must not display any form of signage other than the executive style licence plate.

11. Advertisements and Roof Signs

The Licensee shall not display any advertisement in or on the Vehicle or affix any roof sign to the Vehicle without the written consent of the Council.

12. Drivers

The Licensee shall only permit the Vehicle to be driven by a driver licensed by the Council to drive private hire vehicles and if he or she is satisfied that the person is a fit and proper person to drive the Vehicle.

Before permitting or employing a driver to drive the Vehicle the Licensee shall obtain from the driver a copy of his or her licence to drive private hire vehicles and retain that copy of the licence until such time as the Licensee ceases to permit or employ the driver to drive the Vehicle. The Licensee shall produce on request any copy licence retained under this condition to the Authorised Officer or a Police Officer.

Before permitting or employing a driver to drive a wheelchair accessible vehicle, the Licensee shall ensure that the driver has successfully completed an Approved Passenger Assistance Training Course and has been issued with the appropriate identify badge.

The Licensee shall notify the Council in writing of any driver permitted to drive the Vehicle within seven days of the driver being employed or granted permission to drive the Vehicle.

In the event of the driver being guilty of any misconduct the Licensee shall report the misconduct to the Authorised Officer within seven days of the misconduct.

13. Number of 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 avoidance of doubt a child in arms is classed as a person whatever age;
- 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 unless the vehicle is constructed or adapted to carry more than one passenger;
 - a child in arms.

14. Carriage of Animals

The Licensee shall not permit any animal belonging to or under the care of the Licensee or to ride in the Vehicle when using the Vehicle for private hire.

The Licensee shall not refuse any request to carry an assistance dog (for example a guide or hearing dog), accompanying a person with a disability unless the Licensee and/or driver has been exempted from this requirement by the Council issuing an exemption certificate from carrying animals (issued because of medical reasons). Such a certificate must be displayed in a prominent position.

There can be no additional charge imposed for carrying an assistance dog.

The Licensee shall not refuse any reasonable request to carry an animal belonging to the Hirer in the rear of the Vehicle.

15. Private Hire Vehicle Operator

The Licensee shall notify the Authorised Officer in writing of any change in the Operator(s)

who operate(s) the vehicle within seven days from the date of the change.

16. Transfer of Vehicle

The Licensee shall immediately notify the Council in writing of any transfer of his or her interest in the Vehicle specifying the name and address of the person to whom the interest has been transferred. The Licensee shall return the licence plate and Licence prior to any transfer.

17. MOT Certificate

The Licensee shall ensure that a valid MOT certificate, issued when the Vehicle has passed the appropriate mechanical test at one of the Council's approved garages covers the Vehicle at all times.

The Licensee shall, on being requested to do so, produce the MOT certificate to a Police Officer or Authorised Officer.

From time to time, in appropriate circumstances, the Council may require the Vehicle to pass additional mechanical tests at one of the Council's approved garages.

18. Insurance

The Licensee shall ensure that a valid certificate of insurance that complies with the requirements of road traffic legislation is kept in force in respect of each driver of the Vehicle and in relation to its use as a private hire vehicle.

The Licensee shall on being requested to do so, produce the insurance certificate to a Police Officer or the Authorised Officer. The Licensee shall ensure that the Authorised Officer is given a copy of the current insurance cover during the currency of the Licence.

19. Convictions

The Licensee shall within 72 hours disclose to the Authorised Officer in writing if they are arrested, charged, 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 Licensee is detained. Fixed Penalty Notices shall be reported to the Authorised Officer in writing upon acceptance from a police officer, as opposed to when the driving licence has been updated.

20. Fire Extinguishers

The Licensee shall ensure that the Vehicle is fitted with a fire extinguisher approved by the Authorised Officer. The Licensee shall ensure that the fire extinguisher is fitted in such a position that it may be readily available for use and that the label affixed to the fire extinguisher is not tampered with. Such an extinguisher must be hand-held and be at least 1.0 kg in weight or 1.0 litre in volume and comply with current British/European Standards along with the requirements relating to fire extinguishers for use in public service vehicles. Fire extinguishers must contain a pressure gauge to enable an Authorised Officer to confirm it is operative. All extinguishers must be checked and serviced if required or replaced on an annual basis. The check shall be conducted by a registered company in accordance with the requirements of current British Standards. The date of the test and signatures must be clearly visible on a sticker attached to the extinguisher along with details of the company carrying out the check / service.

21. Record Book

The Licensee shall keep a record book that shall contain the following particulars:

- the name(s), address(es), and licence number(s) of the persons permitted or employed to drive the Vehicle
- records of maintenance checks and inspections undertaken in accordance with Condition 4 which shall include:
 - dates and times of each inspection and maintenance check
 - the name of the person or garage which undertook the inspection or check
 - details of defects identified and dates when the defects were corrected

The Licensee shall retain this record book for a minimum period of twelve months and produce it to the Authorised Officer or a Police Officer if requested to do so at the time and place specified.

22. Change of Address

The Licensee shall within 7 days notify the Authorised Officer in writing of any change in his or her address during the period of this Licence.

23. Variation of Conditions

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

24. Acknowledgement of Notifications

If the Licensee has not received written acknowledgement of any notification required by the conditions of the licence from the Licensing Unit within one month, the Licensee shall confirm with the Unit that the notification has been received.

25. Appeals

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

INFORMATIVES:

i. Suspension, Revocation or Refusal to Renew Licence

- (a) Without prejudice to these Conditions the Council may suspend, revoke or refuse to renew the Licence on any of the following grounds:
- that the Vehicle is unfit for use as a private hire vehicle;
 - any offences, or non-compliance with the provisions of the Town Police Clauses Act 1847 or the 1976 Act by the Operator or driver;
 - failure to comply with any of these Conditions;
 - failure to pay the appropriate licence fee. The Licence shall be suspended

immediately if the Licence is obtained by payment that is referred back to the Council by a Bank or other financial institution and revoked if the fee is not paid within ten working days of the payment being referred back to the Council;

- any criminal convictions;
- any other reasonable cause.

(b) The Licence shall be deemed to be revoked should any defect(s) set out in a notice issued under Section 68 of the 1976 Act be not corrected to the satisfaction of the Authorised Officer within two months from the date the notice is issued.

2. **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 Act or the Town Police Clauses Act 1847;
- fails to comply with any requirements properly made to him or her by the Authorised Officer;
- without reasonable cause fails to give the Authorised Officer any other assistance or information which the Authorised Officer may require for the performance of his or her functions.

Executive Private Hire Vehicle Licence Conditions

Definitions:

1. In these conditions, the following expressions have the following meaning:

“Exemption notice” means a notice served by the Council which permits the licensee:

- (1) to display the executive licence plate issued by the Council on the licensed vehicle in place of the normal licence plate required by condition 9 of the Private Hire Vehicle Licence;
- (2) to tint the windows of the licensed vehicle notwithstanding the Council’s policy in this respect;
- (3) to refrain from displaying door stickers issued by the Council for display on licensed vehicles pursuant to condition 10 of the Private Hire Vehicle Licence.

“Withdrawal notice” means a notice served by the Council which withdraws an exemption notice and revokes the permissions granted by the exemption notice.

“Work of a corporate or executive nature” means work which satisfies **both** (a) and (b) below. The work must be conducted:

- (c) solely for corporate or other business account customers who have an agreement with the licensee; and
- (d) on an account basis whereby payments are made pursuant to an invoice, remotely and otherwise than for cash.

2. Any vehicle which is the subject of an exemption notice shall only be used for work of a corporate or executive nature.
3. Without prejudice to condition 2:
 - (a) Cash payment for hire shall not be sought or accepted.
 - (b) Bookings shall not be taken from persons who are not corporate or other business account customers of the licensee.
 - (c) The vehicle shall not be used to convey children to or from schools.
4. The vehicle shall be maintained in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim or seating.
5. The Exemption Notice issued by the Council shall be carried within the vehicle at all times and presented for inspection at the request of an Authorised Officer, a Police Officer or the Hirer.
6. Other than the executive licence plate issued by the Council, no advertisement, signage, logos or insignia shall be displayed in, on or from the vehicle.
7. The driver of the vehicle shall be dressed in a business suit or jacket and tie with smart trousers.
8. The Council may serve a Withdrawal Notice in its absolute discretion. Following service of a Withdrawal Notice, the Licensee shall return the executive licence plate to the Council forthwith, and may not use the vehicle for private hire work unless and until the vehicle is fitted with a standard private hire licence plate (as required by condition 9 of the Private Hire

Vehicle Licence Conditions), door stickers (as required by condition 10 of the Private Hire Vehicle Licence Conditions), and complies with the Council's policy in relation to tinted windows.

9. Executive status is not transferable between private hire operators. The Licensee must notify the Authorised Officer in writing of any change in the Operator(s) who are operating the vehicle in line with condition 15 of the Private Hire Vehicle Licence conditions and the Authorised Officer will determine whether retention of executive status is appropriate.

Hackney Carriage Vehicle Licence Conditions

The following requirements and conditions are made by Wycombe 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 hackney carriage use and to ensure that proper vehicular standards are maintained in the interests of public safety.

These conditions should be read in conjunction with the Town Police Clauses Act 1847, Town Police Clauses Act 1889, Local Government (Miscellaneous Provisions) Act 1976, the Transport Act 1985 and other relevant legislation.

1. Definitions

In these Conditions the following expressions have the following meaning:

“The Application” shall mean the application made by the Licensee for the grant of the licence.

“Authorised Officer” shall mean an officer authorised by the Head of Environmental Services

“the Council” shall mean Wycombe District Council.

“the Hirer” shall mean any person who from time-to-time hires or books the Vehicle.

“the Licence” shall mean a Hackney Carriage Vehicle Licence issued by the Council.

“the Licensee” shall mean the person(s) named in the Licence.

“the Operator” is a person, persons, firm, company or other group of persons licensed by the Council to operate private hire vehicles.

“the Vehicle” shall mean the Vehicle named in the Licence.

“working days” shall mean the days when the Council is open to the public.

2. General

The Licensee shall ensure that the Vehicle complies in all respects with the requirements of any Act and Regulation affecting the operation of Hackney Carriages and motor vehicles, these conditions and any Code of Practice implemented by the Council or policy implemented by the Council.

3. Construction

The Vehicle shall be of such design and appearance and include such fittings as are specified by the Council from time-to-time.

4. Maintenance of the Vehicle

The Licensee shall not allow any change in colour and mechanical or structural specification of the Vehicle without the prior written consent of the Council. The Licensee

shall ensure that the Vehicle, including all fittings, is roadworthy, well maintained and kept in good working order to comply with MOT requirements.

The Licensee shall ensure that the interior and exterior of the Vehicle are kept in a clean and tidy condition and that all bodywork is sound and reasonably well maintained, free from dents and other distortion and/or damage. Any repairs and cosmetic improvements must be of a reasonable quality and a good paint match achieved. Doors, door locks, boot/tail gate and locks, bonnet, hinges and catches, windows, sunroofs and hoods should be operating correctly and all upholstery should be reasonably maintained and free from unsightly repairs, stains and burns.

The Licensee shall ensure that the Vehicle is maintained and tested by a garage authorised by the Council in accordance with the manufacturer's maintenance standards. Every day before the Vehicle is used the Vehicle shall be checked to ensure that it is roadworthy and complies with these Conditions and that any equipment, fittings or fixtures are present and serviceable. Details of checks and inspections shall be recorded in the record book in accordance with Condition 22 below.

The Licensee shall ensure that all drivers permitted to drive the Vehicle check that the Vehicle is roadworthy and complies with these Conditions and that all equipment, fittings or fixtures are present and serviceable. The Licensee shall record any defects found discovered by the driver in the record book referred to in Condition 22 below.

5. **Taximeter**

The Licensee shall cause the Vehicle to be fitted with a taximeter of an approved type. The Licensee shall ensure the following:

- The taximeter to be maintained in a good mechanical condition at all times.
- The taximeter shall be located within the Vehicle in an approved position and shall not be concealed from view (e.g. in a glove compartment or behind a gear stick) and shall not be replaced or altered without prior approval.
- The taximeter shall be calibrated by the taximeter company at first installation and then on an annual basis or following a change to the Table of Fares. Once adopted a table of fares must be clearly displayed within the vehicle.
- At all times when the Vehicle is not in use the taximeter must be switched off.
- At all times when the Vehicle is available for hire, an illuminated sign must be clearly visible indicating that the Vehicle is for hire and that such sign is switched off when the Vehicle is hired or not being used as a hackney carriage.
- when the taximeter is in action there shall be recorded on its face 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 scale of fares set by the Council.
- The taximeter may be subject to an inspection and testing at any time by an Authorised Officer. Should any defect be identified with the taximeter by the Authorised Officer a notice shall be served suspending the Licence until the defect is rectified.

6. **Fares and Fare Table**

The Licensee shall not demand or take for the hire of the Vehicle a sum greater than the rate of fare or fares prescribed by the Council from time-to-time **except** where a fare has

previously been agreed and the journey ends outside the District. The Licensee shall ensure that a copy of the fare table issued by the Council is exhibited at all times inside the Vehicle in an approved position. The Licensee shall ensure that the fare table is not concealed from the view of passengers while the Vehicle is being used for hire or rendered illegible.

7. Damage to the Vehicle

The Licensee shall report in writing any damage materially affecting the safety, performance or appearance of the Vehicle to the Authorised Officer within 72 hours of the Vehicle being damaged. The Licensee shall ensure that the Vehicle is not used until it has been repaired to the satisfaction of the Authorised Officer. Where a vehicle has not been inspected by an Authorised Officer prior to repairs being carried out, a new MOT certificate will generally be required to ensure that the vehicle is in a roadworthy condition. The Licensee shall ensure that the Vehicle is not used for hire until it has been inspected and/or approved by the Authorised Officer.

8. Vehicle Inspections

The Licensee shall make the Vehicle available for inspection by the Authorised Officer or a police officer at any time and will confirm the location of the Vehicle upon request. The Licensee shall also if requested afford such facilities as may be reasonably necessary to enable the Authorised Officer or a police officer to inspect and test the Vehicle in the places notified under this condition.

9. Licence Plate

The Licensee shall ensure that the licence plate issued by the Council is securely fixed to the exterior of the rear of the Vehicle at all times and is maintained and kept in such condition that the information contained on the plate is clearly visible to public view at all times. Alteration of the size and condition of the licence plate is prohibited. The plate shall be secured to the vehicle by the use of a bracket. If a bracket is not suitable or practicable the plate shall be fixed with the aid of screws and bolts.

The Licensee shall return the plate to the Council forthwith upon termination of the Licence, whether such termination is through suspension, surrender, revocation or normal expiry.

10. Other Signs or Notices

The Licensee shall affix and maintain in good condition and in a conspicuous position, in accordance with the directions of the Authorised Officer, any sign or notice as required from time-to-time by the Authorised Officer.

11. Advertisements

The Licensee shall not display any advertisement in or on the Vehicle without the written consent of the Council.

12. Drivers

The Licensee shall only permit the Vehicle to be driven by a driver licensed by the Council to drive hackney carriages and if he or she is satisfied that the person is a “fit and proper” person on that day to drive the Vehicle.

Before permitting or employing a driver to drive the Vehicle the Licensee shall obtain from the driver a copy of his or her licence to drive hackney carriages and retain the copy licence until such time as the Licensee ceases to permit or employ the driver to drive the Vehicle. The Licensee shall produce on request any copy licence retained under this condition to the Authorised Officer or a Police Officer on request.

Before permitting or employing a driver to drive a wheelchair accessible vehicle, the Licensee shall ensure that the driver has successfully completed an Approved Passenger Assistance Training Course and has been issued with the appropriate identify badge.

The Licensee shall notify the Council in writing within seven days of any driver permitted to drive the Vehicle of the driver being employed or granted permission to drive the Vehicle.

In the event of the driver being guilty of any misconduct, the Licensee shall report the misconduct to the Authorised Officer within 72 hours of the incident.

The licensee shall keep a record of who is driving or in possession of the vehicle at all times. This record will include the following information:

- The name and licence number of the driver
- The time and date that the driver took possession of the vehicle
- The time and date that the vehicle was returned to the owner or passed to another driver.
- Details of any incident reported to the owner during the time that the vehicle was in the possession of the driver.

13. **Number of Passengers**

The Licensee shall not:

- convey or permit to be conveyed in the Vehicle a greater number of persons than the number prescribed in the Licence. For the avoidance of doubt a child in arms is classed as a person whatever age.
- 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 unless the vehicle is constructed or adapted to carry more than one passenger.
 - A child in arms.

14. **Carriage of Animals**

The Licensee shall not permit any animal belonging to, or under the care of, the Licensee to ride in the Vehicle when using the Vehicle for hire.

The Licensee shall not refuse any request to carry an assistance dog (for example a guide

or hearing dog), accompanying a person with a disability unless the Licensee and/or driver has been exempted from this requirement by the Council issuing an exemption certificate from carrying animals (issued because of medical reasons). Such a certificate must be displayed in a prominent position.

There can be no additional charge imposed for carrying an assistance dog.

The Licensee shall not refuse any reasonable request to carry an animal belonging to the Hirer in the rear of the Vehicle.

15. Use of Vehicle for Private Hire

When the Vehicle is used to fulfil a private hire booking the Licensee shall be entitled to demand and take for the hire of the Vehicle no fare greater than the rate of fares and charges prescribed by the Council from time-to-time **except** where a fare has previously been agreed and the journey ends outside the District. The fare shall be calculated from the point at which the Hirer commences the journey.

16. Transfer of Vehicle

The Licensee shall immediately notify the Council in writing of any transfer of his or her interest in the Vehicle specifying the name and address of the person to whom the interest has been transferred. The Licensee shall return the Licence and licence plate prior to any transfer.

17. MOT

An MOT certificate issued when the Vehicle has passed the appropriate mechanical test at one of the Council's approved garages must cover the Vehicle at all times.

The Licensee shall, on being requested to do so, produce the MOT certificate to a Police Officer or Authorised Officer.

From time to time, in appropriate circumstances, the Council may require the Vehicle to pass additional mechanical tests at one of the Council's approved garages.

18. Insurance

The Licensee shall ensure that a valid certificate of insurance that complies with the requirements of road traffic legislation is kept in force in respect of each driver of the Vehicle and in relation to its use as a hackney carriage. The Licensee shall, on being requested to do so, produce the insurance certificate to a Police Officer or the Authorised Officer. The Licensee shall ensure that the Authorised Officer is given a copy of the current insurance cover during the currency of the Licence. For the avoidance of doubt, it is the Licensee's duty to ensure that Council records are kept up-to-date.

19. Lost Property

The Licensee shall ensure that at least once every day he or she searches the Vehicle for any property which has accidentally been left in the Vehicle.

The Licensee shall ensure that any property accidentally left, or found or handed to him in the vehicle will be taken, within 48 hours to the Police Station, Queen Victoria Road, High Wycombe and leave it in the custody of the officer in charge of the Police Station and

obtain a receipt.

20. **Convictions**

The Licensee shall within 72 hours disclose to the Authorised Officer in writing if they are arrested, charged, 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 Licensee is detained. Fixed Penalty Notices shall be reported to the Authorised Officer in writing upon acceptance from a police officer, as opposed to when the driving licence has been updated.

21. **Fire Extinguishers**

The Licensee shall ensure that the Vehicle is fitted with a fire extinguisher approved by the Authorised Officer. The Licensee shall ensure that the fire extinguisher is fitted in such a position that it may be readily available for use and that the label affixed to the fire extinguisher is not tampered with. Such an extinguisher must be hand-held and be at least 1.0 kg in weight or 1.0 litre in volume and comply with current British/European Standards along with the requirements relating to fire extinguishers for use in public service vehicles. Fire extinguishers must contain a pressure gauge to enable an Authorised Officer to confirm it is operative. All extinguishers must be checked and serviced if required or replaced on an annual basis. The check shall be conducted by a registered company in accordance with the requirements of current British Standards. The date of the test and signatures must be clearly visible on a sticker attached to the extinguisher along with details of the company carrying out the check / service.

22. **Record Book**

The Licensee shall keep a record book that shall contain the following particulars:

- the name(s), address(es) and licence number(s) of the persons permitted or employed to drive the Vehicle;
- records of maintenance checks and inspections undertaken in accordance with Condition 4 which shall include:
 - dates and times of each inspection and maintenance check;
 - the name of the person or garage which undertook the inspection or check;
 - details of defects identified and dates when the defects were corrected.

The Licensee shall retain this record book for a minimum period of twelve months and produce it to the Authorised Officer or a Police Officer if requested to do so at the time and place specified.

23. **Change of Address**

The Licensee shall within seven days notify the Authorised Officer in writing of any change in his or her address during the period of this Licence.

24. **Variation of Conditions**

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

25. **Acknowledgement of Notifications**

If the Licensee has not received written acknowledgement of any notification required by the conditions of the licence from the Licensing Unit within one month, the Licensee shall confirm with the Unit that the notification has been received.

26. **Appeals**

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.

INFORMATIVES:

1. **Suspension, Revocation or Refusal to Renew Licence**

(a) The Council may suspend, revoke or refuse to renew the Licence on any of the following grounds:-

- That the Vehicle is unfit for use as a hackney carriage.
- Any offence or non-compliance with the provisions of the Town Police Clauses Act 1847 or Local Government (Miscellaneous Provisions) Act 1976 by the operator or driver.
- Failure to comply with any of these Conditions. The Council reserve the right to waive any of these conditions, at its absolute discretion.
- Failure to pay the appropriate licence fee. The Licence may be suspended immediately if the Licence is obtained by payment that is referred back to the Council by a Bank or other financial institution and revoked if the fee is not paid within ten working days of the payment being referred back to the Council.
- Any criminal convictions.
- Any other reasonable cause.

(b) The Licence shall be deemed to be revoked should any defect(s) set out in a notice issued under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 are not corrected to the satisfaction of the Authorised Officer within two months from the date the notice is issued.

2. **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 Local Government (Miscellaneous Provisions) Act 1976, or the Town Police Clauses Act 1847.
- Fails to comply with any requirements properly 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.

Non Standard Private Hire Vehicle Licence Conditions for Stretched Limousines and Novelty Vehicles

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, whether left or right hand drive, that has been modified (stretched) to extend the length of the vehicle. The stretch shall not exceed 120 inches [3048 millimetres]. 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 manufacture or modifier;
 - b) any vehicle that has been specially modified from its original design or specification and 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 Team Leader, 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 will be licensed up to a maximum of fourteen years from the date of registration; 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 from both the interior and exterior of the vehicle. Where a partition is fitted to the vehicle a further internal licence plate must be displayed in the passenger compartment of the vehicle so that it is clearly visible to occupants.

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 their Council-issued identity badge in a prominent position on their person 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 Advertisements and Roof Signs

The Licensee shall not display any advertisement in or on the Vehicle or affix any roof sign to the Vehicle without the written consent of the Council.

7 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. For the avoidance of doubt a child in arms is classed as a person whatever age.
- b) No fare paying passengers will be carried in the front of the vehicle.
- c) Where a clear view into the vehicle is restricted by either a window tint or the nature of the vehicle, the vehicle shall not carry less than two passengers at any one time. Where the passengers in the vehicle consist of persons under the age of 14 years they will be accompanied by a responsible adult, other than the driver, who is over the age of 18 years.
- d) All passengers must remain seated at all times when the vehicle is in motion.
- e) 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 facilities for luggage to be conveyed safely and be protected from inclement weather.
 - vi) 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.
 - vii) Ensure that the interior and exterior of the Limousine/Novelty Vehicle is kept in a clean condition.
 - viii) 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 readily available to be worn by passengers at all times when the vehicle is in motion.
 - ix) Ensure that an approved first aid kit and fire extinguisher will be carried in the vehicle at all times when the vehicle is in use. The fire extinguisher must be replaced every two years or earlier if necessary.

9 Interior Lighting

There shall be maintained in the vehicle adequate internal lighting to enable passengers to enter and leave the vehicle with safety.

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

Without prejudice to any other conditions in the Licence, a roof rack or any other device for storing luggage shall not be installed or maintained on any part of the exterior 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.

17 Convictions

The Licensee shall within 72 hours disclose to the Authorised Officer in writing if they are arrested, charged, 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.

18 Touting

No person shall tout, solicit or approach any person to encourage them to be carried in the vehicle.

19 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. This includes any complimentary drinks provided as part of the hiring.

Alcohol shall only be consumed while the vehicle is stationary and the bottle shall immediately afterwards be placed in a secure receptacle. Suitable stowage shall be provided for any containers during the journey.

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.

20 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.

21 The vehicle shall be maintained in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim or seating.

22 The driver shall have been appropriately trained to drive the type of vehicle being used. Evidence of this training shall be provided to an Authorised Officer on request.

The Council reserves the right to vary, delete or waive any of the foregoing Conditions.

Private Hire Vehicle Operator Licence Conditions

The following requirements and conditions are made by Wycombe 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.

1. Definitions

In these Conditions:

“the 1976 Act” shall mean the Local Government (Miscellaneous Provisions) Act 1976

“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 Environment Service Division or any other officer authorised by the Head of Environment Service

“the Council” shall mean Wycombe District Council

“the driver” or “the drivers” shall mean a driver licensed to drive a private hire vehicle

“hackney carriage” shall mean a hackney carriage licensed by the 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

“Nominated Person” shall mean any person acting on behalf of the Operator in the Operator’s absence

“the Operating Centre” means the place where bookings are invited and accepted for Vehicles operated by the Licensee

“the Operator” shall mean any person or company or partnership licensed by the Council to operate private hire vehicles

“trading name” means a name used by the Operator to operate under the Licence

“the Vehicle”, “a Vehicle” and “Vehicles” shall mean any private hire vehicle licensed by the Council

2. 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 or policy implemented by the Council.

The Licensee shall take all reasonable precautions for the safety of the public,

passengers, hirers and employees and is personally responsible for making sure people comply with the conditions of the Licence.

The Licensee or the Nominated Person shall be at the Operating Centre during the whole period the Operating Centre is open for the acceptance or invitation of bookings and be available immediately if there is an emergency.

3. **Nominated Person**

The Licensee shall ensure that any person appointed as a Nominated Person is:

- at least 21 years of age
- appointed by the Licensee in writing
- a regular employee of the Licensee
- capable of supervising the Licensee's business properly

The Licensee shall ensure that the Nominated Person has a copy of this Licence and is aware of these Conditions.

4. **Person in Charge**

The Licensee or a Nominated Person shall be in charge of the Operating Centre during the whole time that the Operating Centre invites and accepts bookings and shall not be engaged in duties which will prevent him or her from exercising general supervision. The provisions of this condition shall not be construed so as to relieve the Licensee of any liability for the breach of these Conditions or any other relevant statute or regulation.

The Licensee shall keep and preserve records of the Nominated Person in accordance with Conditions 12 and 13.

5. **Standard of Service**

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

- ensure that when a 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;
- ensure that when a Vehicle has been hired it shall deliver the Hirer to the agreed destination;
- keep clean, adequately heated, ventilated and lit any premises which the Operator provides and to which the public have access, whether for purposes of waiting or booking;
- ensure that any waiting area provided by the Operator has adequate seating facilities;
- ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly;

- establish and maintain a procedure for dealing with complaints arising in connection with any private hire booking accepted by him or her or any complaint made in respect of the Licensee's undertaking as an operator and keep and preserve records in accordance with Conditions 11 and 13;
- ensure that no annoyance or disturbance is caused to residents or other road users by the operation of a Vehicle or the operation of the Licensee's business in general;
- if required to do so by a person making a private hire booking, agree the fare for the journey booked or provide an estimate of the fare;
- ensure that the driver is authorised in writing by the proprietor of the Vehicle to drive the Vehicle before the driver commences a journey;
- ensure that any driver of a wheelchair accessible vehicle has successfully completed an Approved Passenger Assistance Training Course and has been issued with the appropriate identify badge;
- ensure that the Vehicle complies with the conditions attached to the Licence relating to the Vehicle before the Vehicle is used to fulfil a booking;
- ensure that all drivers permitted or employed to drive the Vehicle are familiar with the conditions, legislation and byelaws regulating the operation of the Vehicle;
- ensure that the Vehicle is not used at such a time or a place prohibited in writing by the Authorised Officer.

6. **Number of Vehicles**

The Licensee shall ensure that the number of Vehicles used by the Licensee does not exceed the number of Vehicles specified in the Licence unless the Licensee has received written approval from the Authorised Officer to exceed this limit.

7. **Details of Drivers**

The Licensee shall keep at the Operating Centre specified in the Licence a record containing the particulars set out below of each driver who is available to the Licensee for carrying out bookings accepted by him at that centre.

The particulars to be kept of each driver are:

- the surname, forename, address and date of birth
- the National Insurance number
- a photocopy of his or her DVLA driving licence
- a copy of his or her private hire driver licence
- a photograph of him or her
- the radio call sign for the driver (if applicable)
- the date on which he or she became available to the Licensee

- the date on which he or she ceased to be available to the Licensee

8. **Booking Records**

For the purposes of Section 56(2) of the 1976 Act, the Licensee shall keep at the Operating Centre a record, containing the particulars set out below:-

- the date on which the booking is made and, if different, the date of the proposed journey;
- the name of the Hirer, or if more than one person, the names of them;
- a contact telephone number of the Hirer, if provided;
- the agreed time and place of collection;
- the main destination specified at the time of the booking;
- any fare or estimated fare quoted;
- the name or call-sign of the driver carrying out the booking;
- the registration number of the vehicle carrying out the booking;
- if applicable, the name of the other operator to whom the booking has been sub-contracted;

The Licensee shall ensure that before the commencement of each journey the above particulars are entered in either a:

- suitable book, the pages of which are numbered consecutively; or
- ledger, the pages of which are numbered consecutively; or
- computer database of which the Operator is able to provide a print-out of the details.

Should the Licensee use a computerised record system, hard copies of all records as required above shall be made and kept in accordance with Condition 13.

9. **Details of Vehicles**

For the purposes of Section 56(3) of the 1976 Act, the Licensee shall keep at the Operating Centre a record containing the particulars set out below of each Vehicle which is available to the Licensee for carrying out bookings accepted by him or her at the Operating Centre.

The particulars to be kept of each Vehicle are:-

- the make, model and colour;
- the registration number;
- the name and address of the registered keeper and proprietor if different ;
- a copy of the current private hire vehicle licence;

- a copy of the current certificate of insurance;
- the radio call sign for the Vehicle (if applicable);
- the date on which the Vehicle became available to the Licensee; and
- the date on which the Vehicle ceased to be so available.

10. Trading Name

The Licensee shall only use a trading name which has previously been approved in writing by the Authorised Officer.

11. Record of Complaints

The Licensee shall keep at each Operating Centre a record containing the following particulars:-

- the name of the complainant and any address, telephone number or other contact details provided by him or her
- the nature of the complaint
- details of any investigation carried out and subsequent action taken as a result

In relation to a complaint made in respect of private hire booking:-

- the name of the driver who carried out the booking
- the date of the related booking
- the registration mark of the Vehicle used for the booking

12. Details of the Person in Charge

The Licensee shall keep a written record at the Operating Centre of the name, dates and times when a Nominated Person acts as a person in charge under Condition 4.

13. Preservation of Records

The Licensee shall preserve the particulars of:-

- each booking recorded in accordance with Condition 8 for twelve months from the date on which the booking was accepted.
- each driver and Vehicle recorded in accordance with Conditions 7 and 9 for twelve months from the date on which the Vehicle or the driver ceased to be available to the Licensee for private hire bookings.
- each complaint recorded in accordance with Condition 11 for twelve months from the date on which the Licensee recorded the complaint.
- the Nominated Person recorded in accordance with Condition 12 for twelve months from the date on which the entry was made.

14. Provision of Information

The Licensee shall upon request of the Authorised Officer or a Police Officer, furnish to the Authorised Officer or Police Officer such records or information as requested at such time, date and place as the Authorised Officer or the Police Officer may specify.

15. Insurance

The Licensee shall, where applicable, maintain in force an employer's liability insurance in accordance with the Employer's Liability Compulsory Insurance Act 1969.

In respect of an Operating Centre which is accessible to members of the public, the Licensee shall maintain in force a policy of insurance against public liability risks which provides a minimum indemnity of £5,000,000 in respect of any one event.

The Licensee shall ensure that every Vehicle operated by him or her in accordance with this Licence is covered by a certificate of insurance or cover note indemnifying the proprietor of the said vehicle for the carriage of passengers for hire and reward and keep and preserve a copy of the current certificate or cover note in accordance with Conditions 9 and 13.

16. Fares and Fare Table

The Licensee shall, if required to do so by a person making a private hire booking, agree the fare for the journey booked or provide an estimate of the fare.

Where the Licensee has a table of fares he or she shall ensure that a copy of the current fare table is clearly exhibited in Vehicles operated by him or her and a copy of the table of fares is exhibited at the Operating Centre.

When the Licensee uses a hackney carriage to fulfil a private hire booking he or she shall ensure that the fare shall not be greater than the fare or rate of fares set by the Council under Section 65 of the 1976 Act for hackney carriages. When any such hackney carriage is used, the fare shall be calculated from the point in the district at which the Hirer commences his or her journey.

The Licensee shall cause any statement of fares to be exhibited inside the Vehicle, in clearly distinguishable letters and figures.

17. Operating Centre

The Licensee shall not use the Operating Centre until the Authorised Officer has approved its position in writing.

The Authorised Officer and any Police Officer shall have power to visit and inspect the Operating Centre at any time.

18. Change of Address

The Licensee shall immediately notify the Council in writing of any change in his or her address during the period of the Licence.

19. **Operator Licences in Company Names**

Where a Licence has been issued in the name of a company, the Licensee shall notify the Authorised Officer in writing within seven days of any change in the directorship of the company. Any new directors would then be required to submit an application for the appropriate level of Disclosure and Barring Service Disclosure Certificate and undertake the relevant knowledge test, and Child Sexual Exploitation training, both within one month of the notification.

20. **Convictions**

During the currency of the Licence, the Licensee shall within 72 hours disclose to the Authorised Officer in writing if any of the following are arrested, charged, cautioned or convicted of any offence

- where the Operator is an individual, against him;
- where the Operator is a firm against any partner of that firm, or
- where the Operator is a Company, against the Company itself, a Director or Officer of the Company

The Licensee's representative must fulfil this requirement if the Licensee is detained.

Fixed Penalty Notices shall be reported to the Authorised Officer in writing upon acceptance from a police officer, as opposed to when the driving licence has been updated.

21. **Provision of information**

During the currency of the licence the Licensee shall within 7 days of the date of an event detailed below give the Authorised Officer written notice of the following:

- any change in the information provided in the original application for the grant of the Licence, or any subsequent application for the variation thereof, any driver ceases to be available to the Operator for carrying out bookings, by virtue of that driver's unsatisfactory conduct in connection with the driving of a Vehicle including the name and address of the driver and the circumstances of the case;
- a Vehicle or Vehicles cease to be used by the Operator for carrying out bookings, by virtue of that Vehicle's unsatisfactory condition; or
- any complaint concerning a contract for hire or purported contract for hire relating or arising from the Licensee's business and of any action (if any) which the Licensee has taken in response to the complaint.

22. **Copy of the Licence and Conditions**

The Licence shall be clearly displayed within the Operating Centre at all times. These Conditions shall be available at the Operating Centre for inspection at all times.

23. **Acknowledgement of Notifications**

If the Licensee has not received written acknowledgement of any notification required by

the conditions of the licence from the Licensing Unit within one month, the Licensee shall confirm with the Unit that the notification has been received.

24. **Variation of Conditions**

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

25. **Appeals**

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.

INFORMATIVES:

1. **Suspension, Revocation or 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:-

- any offence under, or non-compliance with, the provisions of the 1976 Act
- any conduct on the part of the Licensee which appears to the Council to render him or her unfit to hold an operator's licence
- any material change since the grant of the Licence in any of the circumstances of the Licensee on the basis of which the Licence was granted
- failure to comply with any of these Conditions.
- failure to pay the appropriate licence fee.
- any criminal convictions
- any other reasonable cause

2. **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 the Authorised Officer may require for the performance of his or her functions.

APPENDIX 6 – CRIMINAL RECORDS POLICY

GUIDELINES FOR THE ISSUE OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER AND OPERATOR LICENCES

Introduction

Licensed private hire and hackney carriage drivers, vehicle licensees and private hire operators are in a position of considerable trust and it is therefore necessary for any applicant to be considered to be “fit and proper” before a licence can be granted.

When submitting an application for a licence to drive a hackney carriage and/or private hire vehicle or to operate a private hire vehicle, an applicant is requested to declare any pending prosecutions, cautions or convictions they may have, even those regarded as ‘spent’ under the Rehabilitation of Offenders Act 1974. Failure to declare such information or giving false information to obtain a licence is an offence and will be treated very seriously. The information an applicant provides will be treated in the strictest confidence and will only be taken into consideration in relation to the application.

An applicant will also need to consent to the Council carrying out a check with the Disclosure and Barring Service (DBS), which will disclose any cautions or convictions that they may have. Information received from the DBS will be treated in the strictest confidence while the application is processed, and will be retained on manual and computer records for no longer than is deemed necessary.

Any applicant refused a licence on the grounds that they are not a “fit and proper” person to hold a licence has a statutory right of appeal to a magistrates’ court.

If you would like to discuss further what effect a caution and/or conviction might have on any application, you may telephone a Licensing Officer on 01494 421713 or 421749 to make an appointment to discuss the matter in confidence. Alternatively, you may submit information in writing and request a response, although a meeting may in any case be required.

General Policy

1. Each case will be decided on its own merits.
2. A person with a current conviction for a serious crime need not necessarily be permanently barred from obtaining a licence, but should be expected to remain free from conviction for a period of three to five years, depending on the circumstances, before a licence is granted. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances, although persons with convictions for offences involving violence, of a sexual nature, or offences involving children, a racially aggravated offence or other very serious crime will not normally be issued with a licence. The overriding consideration shall always be the protection of the public.
3. In this policy, the time periods mentioned in each case refer to the time that has elapsed since the date of conviction as opposed to the date of offence. Where a custodial sentence has been imposed, however, the time period runs from the date of release from prison or equivalent institution. Where several offences are being considered together, the pattern of offending will be taken into consideration and the Council will normally expect a person to have been free from conviction for a period of at least three to five years from the last

conviction, although each case will be considered on its merits and a longer period may be appropriate where an extensive criminal record is disclosed.

4. The Council reserves the right to take into consideration spent convictions and relevant cautions.
5. The Council reserves the right to require an applicant to undergo a substance abuse (illegal drugs) test where there is evidence to suggest that the applicant may have drug dependency issues or there is a history of drug use. This would be at the expense of the applicant and would normally be required where two or more convictions or cautions under the Misuse of Drugs Act 1971 (as amended) within the last ten years have been revealed.
6. Should the Council be minded to refuse an application or have concerns over convictions or driving endorsements, the applicant will usually be invited to attend an interview with a Licensing Officer. They may be accompanied by a representative should they wish, and bring supporting evidence with them. The interviewing officer will record on tape or disc any relevant information provided by the applicant. A senior officer will review the application and the information provided at the interview before determining the application. If an applicant does not attend an interview or provide written evidence, a decision will be made based on the information available.

The following examples afford a general, but not exhaustive guide, as to the action to be taken where convictions are declared and/or revealed.

Types of Convictions relevant to all applications for a Hackney Carriage and/or Private Hire Driver's Licence and to current licence holders

(a) Minor traffic offences

The Council defines a minor road traffic offence as an offence which attracts 3-5 penalty points and may include but is not limited to such offences as traffic signal offences, defective tyres or use of mobile phones etc. Convictions for minor traffic offences should not prevent a person from proceeding with an application, although several such convictions would be treated seriously and may warrant refusal. If sufficient points have been accrued to require a period of disqualification of the new applicant's DVLA driving licence then a Hackney Carriage and/or Private Hire Driver's licence may be granted following a period of twelve months after the restoration of the DVLA licence immediately prior to the date of the application, with a warning issued as to future conduct.

Current Holders of a Hackney Carriage and/or Private Hire Driver's Licence convicted of minor traffic offence(s) may be warned as to future conduct and several such convictions may lead to the suspension or revocation of their licence. Any period of disqualification from driving will lead to the revocation of any licence issued by the Council. The applicant will not be granted a further licence for a period of twelve months after restoration of the DVLA licence.

(b) Major traffic offences

The Council define a major road traffic offence as an offence which attracts 6 or more penalty points or attracts an automatic disqualification for the offence. An isolated, historic conviction for such an offence will lead to a warning as to future conduct and advice on the standards expected of hackney carriage and private hire drivers. The Council will not grant a licence where there has been more than one conviction for this type of offence or, when combined with other convictions, within the previous five years and no further licence will be granted until a period of at least five years free from conviction has elapsed.

Where a current driver is convicted of a major road traffic offence during the period of a Council-issued licence, this will generally lead to a warning as to future conduct and any subsequent convictions for similar offences may lead to the suspension or revocation of that licence. In deciding whether a warning, suspension or a revocation is most appropriate, the Council will take into account the seriousness of the offence, including whether it was committed whilst driving passengers for hire and reward and whether injury was caused to third parties. A licensed driver may be required to successfully undertake the Driver and Vehicle Standards Agency test or equivalent approved practical driving test for licensed drivers if there are concerns relating to the standard of their driving.

Current Holders of a Hackney Carriage and/or Private Hire Driver's Licence convicted of Dangerous Driving shall have their licence revoked.

(c) Drunkenness - With a motor vehicle

The Council takes a serious view of convictions for driving or being in charge of a vehicle under the influence of drink. The Council will not usually grant a licence where an applicant has more than one conviction for this type of offence.

An historic conviction should not necessarily debar an applicant but a warning as to future conduct will be given. At least five years should elapse after the restoration of the DVLA driving licence, or since conviction where no disqualification is imposed, before a Hackney Carriage and/or Private Hire Driver's licence is granted.

If there is any suggestion that the applicant has alcohol dependency issues, a special medical examination will be arranged before the application is considered. If there is medical evidence to suggest that the applicant has alcohol dependency issues, a period of at least five years must elapse after treatment is complete before a licence will be granted.

A driver found guilty of driving whilst under the influence of alcohol will have their Hackney Carriage and/or Private Hire Driver's Licence revoked immediately and any new licence would not generally be granted by the Council for a minimum period of five years following restoration of the DVLA driving licence or since conviction where no disqualification has been imposed.

(d) Drugs

The Council will not grant a licence to any applicant with a conviction for a drug-related offence within the previous five years or five years after detoxification treatment in the case of drug dependency issues.

Current Holders of a Hackney Carriage and/or Private Hire Driver's Licence convicted of driving whilst under the influence of drugs will have their licence revoked immediately and no further licence will be granted by the Council for a minimum period of five years.

Current Holders of a Hackney Carriage and/or Private Hire Driver's Licence convicted of any drug related offence will generally have their licence revoked immediately and no further licence will be granted by the Council for a minimum period of five years.

(e) Offences of a sexual nature or offences involving children

Hackney Carriage and Private Hire Vehicle drivers often carry unaccompanied and/or vulnerable passengers. The Council will not grant a licence to any applicant with convictions for offences of a sexual nature or offences involving children until they can show a substantial period (at least ten years) free from such convictions. If a licence is granted, a strict warning as to future conduct will be issued. The Council will not grant a licence to any applicant with more than one conviction of this nature.

Current holders of a Hackney Carriage and/or Private Hire Driver's Licence convicted of offences of this nature will have their licence revoked and no further licence will be granted by the Council for a minimum period of ten years.

(f) Violence

The Council will not tolerate violent conduct. Hackney Carriage and/or Private Hire Vehicle drivers are in close contact with the public. The Council will not grant a licence where an applicant has a conviction for an offence involving violence until they can show a period of at least five years free of such convictions. Where a licence is subsequently granted it will be issued with a warning as to future conduct.

Current holders of a Hackney Carriage and/or Private Hire Driver's Licence convicted of violence-related offences will generally have their licence revoked immediately and no further licence will be granted by the Council for a minimum period of five years.

(g) Dishonesty

Hackney Carriage and/or Private Hire Vehicle drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property, taking children to school and families on holiday is indicative of the trust that people place in drivers. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare. Overseas visitors can be confused by the change in currency and become 'fair game' for an unscrupulous driver. Similarly, any customer can be defrauded by a driver taking them by any other than the shortest route or by any lost property being kept by unscrupulous drivers.

The Council consider the provision of false information to any authorised body as dishonest.

The Council will not generally grant a licence where an applicant has been convicted of an offence involving dishonesty within the previous five years.

Current holders of a Hackney Carriage and/or Private Hire Driver's Licence convicted of any offences involving dishonesty will generally have their licence revoked with the likelihood that no further licence will be granted for a minimum period of five years.

(h) Insurance offences

The Council takes convictions for using a vehicle without insurance very seriously. An historic incident will not necessarily debar an applicant but at least three years should elapse (after the restoration of the DVLA driving licence or since conviction where no disqualification has been imposed), before a licence is granted, with a strict warning given as to future conduct. The Council will not generally grant a licence to an applicant who has more than one conviction of this type within the previous five years.

Current holders of a Hackney Carriage and/or Private Hire Driver's Licence convicted of using a licensed vehicle without valid insurance will generally have their licence revoked with immediate effect and no further licence would generally be granted for a minimum period of five years.

(i) Use of Hackney Carriage or Private Hire Vehicles

A licence will not be granted to unlicensed drivers who have convictions for any offences relating to the use of a licensed vehicle for a minimum period of three years. A licence will not usually be granted to any applicant who has more than one conviction for this type of offence in the previous five years.

Current holders of a Hackney Carriage and/or Private Hire Driver's Licence who are convicted of plying for hire (or touting) or other offences relating to the use of licensed vehicles will have their licence revoked. The Council will not usually grant a further licence for a minimum period of five years from the date of conviction.

(j) Other offences

Where an applicant or a current Hackney Carriage and Private Hire Vehicle driver is convicted of any other offence, the Council will review the circumstances of each case and take such action as it considers appropriate.

(k) Police Cautions

Where an applicant or a current Hackney Carriage and Private Hire Vehicle driver receives a police caution for any of the offences set out above, the Council will review the circumstances of each case and take such action as it considers appropriate.

Types of Convictions relevant to all applications for Hackney Carriage and Private Hire Vehicle Licences and to current vehicle licence holders

(a) Minor traffic offences

The Council defines a minor road traffic offence as an offence which attracts 3-5 penalty points and may include but is not limited to such offences as traffic signal offences, defective tyres or use of mobile phones etc. Convictions for minor traffic offences should not prevent a person from proceeding with an application, although several such convictions would be treated seriously and may warrant refusal, but each application will be dealt with on its own merits.

Current holders of a Hackney Carriage and/or Private Hire Vehicle Licence convicted of minor traffic offence(s) may be warned as to future conduct and several such convictions may lead to the suspension or revocation of their licence. Any period of disqualification from driving may lead to the revocation of any vehicle licence issued by the Council. The Council would not then grant a further vehicle licence until the person's DVLA licence has been restored.

(b) Major traffic offences

The Council define a major road traffic offence as an offence which attracts 6 or more penalty points or attracts an automatic disqualification for the offence. An isolated, historic conviction for such an offence will lead to a warning as to future conduct and advice on the standards expected of hackney carriage or private hire vehicle licensees. The Council will not grant a licence where there has been more than one conviction for this type of offence or, when combined with other convictions within the previous five years, and no licence will be granted until a period of at least three years free from conviction has elapsed.

Where current holders of a Hackney Carriage or Private Hire Vehicle Licence are convicted of a major road traffic offence during the period of a Council-issued licence, this will generally lead to a warning as to future conduct, and any subsequent convictions for similar offences may lead to the suspension or revocation of that licence.

Current holders of a Hackney Carriage or Private Hire Vehicle Licence convicted of Dangerous Driving may have their licence revoked.

(c) Drunkenness - With a motor vehicle

The Council takes a serious view of convictions for driving or being in charge of a vehicle under the influence of drink. The Council will not usually grant a vehicle licence where an applicant has more than one conviction for this type of offence.

An historic conviction should not necessarily debar an applicant but a warning as to future conduct will be given. At least three years should elapse after the restoration of the DVLA driving licence, or since conviction where no disqualification is imposed, before a Hackney Carriage or Private Hire Vehicle licence is granted.

A Licensee found guilty of driving whilst under the influence of alcohol may have their Hackney Carriage or Private Hire Vehicle Licence revoked and any new licence would not generally be granted by the Council for a minimum period of three years following restoration of the DVLA driving licence or since conviction where no disqualification has been imposed.

(d) Drugs

The Council will not grant a licence to any applicant with a conviction for a drug-related offence within the previous five years.

Current holders of a Hackney Carriage or Private Hire Vehicle Licence convicted of driving whilst under the influence of drugs may have their licence revoked and no licence will be granted by the Council for a minimum period of three years.

Current holders of a Hackney Carriage or Private Hire Vehicle Licence convicted of any drug related offence may have their Hackney Carriage or Private Hire Vehicle Licence revoked and no further licence will be granted by the Council for a minimum period of three years.

(e) Offences of a sexual nature or offences involving children

Hackney Carriages and Private Hire Vehicles often carry unaccompanied and/or vulnerable passengers. The Council will not grant a licence to any applicant with convictions for offences of a sexual nature or offences involving children until they can show a substantial period (at least ten years) free from such convictions. If a licence is granted, a strict warning as to future conduct will be issued. The Council will not grant a licence to any applicant with more than one conviction of this nature.

Current holders of a Hackney Carriage or Private Hire Vehicle Licence convicted of offences of this nature during the period of a licence will have their licence revoked and no further licence will be granted by the Council for a minimum period of ten years.

(f) Violence

The Council will not tolerate violent conduct. The Council may not grant a licence where an applicant has a conviction for an offence involving violence until they can show a period of at least three years free of such convictions. Where a licence is subsequently granted it will be issued with a warning as to future conduct.

Current holders of a Hackney Carriage or Private Hire Vehicle Licence convicted of violence-related offences may have their Licence revoked and no further licence would then be granted by the Council for a minimum period of three years.

(g) Dishonesty

Holders of a Hackney Carriage or Private Hire Vehicle Licence are expected to be persons of trust.

The Council consider the provision of false information to any authorised body as dishonest.

The Council will not generally grant a licence where an applicant has been convicted of an offence involving dishonesty within the previous three years.

Current holders of a Hackney Carriage or Private Hire Vehicle Licence convicted of any offences involving dishonesty will generally have their licence revoked with the likelihood that no further licence will be granted for a minimum period of three years.

(h) Insurance offences

The Council takes convictions for using a vehicle without insurance very seriously. An historic incident will not necessarily debar an applicant but at least three years should elapse (after the restoration of the DVLA driving licence or since conviction where no disqualification has been imposed), before a licence is granted, with a strict warning given as to future conduct. The Council will not generally grant a licence to an applicant who has more than one conviction of this type within the previous five years.

Current holders of a Hackney Carriage or Private Hire Vehicle Licence convicted of an insurance related offence will generally have their Hackney Carriage or Private Hire vehicle Licence revoked and no further licence would generally be granted for a minimum period of five years.

(i) Use of Hackney Carriage or Private Hire Vehicles

A licence will not be granted to an applicant who has any convictions for Hackney Carriage or Private Hire Vehicle related offences for a minimum period of three years. A licence will not usually be granted to any applicant who has more than one conviction for this type of offence in the last five years.

(j) Other offences

Where an applicant or a current Hackney Carriage or Private Hire Vehicle Licensee is convicted of any other offence, the Council will review the circumstances of each case and take such action as it considers appropriate.

(k) Police Cautions

Where an applicant or a current Hackney Carriage or Private Hire Vehicle Licensee receives a police caution for any of the offences set out above, the Council will review the circumstances of each case and take such action as it considers appropriate.

Types of Convictions relevant to all applications for and current Private Hire Vehicle Operators

(a) Minor traffic offences

The Council defines a minor road traffic offence as an offence which attracts 3-5 penalty points and may include but is not limited to such offences as traffic signal offences, defective tyres or use of mobile phones etc. Convictions for minor traffic offences should not prevent a person from proceeding with an application, although several such convictions would be treated seriously and may warrant refusal but each application will be dealt with on its own merits.

Current holders of a Private Hire Vehicle Operator Licence convicted of minor traffic offence(s) may be warned as to future conduct and several such convictions may lead to the suspension or revocation of their licence. Any period of disqualification from driving may lead to the revocation of an operator licence issued by the Council. The Council would not then grant a further licence until the person's DVLA licence has been restored.

(b) Major traffic offences

The Council define a major road traffic offence as an offence which attracts 6 or more penalty points or attracts an automatic disqualification for the offence. An isolated, historic conviction for such an offence will lead to a warning as to future conduct and advice on the standards

expected of private hire operators. The Council will not grant a licence where there has been more than one conviction for this type of offence or, when combined with other convictions within the previous five years, and no further application will then be considered until a period of at least three years free from conviction has elapsed.

Where Current holders of a Private Hire Vehicle Operator Licence are convicted of a major road traffic offence during the period of a Council-issued licence, this will generally lead to a warning as to future conduct and any subsequent convictions for similar offences may lead to the suspension or revocation of that licence.

Current holders of a Private Hire Vehicle Operator Licence convicted of Dangerous Driving may have their licence revoked.

(c) Drunkenness - With a motor vehicle

The Council takes a serious view of convictions for driving or being in charge of a vehicle under the influence of drink. The Council will not usually grant a licence where an applicant has more than one conviction for this type of offence.

An historic conviction should not necessarily debar an applicant but a warning as to future conduct will be given. At least three years should elapse after the restoration of the DVLA driving licence, or since conviction where no disqualification is imposed, before a Private Hire Vehicle Operator licence is granted.

A person found guilty of driving whilst under the influence of alcohol may have their Private Hire Vehicle Operator Licence revoked and any new licence would not generally be granted by the Council for a minimum period of three years following restoration of the DVLA driving licence or since conviction where no disqualification has been imposed.

(d) Drugs

The Council will not grant a licence to any applicant with a conviction for a drug-related offence within the previous five years.

Current holders of a Private Hire Vehicle Operator Licence convicted of driving whilst under the influence of drugs may have their Private Hire Vehicle Operator Licence revoked and no further licence would then be granted by the Council for a minimum period of three years.

Current holders of a Private Hire Vehicle Operator Licence convicted of any drug related offence may have their Private Hire vehicle Operator licence revoked and no further licence would then be granted by the Council for a minimum period of three years.

(e) Offences of a sexual nature or offences involving children

Hackney Carriages and Private Hire Vehicles often carry unaccompanied and/or vulnerable passengers. The Council will not grant a licence to any applicant with convictions for offences of a sexual nature or offences involving children until they can show a substantial period (at least ten years) free from such convictions. If a licence is granted, a strict warning as to future conduct will be issued. The Council will not grant a licence to any applicant with more than one conviction of this nature.

Current holders of a Private Hire Vehicle Operator Licence convicted of offences of this nature during the period of a licence will have their licence revoked and no further licence will be granted by the Council for a minimum period of ten years.

(f) Violence

The Council will not tolerate violent conduct. The Council will not grant a licence where an applicant has a conviction for an offence involving violence until they can show a period of at least three years free of such convictions. Where a licence is subsequently granted it will be issued with a warning as to future conduct.

Current holders of a Private Hire Vehicle Operator Licence convicted of violence related offences will generally have their Licence revoked and no further licence will be granted by the Council for a minimum period of three years.

(g) Dishonesty

Holders of a Private Hire Vehicle Operator Licence are expected to be persons of trust.

The Council consider the provision of false information to any authorised body as dishonest.

The Council will not generally grant a licence where an applicant has been convicted of an offence involving dishonesty within the previous three years.

Current holders of a Private Hire Vehicle Operator Licence convicted of any offences involving dishonesty will generally have their licence revoked with the likelihood that no further licence will be granted for a minimum period of five years.

(h) Insurance offences

The Council takes convictions for using a vehicle without insurance very seriously. An historic incident will not necessarily debar an applicant but at least five years should elapse, after the restoration of the DVLA driving licence or since conviction where no disqualification has been imposed, before a licence is granted, with a strict warning given as to future conduct. The Council will not generally grant a licence to an applicant who has more than one conviction of this type within the previous five years.

Current holders of a Private Hire Vehicle Operator Licence convicted of an insurance related offence will generally have their Licence revoked and no further licence would generally be granted for a minimum period of five years.

(i) Use of Hackney Carriage or Private Hire Vehicles

A licence will not be granted to an applicant who has any convictions for Hackney Carriage or Private Hire Vehicle related offences for a minimum period of five years. A licence will not usually be granted to any applicant who has more than one conviction for this type of offence in the last five years

(j) Other offences

Where an applicant or a current Private Hire Operator Vehicle Licensee is convicted of any other offence, the Council will review the circumstances of each case and take such action as it considers appropriate.

(k) Police Cautions

Where an applicant or a current Private Hire Vehicle Operator receives a police caution for any of the offences set out above, the Council will review the circumstances of each case and take such action as it considers appropriate.

APPENDIX 7 – LICENSING ENFORCEMENT POLICY

Introduction

The Environment Service Division, of which the Licensing Unit forms a part, performs a range of licensing and registration duties as required by legislation or as a matter of Council policy. The Council will strive to ensure its residents enjoy a healthy environment as outlined in its Corporate Plan.

The underlying principle of the licensing regime is public protection.

The purpose of this Policy is to set out the steps officers will take when considering what if any action is necessary where possible offences or non-conformities are identified whilst carrying out their duties.

In carrying out its functions, the Licensing Unit shall act with impartially and be objective, consistent and recognise the rights of individuals. All officers will have regard to this policy in carrying out their duties.

The policy will be kept under review and revised periodically as appropriate.

Enforcement Concordat and the Regulators Code

The Council is a signatory to the national Enforcement Concordat which sets out good practice in respect of the regulatory enforcement functions of the Council. Its aim is to make enforcement transparent and to ensure it is carried out in an equitable, practical and consistent manner. The Licensing Unit will carry out its role in accordance with the principles of the Concordat.

Proportionality - action taken by enforcing authorities should proportionally reflect any risks, and the seriousness of any breach which will include consideration of the financial implications of any request.

Consistency - a similar approach should be taken in similar circumstances to achieve similar results, although it does not necessarily mean uniformity. Due regard shall be had to codes of practice and the activities of other Councils to achieve consistency.

Openness - customers should be helped by officers to understand what is expected of them and what they should expect from officers. Customers should be clearly informed of the difference between statutory requirements and advice/guidance/informal requests. Information will be provided in plain language and officers will be open about how they set about their work, including any charges.

Helpfulness - officers will provide a courteous and efficient service, properly identifying themselves at all times. Performance standards and the level of service customers should expect shall be made freely available.

Complaints about Service - The Council's complaints procedure shall be easily accessible and this, and any right of appeal, shall be explained to customers when appropriate.

In developing this policy and operational practices, the Licensing Unit has had regard to the Regulators Code

Appointment and Authorisation of Officers

Officers shall be authorised depending upon qualification, experience and competency. The level of authorisation of officers shall be set out in the Environmental Service Division's internal scheme of delegation which stems from Wycombe District Council's Constitution. Officers shall carry suitable identity cards at all times when on duty and these should be shown to any customer on request.

Procedure

There are a number of options that shall be considered in respect of one of the following:

- a) matters that have been identified during the application process which cause concern regarding the *fit and proper* person test;
- b) a complaint is received;
- c) unlicensed activity is suspected;
- d) the Licensee has not complied with the conditions of a licence or byelaw made by the Council;
- e) an officer has identified that a possible criminal offence has been committed;

In the first instance, the applicant / licensee will generally be contacted by telephone to arrange for them to attend an informal interview at the Council offices at a mutually convenient date and time so that the matter can be discussed.

Informal interviews with drivers and or applicants will be recorded on disk/tape to ensure that there is an accurate record of the meeting.

Where a criminal offence is suspected, the suspect will be formally invited to attend an interview under caution at the Council offices.

Following the interview an investigation will be carried out, taking into account any relevant information, and a decision will be made as to the most appropriate action to be taken.

Enforcement Options

The Council defines "Informal Action" as the retention of information on Council records with no further steps taken in respect of a licensee/applicant. The Council defines "Formal Action" as action against a licensee or applicant where there is a statutory right of appeal.

1. Informal action

- (i) Warning as to future conduct – formal notice issued when concerns have been raised in respect of a specific matter and which will usually remain on file during the currency of any licence or application.
- (ii) An advisory notice – written confirmation of the matter investigated where no formal action is required but a record of the matter is to be retained on file.
- (iii) Formal warning – written notice where a breach of licence conditions and/or breach of a byelaw has been identified and which will be retained on file.
- (iv) Final warning – written notice where a breach of licence conditions and/or breach of a byelaw has been identified and further breach of which is likely to result in suspension or revocation of the licence.

Circumstances where informal action is considered appropriate may include but is not limited to the following:

- the breach is not of a serious nature;
- there is no significant risk to the health or safety of any person;
- there is no previous history of non-compliance;
- there is no independent evidence to support the matter under consideration;
- the breach was as a result of a genuine mistake or misunderstanding.

Where action has been taken in accordance with (i) to (iv) above the recipient of the notice will be advised of their right to appeal in writing within 14 days of the date of the notice to the Environmental Health Manager at Council Offices, Queen Victoria Road, High Wycombe, HP11 1BB.

2. Formal Action

Revocation/Refusal of current/future licence/application or restriction of such licence by imposition of conditions or suspension of a licence.

Where the Council has granted a licence, previous informal action recorded on file may be taken into account in deciding whether to revoke a licence, refuse a further application or impose conditions on future licences.

Where the council is considering such steps the licensee/applicant shall be given notice of the course of action being considered and given the opportunity to respond at a formal interview to be held at council offices.

Circumstances where the Council may consider such action include but are not limited to the following:

- there has been or is a significant contravention of the legislation;
- there has been or is a significant risk to the health or safety of any person;
- there is a lack of confidence in an informal approach being positively responded to or such an approach has already failed;
- there is a history of non-compliance.

3. Prosecution

Circumstances where the Council may consider a prosecution include but are not limited to the following:

- the alleged offence is a flagrant breach of the law and the health, safety or wellbeing of any person has been put at risk;
- the failure to correct serious potential risk which has been identified and the person responsible has been given a reasonable opportunity to comply with the legislation;
- there is a history of non-compliance or offences.

In cases where prosecution is under consideration, a file containing all the relevant evidence and information will be submitted by the Licensing Unit to the District Solicitor for a decision to be made in accordance with the Code of Crown Prosecutors.

Should the Council depart from this policy, in exceptional circumstances, the reasons will be recorded.

APPENDIX 8 - ADVERTISING POLICY FOR PRIVATE HIRE VEHICLES

SIGNS, NOTICES AND ADVERTISEMENTS ETC.

- (1) No signs, notices, advertisements, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as required by any statutory provision or in conformity with the following conditions **and** with written approval of Wycombe District Council. Prior to approval being given an application must be made in writing to the Council giving the plate number of the vehicle on which the advertisement is proposed to be displayed, plus the name and address of the applicant, details of the position, colour, size, subject-matter, wording proposed and any other information that the Council may require.
- i. No advertisement shall exceed 510mm x 297mm in size. Any advertisement must appear in landscape format.
 - ii. Any company name and/or telephone number appearing on any advertisement must have been previously authorised by the Council in writing. Any use of the words "Taxi" and/or "Cab", or any other word or combination of letters which when pronounced would sound similar, is strictly prohibited
 - iii. Roof signs of any description are strictly prohibited.
 - iv. No advertisements shall be placed anywhere on or in the vehicle other than the vehicle's rear passenger doors or rear panels. Advertisements must not be placed on rear tailgates/doors.
 - v. Any advertisement appearing on the outside of the vehicle must be of such form as not to become easily soiled, defaced or detached.
 - vi. Any material and/or adhesive used in the manufacture, and for the purpose of, affixing any advertisement to any part of the vehicle must not be inflammable.
 - vii. Any advertisement appearing in or on the vehicle must be legal, honest, decent and truthful within the standards laid down by the British Advertising Standards Authority or any public body succeeding to it.

(2) Commercial advertisements

Commercial advertising for any company, body or corporate entity other than the operating company is strictly prohibited.

APPENDIX 9 – CCTV POLICY FOR LICENSED VEHICLES

Introduction

These guidelines set out to ensure that CCTV systems in licensed vehicles within Wycombe District are used to prevent and detect crime, reduce the fear of crime and enhance the health and safety of private hire drivers and their passengers.

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

For the purposes of these guidelines, the term ‘CCTV system’ will include any electronic recording device attached to the inside of the vehicle having the technical capability of capturing and retaining visual images and audio recording from inside or outside of 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 systems

The purpose of a CCTV system is to provide a safer environment for the benefit of vehicle drivers and passengers by:

- Deterring and preventing the occurrence of crime;
- Reducing the fear of crime;
- Assisting the Police and/or an Authorised Officer of the Council in investigating incidents of crime, disorder, accident and complaint;
- Assisting insurance companies in investigating motor vehicle accidents.

It is important that any person who suspects a crime has been committed and who has a CCTV system which may contain relevant information to the crime, should report that suspected crime to the Police as soon as possible. Any delay in reporting a suspected crime may result in evidence being lost.

An Authorised Officer of the Council or the Police may, at any reasonable time and upon production of identification, if requested, examine any CCTV system.

General Requirements

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

The installation and operation of the CCTV system shall comply with the requirements of the Information Commissioner’s Office (ICO) Code of Practice which is available on the ICO website. A check list for limited users of CCTV systems can be found on this website at: <https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf>

The CCTV system shall at all times remain the property of the vehicle licence holder or the driver who uses the vehicle, who will be liable, at all times, for its use in the vehicle. The vehicle licence holder shall be responsible for the maintenance of the system and shall ensure that it is checked regularly and maintained in working order at all times.

The CCTV system must comply with any legislative requirements contained in the Road Vehicles Construction and Use Regulations 1986 (as amended).

The CCTV system must be designed, constructed and installed in such a way and in such materials as to present no danger to the passengers or the 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.

The CCTV system must meet all applicable legal requirements as regards safety, technical acceptability and operational/date integrity.

The CCTV system must be marked as complying with current European Industry Standards.

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

The CCTV system 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

No CCTV system may be installed in a licensed vehicle without the prior written consent of the Licensing Authority.

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

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.

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.

The CCTV system must not 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.

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 driver and passengers.

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

The CCTV system must be capable of date, time and vehicle identification information.

Activation of the Camera

Activation of the CCTV system may be via a number and combination of options including:

- Door switches;
- Ignition;
- Drivers' panic button.

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.

Audio Recording

The CCTV system 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. Wherever possible, a system must be used without this facility; 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.

Retention of CCTV images

Images captured must remain secure at all times.

The images must be digitally encrypted.

The positioning of the CCTV system should be such that the hard disk or data card is not accessible to any passenger traveling in the vehicle.

The CCTV system must be capable of recording and storing images for a minimum period of fourteen days.

The CCTV system must be capable of capturing images that in low light conditions must be of sufficient quality to enable identification of any person travelling in the vehicle and be of such quality that they can be used for prosecution purposes.

The CCTV system must be capable of storing images in a manner which prevents them being removed, downloaded or viewed by the driver or any other person travelling in the vehicle.

Notification to the Information Commissioner's Office

The CCTV system must be registered with the ICO by the data controller. 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 responsible for how the images are stored and used and determines in what circumstances the images should be disclosed.

Evidence of the registration must be forwarded to the Licensing Authority. The notification requires renewal on an annual basis and payment of the appropriate fee.

Evidence of registration with the ICO must be present to an authorised officer of the Council or the Police 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, Authorised Officers of 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.

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 licensed vehicles fitted with a CCTV system must display two signs in prominent positions. The sign must state 'CCTV cameras in operation' and 'the system is owned and operated by.....'. The name and contact details of the data controller must be stated on the sign. The contact details can be in the form of a telephone number, email address or website URL.

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 signage must be maintained in a clean and legible condition.

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.