

Licensing Committee

Date: Wednesday, 17th October, 2018

Time: 10.00 am

Venue: Kaposvar Room - Guildhall, Bath

Councillors: Les Kew (Chair), Rob Appleyard, John Bull, Anthony Clarke, Emma Dixon, Deirdre Horstmann, Michael Norton, Dine Romero, Will Sandry and Peter Turner



Sean O'Neill

Democratic Services

Lewis House, Manvers Street, Bath, BA1 1JG

Telephone: 01225 395090

Web-site - <http://www.bathnes.gov.uk>

E-mail: Democratic_Services@bathnes.gov.uk

NOTES:

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2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above.

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Licensing Committee - Wednesday, 17th October, 2018

at 10.00 am in the Kaposvar Room - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 7.

2. ELECTION OF VICE-CHAIR (IF DESIRED)

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** *or* **an other interest**,
(as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of his staff before the meeting to expedite dealing with the item during the meeting.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

6. ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

7. MINUTES OF PREVIOUS MEETING: 11 JULY 2018 (Pages 5 - 36)

8. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY AND ASSOCIATED CONDITIONS (Pages 37 - 156)

9. REVIEW OF GAMBLING POLICY (Pages 157 - 208)

10. ALCOHOL HARM - PRESENTATION

Members of the Public Health Team will give a presentation to the Committee.

The Committee Administrator for this meeting is Sean O'Neill who can be contacted on 01225 395090.

BATH AND NORTH EAST SOMERSET

LICENSING COMMITTEE

Wednesday, 11th July, 2018

Present:- Councillors Les Kew (Chair), Rob Appleyard, John Bull, Neil Butters (in place of Caroline Roberts), Anthony Clarke, Deirdre Horstmann and Will Sandry

Also in attendance: Cathryn Brown (Environmental Protection and Licensing Manager), Lynda Deane (Team Manager, Active Lifestyles and Events), Mandy Bradley (Customer Services Officer) and John Dowding (Senior Public Protection Officer)

Guests:

19 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer advised the meeting of the procedure.

20 ELECTION OF VICE-CHAIR (IF DESIRED)

RESOLVED that a Vice-Chair was not required on this occasion.

21 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillors Emma Dixon, Caroline Roberts and Peter Turner. Councillor Neil Butters substituted for Councillor Caroline Roberts.

22 DECLARATIONS OF INTEREST

There were none.

23 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

24 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

Guy Henderson, Manager of Southgate Shopping Centre, made a statement about the Street Trading Review. A copy of his statement is attached as Appendix 1.

Allison Herbert, General Manager, Bath Improvement District, made a statement about the Street Trading Review. A copy of her statement is attached as Appendix 2.

25 MINUTES: 11TH JANUARY 2018

These were approved as a correct record and signed by the Chair.

26 STREET TRADING REVIEW

The Licensing and Environmental Protection Manager gave a PowerPoint presentation on the review of the Council's Street Trading Policy and other street activities, with contributions from the Team Manager – Active Lifestyle and Events and the Customer Services Officer. A copy of the slides is given in Appendix 3.

The review had been used as an opportunity for a broad consideration of activities which, while managed by different services within the Council, are perceived by the public to form part of street trading. These include street trading itself, which is managed by Licensing, street markets, which are managed by the Council's Events Team and promotional pitches, which are managed by Highways. Promotional pitches are not regulated by the Local Government (Miscellaneous Provisions) Act 1982, but are perceived by the public to be part of the street trading scene.

The refreshed Street Trading Policy before the Committee today would be taken forward through the Cabinet and informed by key stakeholders.

There had been six weeks of public consultation in May and June this year. There had been 50 responses to an online survey, which were included with an analysis in Annex C to the report. Key feedback from survey responses related to:

Street Trading

- whether the management of street trading should be outsourced – 69.7% of respondents wanted the Council to continue to manage it
- the look and feel of the stalls
- enforcement, particularly out of office hours (with fewer officers being available at weekends) - as part of the revised policy standard conditions would be tightened up
- rotation of pitches and the length of consent tenure

Promotional Pitches

- clarity about the management of promotional pitches on the highway
- conflict between street trading and promotional pitches
- alignment of application processing with existing processes in Licensing
- further criteria to be developed on criteria for acceptable promotions

Street Markets

One of the ambitions in the Council's Strategic Review is to increase the number of street markets in the City centre and to encourage events that attract different audiences into the City. However, event and street market organisers face significant challenges: if someone wants to hold an event in Milsom Street, for example, they

need to apply to the Events Office, Highways, Parking, Licensing, and Planning, if there is a change of use. There are many separate processes that have to be completed. It is hoped to streamline the application process for event organisers. City-wide planning applications for events and street markets would be developed. At the same time, the number of events and street markets needed to be controlled: Bath is a World Heritage Site, and many visitors came to view and photograph the architecture, and want to be able to do so without obstructions blocking their view. Encouraging events is part of a larger piece of work that needed to be done in co-operation with Planning and Highways and other parts of the Council. It is estimated that it will take a year to develop a co-ordinated approach.

Members made comments and asked questions to which officers responded.

Q: Can you give examples of specific differences between the proposed policy and the existing policy.

A: One proposal is that instead of having street traders scattered around the City there should be a weekly or bi-weekly market, whose operation and look and feel could be managed; market day would be a specific event to attract people into Bath.

Q: The number of responses to the online survey seems low in relation to the number of people affected by street trading.

A: A lot of effort was put into publicity. Obtaining those 50 responses required a great deal of effort by officers; people cannot be forced to respond to consultations. The business representative organisations who responded carried out surveys of their own members, so there was a wider response base than at first appeared.

Q: Individual street stalls add vitality to life in the City. Some of them might be a bit shabby, but this could be dealt with by appropriate conditions and enforcement.

A: A question about whether people preferred individual street stalls or a market was included in the survey. There had been 33 responses, with 54.55% preferring individual street stalls as at present and 45.45% preferring a weekly or twice-weekly market, so there was not a clear mandate for either option.

Q: The exemption from the requirement to obtain a consent to set up a stall, referred to in the last bullet point on page 22, should be clarified; no business should be allowed to gain an unfair advantage.

A: Certain traders are exempt from the provisions of the statutory street trading regime, e.g. butchers, fishmongers and greengrocers, which have traditionally exhibited their wares on stalls in front of their shops.

Q: Up and down the country public space has passed into private hands through retail development. Is there not a danger that an extension of street trading could result in some streets could become effectively 'sterilised' retail areas where many ordinary activities are prevented from taking place?

A: Councils can decide whether or not to adopt Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. The Schedule was adopted by Bath City Council some years ago. The Council could 'unadopt' it if it wished. The Schedule applies to any street open to the public whether or not it has a pavement anywhere in Bath and North East Somerset.

Q: I am concerned to see a gulf between the views of BID and SouthGate and what is being proposed in the revised policy. This might be a reason for deferring a decision to allow further consultation and consideration. Is there more we can do to work together with them and have we looked at what is done in similar cities, like York?

A: We hope the working group that is to be established will improve communication. BID and SouthGate have staff out and about on the street and do liaise with us about specific issues, and it might be possible to develop this further. We have looked at York, Oxford, Cambridge, Cheltenham, Harrogate and Chester in an attempt to establish best practice. We believe that the revised policy is a reasonable balance between what we might like to do and what we are statutorily obliged to do. There is little scope for blue-skies thinking; the policy has to explain how we will apply the provisions of the legislation. The way in which the policy is enforced may help to narrow the gulf referred to.

Q: Are there sufficient resources for effective enforcement?

A: We need to be more creative about enforcement. There is a need for more in-street monitoring, and this could be done through working with partners. Conditions and design criteria for stalls need to be tightened up. The Council is limited in what it is allowed to do to restrict competition between stalls and shops.

Members strongly supported the introduction of a unified 'one-stop shop' application process for organisers of events and street markets.

The Environmental Protection and Licensing Manager informed the Committee that an update on the Street Trading Policy would be given at its October meeting.

At the conclusion of the discussion it was **RESOLVED** unanimously to approve recommendations 2.1-2.2 and 2.4-2.6:

- 2.1 To note the contents of the report and the progress made with respect to the Street Trading Review;
- 2.2 To note the responses received as a result of the consultation as given in Annex C and as summarised with officer comments in Annex D;
- 2.4 To endorse the development of a city-wide planning application for events which includes markets and therefore related street trading activities;
- 2.5 To endorse the proposal that no further action should be taken with respect to outsourcing the Council's statutory functions under the Local Government (Miscellaneous Provisions) Act 1982 ("The Act") to a third-party organisation;

2.6 To endorse the integration of the management of promotional pitches from Highways into the Licensing Authority to better align with Street Trading management principles and the introduction of a fee to cover the administration of applications for promotional pitches.

It was also **RESOLVED** by 4 votes in favour and 1 vote against with 2 abstentions to approve recommendation 2.3:

2.3 To endorse the adoption of the revised Street Trading Policy provided at Annex E.

27 TAXI POLICY REVIEW: VERBAL BRIEFING

The Environmental Protection and Licensing Manager gave a presentation. A copy of her PowerPoint slides is attached as Appendix 4.

She explained that Taxi policy was being reviewed:

- to align with the proposals for Bath's Clean Air Plan
- to implement a recommendation of the Ofsted Inspection of Children's Services in 2017 that all taxi and private hire drivers undergo some form of child sexual exploitation awareness training, not just those involved in the transport of children
- because the last review was in 2014 and there is a need to ensure that the policy and conditions remain fit for purpose

Applicants for new licences would be required to pass a test on proficiency in speaking English. Some authorities have already introduced such a test. The test would be in accordance with a national standard. There would be no appeal against failure, but applicants would be able to take it again.

It is proposed to adopt sections 165-167 of the Equalities Act 2010, which empower the Council to maintain a list of designated vehicles for wheelchair users and imposes duties on drivers of designated vehicles. The adoption of these sections will require approval by the Licensing Committee.

After a consultation process the policy will be presented to the Licensing Committee in October for comment before going to Cabinet for decision.

RESOLVED to note the update.

The meeting ended at 12.03 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

Street Trading – Policy Review Southgate Bath

Good Morning,

I would like to thank the committee for today's opportunity to discuss the current street trading review.

My name is Guy Henderson.
I am the Manager of Southgate Shopping Centre, home to over 60 tenants that employ over a 1000 people..
I also hold a seat on the Board of the BID, that itself has over 650 business members across the city.
And finally, I am a local resident & customer of Bath...I live, work and contribute to the city.

Whilst today is about one policy, I think it will be a miss of us all not to take a step back and consider the broader picture... or responsibility we all share.

"World Heritage City"

If we were to take that status literally ...and not pay lip service... then we could refer to the Vatican City as the ideal model or example.

- Clean presentable streets.
- Safe streets with no ASB...
- Uncluttered walkways, free from obstruction supporting customer flow to all parts of the city.
- Public areas, with benches and planting.
- Thriving retail tenants – a healthy mix of both physical Independent and national brands- essential to the future of any retail offer.
- Exciting promotional pitches that educate or enlighten our knowledge.

A city that we can all be proud of and one that truly shines at every level – allowing all to enjoy!

Of course, in reality we are far from this example, ... and to be honest – what we have, is a far cry from ideal...

Incidentally, these examples surround Southgate – a development that took 14 years of planning – as to ensure it did not become the eyesore the previous centre had become.... Oh dear !!

Yet, we have some outstanding alternatives that are all well run, licensed, presentable, compliant and enhancing...
Celebrating the best of old and new from the local area.. all adding character and atmosphere....to our wonderful city.

Green park
Walcott street
Bath @ twilight
Queens Square Artisan market (example 4)

to name a few....

These could be adapted as viable alternatives to the current on street trading format... supporting all street traders livelihoods.

In turn these markets could operate weekly and tour the BANES area – helping to inject life and much needed footfall into our outlying towns & villages.

The income from these platforms could be then directed to help with public realm enhancements or offer support to services within BANES (CCTV for example)

To continue with the current on street trading format would jeopardise an already struggling high street.

Independent retail, tourism, public's safety are all under significant strain –

I ask the committee - that a broader, more considered view is taken – one that addresses today's retail crisis – for which there are many...

As to ensure Bath stays the destination of choice and supports the retention of our World Heritage status.

The irony we have is:

If we do nothing –

And allow the city to reveal its secrets...

we actually succeed.!! (example 5)

Thank you for your time – any questions?

Example 4 (good)



Example 5 (clear)



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So I would like to start by looking at the facts.

I thought it might be helpful to look at some number comparisons starting with a takeaway food restaurant and a street food stall in Bath.

A full time city centre street trading pitch on Southgate Street will pay a total rent to the council of £9,318 regardless of the type of product.

A restaurant and takeaway in the same part of the city will pay approximately £200,000 per year in rental.

A stall in Southgate street pays no business rates. A food business in Southgate Street pays an average of £84,000 in business rates and an additional £2,000 to the BID to cover the costs of our operations to keep the city attractive and welcoming.

And the hidden costs of the stall include:

The risk of the obstruction, the loss of amenity to neighbouring businesses (I am reliably informed by landlords in the city that tenants are reluctant to take on properties with a stall outside), and in the case of street food leaves an enormous greasy patch for which the cleaning bill is picked up by the council and the BID.

And just to put that cleaning job into perspective, last year the BID paid £12,000 to clean Southgate Street (you have probably noticed that this is more than the revenue from the stall) and in addition the council's cleaners come by 3 times a week and the BID rangers clean about once a week. Even at minimum wage with no oncosts, we are looking at an additional £3,000 per year to keep that street food stall in the city.

I am not at all surprised to read that the stallholders would like to keep the status quo. This fundamentally unfair system has created a subsidy for some businesses whilst others are expected to manage with their expensive windows blocked from view.

And the grease is not going away.

It is my understanding that national legislation dictates that the Council is not allowed to make money from the stalls. However, I also understand that the council has an income target for the stalls. This is a bit difficult to reconcile. The stalls create an income but not a profit so they will never achieve a meaningful revenue stream only a never ending cycle of officers who don't generate quite enough income to have the capacity to enforce the rules.

There must be a better way. At the BID we are already working with 700 businesses and partnership is the beginning and end of what we do.

Let's work together therefore, not just to adjust the current rules, let us have a complete rethink of the system for street trading, one which is equitable, entrepreneurial and which respects the fabric of our unique historic city.

Let us work together to make markets in the city, real markets, a genuine destination which attracts customers when the city is relatively quiet and creates a buzz for all the businesses to benefit from.

Based on the Artisan market model in Queens Square, I have done some calculations as an illustration.

Maximum revenue from the street stalls.
31 stalls @ £9,000 per year
£270,000 in total

Queens Square Artisan Market raises £1,300 once a month for the council simply for the land hire.

In addition, it generates enough revenue from the 40 stalls to pay its staff (who are there to set up, provide equipment and a safe environment etc), promotional work, insurances and bespoke shelters.

£15,600 would be income to the council and the remaining operational costs (officer time etc) would be covered by the stall fees.

If the market was held twice a week, the income would double.

If the market was then circulated around the district, the Council could look at additional revenue and regeneration in the market towns across the area.

Creating a destination for the market in a car park or Queens Square, rather than spreading it out around the city would remove the risk to public safety in an emergency or terrorist incident, would remove the unfair situation where one business is promoted to the detriment of another, would support the stallholders businesses and would enhance the visitor experience.

This is just one option, I am sure there are more, so my closing point is, please let us make this the beginning of an imaginative conversation about how to improve the street trading not the end of the review and the retention of the status quo.

Street Trading, Markets & Promotional Pitches Review 2017/18



Review Aims and Outcomes

Aims

- To review the existing Street Trading Policy
- A review of the markets pilot work
- A review of promotional pitches and other promotional activity
- Review of links to strategic ambitions

Outcomes

- A refreshed policy (conditions and guidance) agreed by Licensing Committee and Cabinet and informed by key stakeholders
- Recommendations for future market activity
- A clear approach for promotional pitches (management and allocation)

Review Engagement process

Various Focus Groups:

- Street Trader’s Forum
- Local Residents representatives (FOBRA, CARA, TARA)
- Public Realm Steering Group
- Internal Officers Group
- Bath Business Improvement District, Bath Tourism Plus and Southgate Centre Management

Review Engagement process

Consultation survey included contact with:

- internal Council teams
- business organisations,
- statutory bodies,
- town and parish councils
- Cllrs and MP's

Engagement outcomes

- 6 week public consultation (May/June)
- 50 responses received:
 - 77% from BA1/BA2 postcodes, 23% outside of Bath
 - 26% 'other', 20% local residents, 22% street traders, 18% other businesses, 8% ward/parish/town councillor, 6% other members of the public

Main issues from the Review

- Street trading
- Opportunities for markets and events and how these are managed
- Management of Promotional Pitches

Street Trading

- Outsourcing of the management
- The 'look and feel' of the stalls
- Enforcement, particularly outside of office hours
- Rotation of pitches and the length of consent tenure

Promotional pitches

- Clarity about the management of promotional pitches on the public highway
- Conflict between street trading and promotional pitches
- Processing applications can be aligned with existing processes in Licensing
- Further policy to be developed on criteria for acceptable promotions

Opportunities for events and markets

- Concern regarding the protection of the heritage value of the city and the need for planning permission
- Request for 'rest periods' from events
- Positive feedback for markets based around themes e.g. food, to compliment existing businesses

Next steps...

- Street Trading Policy to be ratified at Cabinet
- Working group to be set up to agree 'look and feel' of the stalls
- Criteria to be developed for promotional pitches
- City-wide planning application for events to be commenced

BreATHe



Tackling air pollution in Bath and North East Somerset

Review of taxi policy and conditions

Bath & North East
Somerset Council



The current policy and conditions

- Taxi Policy
- Hackney Carriage Vehicle Conditions
- Private Hire Vehicle Conditions
- Driver's Conditions
- Private Hire Operator Conditions



Why are we reviewing the policy and conditions?

- Need to align with the proposals for Bath's Clean Air Plan
- Need to fulfil recommendation of Ofsted Inspection of Children's Services in 2017
- The last review was in 2014 and there is a need for an update to ensure our policy and conditions remain fit for purpose



Proposal: Vehicle Specification

- Taxis will be included all options of the Clean Air Zone.
- Technical modelling is currently underway which will give us a clearer picture of the types of taxi vehicles which could or could not be charged.



Proposal: Mandatory Child Sexual Exploitation training

- Ofsted report recommended that all drivers undergo some form of CSE awareness training
- Drivers will need to prove that they have received training for their licence to be renewed
- Proposal is for 1 hour training session to be delivered in-house at minimum cost to drivers
- This is about drivers being supported to take action if they identify a problem



Proposal: English speaking test for new applicants

- It is essential for public safety that a driver can communicate clearly with passengers and the Emergency Services in the event of an emergency situation.
- Other LA's have introduced similar tests
- Assessment will be conducted at the taxi licensing office as part of the application process
- Liaise with Independent Equalities Group as part of the public consultation



Proposal: adoption of s165-167 the Equalities Act 2010

- In future the Council will maintain a list of ‘designated’ vehicles suitable for use by customers using wheelchairs
- Duties are imposed for drivers to provide assistance to such customers e.g. handling luggage into and out of the vehicle
- Provides greater transparency around our commitment to disabled customers
- **Requires adoption by the Licensing Committee**



Public consultation

- Launching on 16 July 2018 and running until 15 September 2018 (23.59hrs)- 8 weeks
- Launch event being held at Odd Down Sports Ground on 16 July 2018 between 10am-3pm to which all drivers have been invited
- Policy consultation is being discussed at CTE Scrutiny Panel on 16 July 2018
- Bring report back to Licensing Committee in October 2018 for ratification, before referring to Cabinet for decision



Communications

- Dedicated webpage from 16 July 2018 at <http://www.bathnes.gov.uk/breathetaxis>
- Online questionnaire for consultation responses
- All drivers and operators will be sent copies of proposed documents for their information, together with a summary document of changes



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Bath & North East Somerset Council	
MEETING:	Licensing Committee
MEETING DATE:	17 October 2018
TITLE:	Review of the Council's Hackney Carriage and Private Hire Licensing Policy and associated conditions
WARD:	All
AN OPEN PUBLIC ITEM	
<p>List of attachments to this report:</p> <p>Appendix A- Background report on CSE awareness training</p> <p>Appendix B- Proposed Hackney Carriage and Private Hire Licensing Policy</p> <p>Appendix C- Proposed Conditions and byelaws for licensed drivers</p> <p>Appendix D- Proposed Conditions for hackney carriage vehicles</p> <p>Appendix E- Proposed Conditions for private hire vehicles</p> <p>Appendix F- Proposed Conditions for private hire operators</p> <p>Appendix G- Public Consultation replies and Officer recommendations</p> <p>Appendix H- Department for Transport (DfT) statutory guidance 'Access for wheelchair users to taxis and private hire vehicles'</p>	

1 THE ISSUE

- 1.1 This report seeks to update and amend the policy and general conditions for hackney carriage and private hire drivers, hackney carriage vehicles, private hire vehicles and private hire operators' licences.
- 1.2 As part of the policy review it is proposed to adopt Section 165-167 of the Equality Act 2010 and maintain a list of designated vehicles which are appropriate for wheel chair access within the licensed vehicle fleet.

2 RECOMMENDATION

The Licensing Committee is asked to:

- 2.1 Note the responses to the public consultation and the officer recommendations
- 2.2 Recommend adoption of the revised hackney carriage and private hire policy by Cabinet
- 2.3 Recommend adoption of Section 165-167 of the Equality Act 2010 by Cabinet

- 2.4 Adopt the general conditions for hackney carriage and private hire drivers, hackney carriage vehicles, private hire vehicles and private hire operators' licences in Appendices C-F.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The policy and conditions review has been carried out by the Licensing Authority, supported by Legal Services. Costs of officer time are met through full cost recovery by the collection of taxi licensing fees.
- 3.2 Any additional costs of maintaining a list of designated vehicles are not considered to be significant and will be met through full cost recovery by the collection of taxi licensing fees.
- 3.3 Costs for driver Child Sexual Exploitation awareness training will be minimised through the delivery of an in-house programme and met through the recovery of training fees.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The Town Police Clauses Act 1847 (as amended) and the Local Government (Miscellaneous Provisions) Act 1976, give local authorities powers in relation to placing conditions on licences. Both Acts also, provide provision for any person aggrieved by any conditions attached to a licence the right of appeal to the courts.
- 4.2 On 13 November 2013 the Cabinet adopted a policy relating to hackney carriage and private hire licensing standards.
- 4.3 At the meeting on 7 January 2014 the Licensing Committee noted the recently adopted policy and adopted revised conditions of licence to be attached to the standard grant of private hire/hackney carriage drivers, proprietors and operators licenses.
- 4.4 It is now timely for the policy and conditions to be updated to ensure that they remain up to date and fit for purpose. This is in light of the forthcoming Clean Air Zone proposals for Bath, the need to ensure that licensed drivers are aware of issues relating to Child Sexual Exploitation and the need to further promote public safety by ensuring that all new drivers have the necessary English speaking skills to deal with an emergency situation.
- 4.5 On 7th February 2017 the Department for Transport (DfT) announced their intention to commence Sections 165 and 167 of the Equality Act 2010 in so far as they were not already in force and made the Equality Act 2010 (Commencement No. 12) Order 2017 which subsequently took effect on 6th April 2017.
- 4.6 As a result of this legislative change, drivers of designated wheelchair accessible taxi and private hire vehicles are now legally obliged to:
- Carry the passenger while in the wheelchair
 - Not to make any additional charge for doing so
 - If the passenger chooses to sit in a passenger seat, to carry the wheelchair

- To take such steps as are necessary to ensure that the passenger is carried in reasonable comfort
 - To give the passenger such mobility assistance as is reasonably required.
- 4.7 This order applies in England, Wales and Scotland, applies to both taxis and private hire vehicles and affects vehicles that are designated as wheelchair accessible.
- 4.8 The legislation only applies in areas where the licensing authority has decided to maintain a list of designated vehicles under Section 167 of the Equality Act 2010, and where the driver is driving a vehicle included on the list of designated vehicles maintained by the Licensing Authority. Officers are recommending that the council decides to maintain a list of designated vehicles under Section 167.
- 4.9 DfT has published guidance on the accessibility requirements that licensing authorities should apply and this can be found at Appendix H.

5 THE REPORT

5.1 This review of the Hackney Carriage and Private Hire policy and conditions has several significant changes which are outlined below:

5.2 Compliance with Bath's Clean Air Plan:

5.3 The Council has been directed to reduce levels of nitrogen dioxide to within acceptable limits in the shortest time possible and by 2021 at the latest. In the Strategic Outline Business Case for the Clean Air Plan, published in March 2018, 3 possible options were identified for a Clean Air Zone, which technical assessment has determined is necessary to deliver the necessary reductions in the time possible. All of these options require taxi and private hire vehicles to be compliant with the Government's Clean Air Framework, i.e. Euro 4 standard or better for petrol vehicles and Euro 6 standard or better for diesel vehicles.

5.4 Engagement with the taxi trade has been ongoing since April 2018 over these options and it is proposed in the revised policy that should a Clean Air Zone be introduced, all licensed vehicles will be compliant with the requirements of such a zone. Feedback from the consultation suggests concessions to mitigate the impact of such a change and this is being considered further in the Outline Business Case for the Clean Air Zone which is published in October 2018.

5.5 The need for awareness training on Child Sexual Exploitation:

5.6 The Council has a duty to promote public safety and there is evidence to show that across the UK, drivers of taxis are often (unwittingly) being used to transport boys and girls between hotels, pubs and other places where they are being sexually exploited. Taxi drivers are in a unique position to notice when all is not right with young passengers, and to pass concerns onto the Police. The Council has commissioned research on what other Licensing Authorities are doing to support the trade and this is shown in Appendix A. A DfT national survey undertaken in 2017 demonstrated that 58% of licensing authorities require both hackney carriage and private hire drivers to undergo some form of awareness training.

- 5.7 It is therefore proposed to introduce mandatory training for every driver which will be a necessary requirement of the licence renewal. Having considered feedback from the trade and other local authorities, it is recommended that an in-house training course is favoured both in terms of minimising costs to the drivers and providing locally focussed training.
- 5.8 The need to ensure that all drivers have the necessary English speaking skills to promote public safety:**
- 5.9 Taxi drivers have a very responsible role in ensuring the public safety of their passengers and it is important to ensure that they have the necessary communication skills to be able to do this successfully. Consultation with 18 other Licensing Authorities has determined that 10 of these have some form of English Speaking test for new applicants. It is proposed to introduce a mandatory requirement of the licence application that applicants undergo a test approved by the Council. For those applicants who are not successful, the Council is exploring options for support for re-taking the test with local educational providers.
- 5.10 A public consultation on the revised policy and conditions was carried out from 16 July 2018-14 September 2018 (8 weeks). Every driver licenced by the Council was invited to a launch event on 16 July 2018 which was followed up by copies of the proposed policy and conditions being sent to every driver and operator. Meeting appointments for face to face discussions were offered and a dedicated webpage with online questionnaire was created for comments to be recorded.
- 5.11 A copy of the responses received from the consultation exercise, together with officer comments and recommendations is provided in Appendix G. Approximately 30 people attended the launch event on 16 July 2018, 38 people responded to the online survey, 3 people requested face to face meetings and 4 people provided comments by email.
- 5.12 The Committee is being asked to consider the officer recommendations and agree to their inclusion before recommending the adoption of the conditions and referring the taxi policy and Sections 165-167 of the Equalities Act 2010 to Cabinet for approval and adoption.
- 5.13 Appendix B provides the proposed policy. The key changes from the existing policy are:
- The Council will not issue vehicle licenses to companies who intend to hire or lease the vehicle to a third party.
 - All vehicles will normally be less than four years old when first licensed.
 - All vehicles licensed by the Council must be (as a minimum) compliant with the terms of the Clean Air Zone and meet with its emission standards.
 - Hybrid, plug-in hybrid or fully electric powered vehicles will be encouraged, providing the minimum specifications set down in the relevant Private Hire or Hackney Carriage vehicle licence conditions are met.

- Alternative fuel vehicle conversions are permissible provided genuine conversion certificates from industry approved installers are provided prior to the vehicle being first licensed.
- All drivers must complete a B&NES approved course relating to raising awareness around the issue of child sexual exploitation. Evidence of successful completion of the training must be produced on the driver's first licence renewal. Failure to provide evidence of course completion will result in refusal of the renewal application.
- Any failure to produce a Disclosure & Barring Services Certificate dated within 30 days of its issue howsoever caused will result in a delay in any licence being issued and may result in referral to the Licencing Sub Committee.
- The Council expects all licensed hackney carriage and private hire drivers to have sufficient expertise of the English language so that they can communicate freely and clearly with passengers and authorised officers. All new applicants are therefore required to undertake a B&NES approved assessment of their communication skills. Successful completion of this assessment is required before a licence can be granted.
- Those wishing to enter the executive/chauffeur hire corporate account sector should take advice from the Council's Licensing team on the suitability of the nature of the business model and proposed vehicle. If the proposal does not meet the criteria for exemption in the view of the Licensing team, then the applicant may appeal to the Licensing Sub Committee.

5.14 Following the public consultation officers considered the representations received and whether or not any changes should be made to the proposals as a result (Appendix G). There are no officer recommendations to make further changes to the proposed policy.

5.15 Appendices C, D, E and F show the proposed conditions to be attached to the standard grant of licenses of private hire/hackney carriage drivers, proprietors and operators' licenses (amendments following the public consultation are shown in italics). Some of the key changes from the existing conditions are:

- Hybrid, plug-in hybrid or fully electric vehicles should have a minimum power output of 77 Kilowatts or the equivalent BHP of a 1400cc petrol or diesel engine.
- At no time shall any satellite navigation system, image recording equipment or other equipment be situated within the swept area of the windscreen of a licensed vehicle so as to obstruct the driver's view of the road.
- Image recording equipment will only be permitted for installation in a licensed vehicle subject to the written consent of an Authorised Officer of the Council's Licensing Team.

- Vaping or e-cigarettes are not permitted to be used in licensed vehicles.

5.16 Following the public consultation there are officer recommendations for further changes which are listed below:

5.17 **Changes to Private Hire Operators conditions:**

Under the section headed 'Complaints' the word discrimination shall be added as below:

- "Complaints received regarding service standards should be dealt with and resolved by the Operator in a professional manner. Where complaints are received alleging **discrimination**, violent, dishonest or sexual misconduct then the complainant shall be referred to the Council and/or the Police"

5.18 **Changes to the Private Hire Drivers conditions:**

Under the section headed 'Receipt of fare' removal of the word 'written' so the condition now reads:

- "If requested by the hirer of the Private Hire vehicle the driver shall provide a ~~written~~ receipt for the fare paid."

Under the section headed 'Dress' the following in italics to be added:

- "Shorts, ***Miniskirts***, flip flops, vest tops ***and any clothing that could be deemed to be provocative or sexually revealing.***"

5.19 The aim of the policy and conditions is to ensure, as far as reasonably practicable, the safety and comfort of members of the public travelling in licensed private hire vehicles and hackney carriages in the area of Bath & North East Somerset Council.

5.20 The policy and conditions aim to further enhance the reliability of the existing service provided and the overall standards of vehicles and drivers licensed by the Council whilst not being prohibitive to any person seeking to obtain a private hire/hackney carriage driver, proprietor or operator licence.

5.21 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 provide that the functions of imposing any condition, limitation or other restriction on hackney carriage and private hire licences and determining the terms under which any such licence is subject are not Cabinet functions. They are therefore Council functions and the Council has delegated its authority in relation to licensing to the Licensing Committee.

5.22 The Committee are being asked to adopt the revised conditions in Appendices C, D, E and F and to note the revised policy in Appendix A.

6 RATIONALE

6.1 The previous policy and conditions adopted by the Council have been updated to align with the proposals on air quality, the need to ensure that all drivers have an awareness of how to respond to concerns about Child Sexual Exploitation and the need to ensure that new applicants are able to effectively communicate with passengers in the interests of public safety. Following the Equality Act 2010

(Commencement No. 12) Order 2017, it is also recommended that the Council adopts these provisions in the interests of transparency and fairness to both licence holders and wheelchair users.

7 OTHER OPTIONS CONSIDERED

7.1 None.

8 CONSULTATION

8.1 A public consultation in relation to the proposed revised policy and conditions was carried out as referred to at paragraph 5.10 in this report.

8.2 The Council's Monitoring Officer and Section 151 Officer have had the opportunity to input to this report and have cleared it for publication.

8.3 Cabinet Member, Members of the Licensing Committee, the local taxi trade, other local authorities have been engaged in the consultation process on the draft statement.

8.4 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

8.5 An equalities impact assessment has been completed in relation to the revised policy and conditions and adoption of Section 165-167 of the Equalities Act 2010. This identified that the adoption of Section 165-167 has a positive impact for disabled people who use wheelchairs. There is a potentially negative impact for new applicants who need support to pass the English Speaking test and the Council is exploring ways for applicants to access training so that they can be successful.

Contact person	<i>Cathryn Brown, 01225 477645</i>
Background papers	
Please contact the report author if you need to access this report in an alternative format	

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Bath and North East Somerset Council
Review of Taxi Policy and Conditions

CSE Issues

October 2018

Executive Summary

This Theme Report considers the issue of applying CSE training to all licensed vehicle drivers in B&NES. It provides the present national and local status of CSE training for drivers and outlines potential options to be taken forward, including wording for addition to the revised policy document and conditions. Options are provided to allow an appropriate decision to be made in the light of consultation with the public and trade.





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1 General introduction and background

On 7 July 2017 OFSTED published its report of their “Inspection of services for children in need of help and protection, children looked after and care leavers” and “Review of the effectiveness of the Local Safeguarding Children Board”, inspection of which occurred between 24 April 2017 and 18 May 2017. Whilst most of this report does not relate to taxi licensing, as part of the review of the Local Safeguarding Children Board (LSCB) it was identified that, with reference to child sexual exploitation (CSE), “the impact of some partners’ practice in raising local awareness has been slow in some significant areas...for example the engagement and training of ... some taxi drivers” (p28).

The recommendation from this is outlined in paragraph 88 – “Strengthen current arrangements for partners to raise awareness of CSE through licensing activity in B&NES”. Paragraph 96 adds “Only taxi drivers approved to transport children who are actively involved with the local authority are required to attend CSE training as part of the licensing process.” The result of this is that licensing was tasked to ensure all drivers should be subject to mandatory training, and that this should be a requirement of their licence renewal. No further suggestion of content or method was provided.

The remainder of this Theme Paper considers the current national background and status of CSE training across English licensing authorities, considers the present and potential required content, and options of the way forward to achieve this requirement.

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2 National CSE training background

The current status of the need and reasons for CSE training for taxi drivers has been summarised by a set of power point slides on the Local Government Association web-site (as at 26 April 2018). The presentation confirmed that the need arose from the well-publicised issues in Rochdale and Rotherham which meant CSE training for licensed vehicle drivers had ceased to be an issue not historically a requirement. More discussion of the content of this presentation follow.

To set the current context, the DfT regularly undertake a national survey of various licensing practices and public the results every two years. The last such survey was undertaken for the end of March 2017 and published later in 2017. Results from this survey identify 292 licensing authorities in England at the time of that survey. Of those, 122 (42%), including B&NES had no overall requirement of either hackney carriage or private hire drivers that they undergo CSE training. One authority required this of hackney carriage drivers only, with the remaining 169 (58%) requiring both hackney carriage and private hire drivers to undergo such training. No further detail of the content of this training or the level to which drivers had taken up the requirement is provided.

For the local area around B&NES the following authorities were recorded as having a requirement on all drivers to receive CSE training:

- South Gloucestershire
- Cheltenham
- Cotswold
- Forest of Dean
- West Oxfordshire (works with Cotswold and Forest of Dean)
- Stroud
- Tewkesbury
- Wiltshire
- Sedgemoor

Initial discussions were held with 17 local area licensing authorities which identified two further authorities who were actively planning to introduce a requirement for all drivers to have CSE training, and one other that was considering the issue. Five authorities remain without any requirement, but did not confirm this with us whilst this report was being written, and three of these are within a County who are considering rolling out a County-wide requirement which local licensing authorities would then have to choose to react to the option.

Further, at a national level we identified four potential providers for CSE training. One national charity, Barnardo's currently provides training for 16 present authorities and continues to expand its client base. Another private company, Personnel Checks, provides a training option, whilst another licensing authority and another private company were identified but no further detail was obtained in the time available.

However, in many cases we found authorities had drawn on local safeguarding provision, either from within the authority itself, or from their higher tier County authority, also including police representation. Many had found novel sources of funding for their area to allow rapid provision of the opportunity to drivers to have training. Further discussion of this occurs below in the options available.

Ten contacts provided us useful tips and insight into how they had moved from a position of having no drivers trained to having all current drivers trained. There were different levels of experience in terms of training for new drivers and for refreshing current training when all had been trained.



3 Present content and scope of driver CSE training

At the time of writing this Theme Report we understand that there remains no national standard or provision for licensed vehicle driver CSE training, and significant debate about what is appropriate for such drivers.

The LGA published presentation by a North-Eastern licensing officer summarises current thought and led into the present provision by Barnardo's. The presentation confirms that, to reduce risks to the public and council, the training needed to be affordable, sustainable, credible and appropriate for drivers. After considering a range of options, the wider area licensing group in the North East decided a web-based nationally provided course that took 45-60 minutes to complete with a pass certificate emailed was their best way forward. This package remains available commercially from Barnardo's (Nightwatch – CSE training for taxi drivers).

For B&NES, the training provided for drivers of education clients was found sufficient and fit for purpose from the OFSTED review point of view. This training also has value in being locally developed and highly relevant to the local situation, which is counted as very important for CSE training. However, given the wider range of situations experienced by drivers in their normal work beyond education contracts, which are very specific in their remit, rolling out this very specific training is not felt to be comprehensive enough for a general mandatory requirement training session.

On the other hand, most of those talking about the provision they have made for mandatory CSE training for all drivers, have spoken clearly that any training provided needs to be carefully tailored to the local situation, and in fact the national providers we have spoken to also agree with this.

Training can be provided to groups face to face, or by drivers undertaking on-line using a secure accredited system. In some cases, on-line training is undertaken in a group setting. A key issue is ensuring the licensing authority can prove the person gaining the certificate has actually personally undertook the training, with most on-line options having some safeguards built in. Another main concern is that people are able to ask sufficient questions to ensure they are completely clear in their understanding – in some cases this can be done in a group setting although it is agreed that people also need to be able to ask questions on a more individual, private basis if they prefer.

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4 Future scope and content of CSE training for B&NES

The March 2017 DfT information about licensed vehicle statistics shows there are 644 licensed drivers in the B&NES area. At that time, they drove a total of 522 vehicles, suggesting some sharing of vehicles and / or drivers not regularly active. These vehicles worked for 82 different private hire operating companies, although there is no requirement for the 161 hackney carriages to have any operator licence at all. There is no information available concerning how many customer-facing non-driving operator staff there are.

At the present time several drivers operate on school and social service contracts. These drivers are provided with an outline CSE training within the overall training course they have to undertake to be able to hold such contracts. However, even though records exist of those taking this training, as stated earlier, the level of training is not felt to be appropriate given the wider operating circumstances for taxi drivers overall. This means some new course is needed for any roll-out involving all drivers.

It is also clear from evidence both nationally and locally that CSE training for all drivers is, though not legally required at present, becoming very strongly accepted as national best practice. There are well-publicised issues relating to child (and other vulnerable person) sexual (and other) exploitation and human trafficking that have occurred throughout the country. There are abhorrent crimes well known about, and the licensed hackney carriage and private hire trades have a role to play in tackling these issues by acting as the eyes and ears of the community to help identify, help and protect those who are vulnerable or actually being exploited.

There needs to be a locally-tuned, taxi-driver specific training provision set up and then maintained for B&NES. However, there are a number of options available.

Having considered the various options, proposals for B&NES are:

- 1 - Sessions undertaken face to face for up to 40 with a course developed by and delivered by the person who provided the education training
- 2 - Use of a nationally accredited, locally tailored on-line course
- 3 - working with nearby authorities to draw on courses they have, or are, setting up

There are merits and disadvantages of each option. All have cost implications. There are also time implications and a decision is needed over how long the full driver cohort should take to become fully trained.

It is also important to determine how to ensure all drivers are trained promptly, and how to cope with those who either do not consider they need the training, or those who simply find it hard to get round to completing. In most authorities the initial training is free for a limited period to encourage take-up. Some have had to be very strong in their requirement that training be completed. In some cases, when a schedule of training is known, local operators can be drawn in to ensure they work with their drivers to make sure they all have opportunity to undertake the training, by revising shifts, etc to permit attendance.

Once training is completed, there are various ways to inform the public this is completed for B&NES drivers. All drivers should have a certificate, some authorities have provided a drivers' licence style card which provides accreditation on one side and key contact numbers on the other. One authority has a banner footer on all licensing emails that promotes the training and CSE awareness.

Irrespective of which initial training option is used, there is need to provide an option which then covers new drivers. Some authorities undertake the initial training face to face, but then the new driver training using an on-line or individual based system to avoid long waits for available courses. It seems that many authorities use on-line (but possibly at-desk) style new driver training. Where this fits in with a driver application varies. Many require this training to be undertaken once initial checks prove a person is fit and proper to be a driver, others give up to a year after starting driving for the training to be undertaken.

Finally, there is need to determine if private hire operator staff, particularly those with a public facing focus, need to have similar training. Very few authorities seem to cover this.

There is a clear head of steam in local authorities around B&NES in regard to CSE training. There would be strong value in discussion with nearby authorities to ensure that there is an element of consistency across the local area, and the initial discussion have already provided many very useful lessons and suggestions.

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**PROPOSED POLICY ON HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING
STANDARDS FOR DRIVERS, VEHICLES AND OPERATORS
(there are no proposed changes following the public consultation)**

The following policy sets out the context within which Hackney Carriage and Private Hire vehicles operate and outlines the standards required by the Council for Hackney Carriage and Private Hire vehicles, driver and operators:

1. Each application for a licence will be treated on its own merits. Where applications fall outside this Policy they will be referred to the Licensing Sub-Committee for consideration.
2. For the purpose of Hackney Carriage licensing, the district of Bath and North East Somerset is zoned into the two areas: Bath (zone 1) and North East Somerset (zone 2).
3. Bath & North East Somerset Council has a limitation policy to regulate the number of Hackney Carriage Proprietors Licenses issued in Bath (zone 1). When the Council determines any application for new Hackney Carriage Proprietors Licence it will do so having regard to the recommendations of an independent Unmet Demand Survey. All such applications shall be determined by the Licensing Sub-Committee.
4. An Unmet Demand Survey (for zone 1) will be carried out at regular intervals and no more than three years will elapse between each survey.
5. Any new Hackney Carriage Proprietors licenses issued in zone 1 will be issued on condition that the vehicle is fully accessible and has side loading capability. To be deemed fully accessible a vehicle shall cater for a range of disabilities for example visual, aural and ambulant disabilities. Any replacement vehicle shall be to the same or higher specification.
6. The Council intends to adopt section 165 of the Equality Act 2010 and will maintain a list of designated vehicles which are appropriate for wheel chair access within the fleet. Private Hire operators are encouraged to offer accessible vehicles within their fleet and information about operators who provide fully accessible vehicles will be published on the Council's web pages.
7. All vehicles, including new ones, shall be visually and mechanically inspected prior to being licensed and thereafter mechanically inspected on an annual basis at garages approved by the Council.
8. In accordance with the definition of "Proprietor" as stated by the Local Government (Miscellaneous Provisions) Act 1976, the Council will not issue vehicle licenses to companies who intend to hire or lease the vehicle to a third party. In these cases vehicle licenses will only be granted to the person in possession of the vehicle under a lease or hire agreement.
9. All vehicles will normally be less than four years old when first licensed.

During the life of this policy one or more Clean Air Zones may be introduced. A Clean Air Zone will impose charges for all vehicles driving within it which do not meet specified

emission standards. All vehicles licensed by the Council must be (as a minimum) compliant with the terms of the Clean Air Zone and meet with its emission standards.

10. However, in recognition of the Council's wider responsibility to improve air quality, the Council will also seek to promote and encourage vehicle proprietors to invest in vehicles and related technologies that offer the best possible environmental standards in terms of emissions, the use of cleaner fuels, fuel and engine efficiency and end-of life recycling.

Hybrid, plug-in hybrid or fully electric powered vehicles will be encouraged, providing the minimum specifications set down in the relevant Private Hire or Hackney Carriage vehicle licence conditions are met.

Vehicle owners are strongly recommended to contact the Council so that officers can help in an individual decision about vehicle type.

11. Alternative fuel vehicle conversions are permissible provided genuine conversion certificates from industry approved installers are provided prior to the vehicle being first licensed.
12. Emission converter technology is permissible subject to approved certification being submitted to the Council. However this does not automatically mean that the conversion renders the vehicle compliant with any emission standards enforced by any Clean Air Zone. It is the licensee's responsibility to ensure that the vehicle would be compliant prior to any such technology being fitted to the vehicle. Further, for the sake of absolute clarity, the Council cannot be held responsible if such technology does not result in the vehicle being exempted from any CAZ charge.
13. Only roof signs approved by the Council are permitted on the vehicle. Hackney Carriage signs shall be fitted across the width of the vehicle and Private Hire signs shall be fitted along the length of the vehicle.
14. The vehicle licence plates are issued annually and display the registration number of the vehicle, licence number, number of seats, colour of vehicle, date of expiry of licence and make of vehicle.
15. The vehicle licence plates remain the property of the Council and shall be returned to the Council in the event that the vehicle is no longer used for Hackney Carriage or Private Hire work or the licence expires.
16. Hackney Carriage vehicle licenses are renewed annually and expire on the 31st May.
17. Private Hire vehicle licenses are renewed annually and expire on the 31st October.
18. Hackney Carriage and Private Hire Driver's licenses are issued for a maximum three year period and expire on the 28th February. Renewals will normally be issued for the maximum three year period.
19. Driver's licenses may be issued for a shorter period than the maximum three years depending on the individual circumstances of the applicant. Factors that may influence this include (but are not limited to) an applicant's right to work in the UK, applicants individual medical circumstances. or other issues that may arise during the application process.
20. An Operator's licence is issued for a maximum five year period, and shall expire on the 30th September.

21. The Council reserves the right to issue licenses for a lessor period should it see fit.
22. That all Drivers' licenses are issued as joint Hackney Carriage/Private Hire licences.
23. The following checks will be carried out on all new applications and a licence will not be issued until all the relevant documents are presented and are correct:
 - Operators Licences; receipt of a satisfactory application form, 3 references, Disclosure & Barring Services check and the appropriate fee. References and Disclosure & Barring Services checks will be waived for applicants who are already hold a combined Hackney Carriage/Private Hire Drivers Licence issued by Bath & North East Somerset Council.
 - Vehicle Licences; receipt of satisfactory application form, vehicle registration document, insurance for hire and reward (public for Hackney Carriages and private for Private Hire), MOT certificate for all vehicles over 1 year old, Inspection Certificate, Meter Test Certificate, (where applicable) and the appropriate fee.
 - Driver's Licences; receipt of a satisfactory application form, birth certificate, Group 2 Vocational Driver Medical Certificate, check with the DVLA as to motoring offences, check with the Disclosure & Barring Services, 3 references, and the appropriate fee.
 - All non UK applicants will be required to produce original and certified translations of birth certificate, driving history, and certificate of good conduct or similar check of criminal convictions. All documents must have been obtained in the month prior to the application being submitted. Photocopies or scans of documents will not be accepted.
 - In order to be licensed as a Hackney Carriage or Private Hire driver, an applicant must hold a full driving licence issued in the United Kingdom,(UK) the European Community (EC), one of the other countries listed in the European Economic Area (EEA) or an exchangeable licence as defined in s108 of the Road Traffic Act 1988 and provide a certified and translated driving history from the country of issue.
 - The Council will require all current Hackney Carriage and Private Hire drivers who currently hold an EC/EEA or exchangeable driving licence to have a UK DVLA issued Driving Licence.
 - An individual with an EC/EEA or exchangeable driving licence making an application for a Hackney Carriage or Private Hire drivers licence shall obtain a UK DVLA Driving Licence prior to the Hackney Carriage/Private Hire Drivers Licence being issued.

All non UK, EC/EEA, exchangeable licence holders will be required to submit their original EC/EEA driving licence on application for a Hackney Carriage/Private Hire driver's licence.

24. All applicants for combined Hackney Carriage/Private Hire driver's licence must have held a UK full driving licence (or an EU equivalent or exchangeable driver's licence) for a minimum of three years, and must normally have attained the age of 21.
25. All new applicants for a combined Hackney Carriage/Private Hire Drivers Licence must have completed a Bath & North East Somerset Council approved Drivers Assessment

training course prior to submitting an application for a combined Hackney Carriage/Private Hire Drivers Licence. This course will be completed at the expense of the applicant and a certificate of completion must be produced at the time of application.

26. Applicants must successfully complete a driver's assessment course run by the Bath & North East Somerset Council Passenger Transport Team. In exceptional circumstances where a course is not available for a period greater than four weeks an alternative third party provider may be used. This provider must be approved by the Council and details of approved providers are available from the Licensing Office.
27. All drivers must complete a B&NES approved course relating to raising awareness around the issue of child sexual exploitation. Evidence of successful completion of the training must be produced on the driver's first licence renewal. Failure to provide evidence of course completion will result in refusal of the renewal application.
28. All driver's submit a Group 2 Vocational Driver Medical Certificate, on the prescribed form, on first application and when requested by the Council after their 45th birthday and every 5 years thereafter until the age of 65 and then every year thereafter. If so required the applicant shall, whether or not medical evidence is presented by the applicant, submit to an examination by a Council appointed Medical/Occupational Health professional to assess the applicant's fitness to drive a licensed vehicle.
29. All new applicants for a combined Hackney Carriage/Private Hire drivers licence produce to the Council the original Enhanced Disclosure & Barring Services Certificate obtained as part of the application process. This Certificate must be produced to the Council no later than 30 days from the date of the certificate. Applicants who are unable or unwilling to produce the certificate within 30 day of issue will have their applications referred to the Council Sub-Committee for determination.
30. All holders of a combined Hackney Carriage/Private Hire drivers licenses will be subject to an Enhanced Disclosure & Barring Service check every three years from the date of the first licence issued. It shall be the responsibility of the Licensee to ensure that they are registered with the Disclosure & Barring Service's online checking service and to keep the registration current as long as they continue to hold a combined Hackney Carriage/Private Hire drivers licence issued by the Council.
31. Renewal applications will be delayed for existing Licensees if at the time of a renewal application for a combined Hackney Carriage/Private Hire drivers licence the Council is unable to check the status of the last Disclosure & Barring Service Certificate issued in respect of the applicant using the online checking facility, due to the applicant not being registered with the Disclosure and Barring Service. If an online check is not available due to the applicant not being registered a new Enhanced Disclosure & Barring Service Certificate will need to be obtained by the applicant prior to a licence being issued. No licence will be issued until the applicant produces the valid Enhanced Certificate to the Licensing Office. The cost of this new Enhanced Disclosure & Barring Services Certificate will have to be paid for by the licensee at the time of application.
32. On application for a combined Hackney Carriage/Private Hire drivers licence, renewal thereof or on three yearly review of Disclosure & Barring Services checks, any failure to produce a Disclosure & Barring Services Certificate dated within 30 days of its issue howsoever caused will result in a delay in any licence being issued and may result in referral to the Licencing Sub Committee.

33. All new applicants for combined Hackney Carriage/Private Hire driver's licences undergo a local area knowledge test which will include questions on the law pertaining to licensed vehicles and drivers, local licensing conditions, the Highway Code and will include a practical route test taken in a vehicle supplied by the applicant. Applicants who fail any part of the knowledge test may retake the knowledge test. Should an applicant fail a second test a minimum period of three months shall elapse before a third test can be taken. Applicants who fail the knowledge test three times will have their application terminated and any refundable portion of the fee refunded. Any applicant who has failed the test for a third time may not reapply for a driver's licence until a period of not less than 12 months has elapsed whereupon they may submit a new application.
34. The Council expects all licensed hackney carriage and private hire drivers to have sufficient expertise of the English language so that they can communicate freely and clearly with passengers and authorised officers. Applicants are expected to have the necessary verbal communication skills which allow them to understand licensing requirements and to deal with day to day interactions with customers and members of the public during the course of everyday business. It is also essential for public safety that a driver can communicate clearly with passengers and Emergency Services in the event of an emergency situation. All new applicants are therefore required to undertake a B&NES approved assessment of their communication skills. Successful completion of this assessment is required before a licence can be granted.
35. Those wishing to enter the executive/chauffeur hire corporate account sector should take advice from the Council's Licensing team on the suitability of the nature of the business model and proposed vehicle. If the proposal does not meet the criteria for exemption in the view of the Licensing team, then the applicant may appeal to the Licensing Sub Committee.
36. All Operators, Private Hire Driver and Vehicle licenses issued by the Council are subject to a penalty point scheme as detailed in the section below.
37. All Hackney Carriage Driver licenses issued by the Council are subject to byelaws made by the Council.
38. That any application which falls outside of this Policy, which includes applications for driver's licences from applicants where criminal convictions or formal cautions are disclosed, are referred to the Licensing Sub Committee for determination.

July 2018

PENALTY POINT SCHEME

Introduction

1. Licensed Vehicles, Driver's and Operators are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, and conditions attached to a licence by the Council.
2. The primary objective of the penalty point scheme is to improve levels of compliance and help improve the standards, safety and protection of the travelling public.
3. The penalty point scheme works in conjunction with other enforcement options. It provides a formalised stepped enforcement plan designed to record incidences of bad behaviour so as to ascertain whether the licensee continues to be a fit and proper person to hold a licence. It does not prejudice the Council's ability to take other actions.
4. Penalty points remain on a licence for a period of twelve months from date of imposition. As older points become spent by passage of time they are excluded from the running total recorded on a licence.

Issue of Penalty Points

1. Where concerns about a licensee's conduct or the condition of the vehicle are brought to the Council's attention or the Council becomes aware that a Licensee has committed an offence, been given a formal caution, received a Fixed Penalty Notice, breached the conditions of the licence or is the subject of a complaint the Licensee will be asked to attend the Council offices for an interview, with the vehicle if appropriate. Once investigations are completed, letters will be sent out detailing the outcome of the investigation and a permanent record kept on the licensing file. The outcome of the investigation may result in one or more of the following: the Officer may take no further action, issue a formal warning, attach penalty points, issue a s68 Local Government (Miscellaneous Provisions) Act 1976 stop notice, issue prosecution proceedings and or refer the matter to the
2. Licensing Committee for the consideration of a warning as to future conduct, suspension, revocation or refusal to renew a licence.
3. Where a licensee accumulates more than 12 penalty points in any twelve month period, the matter will be referred to the Licensing Sub Committee for determination as to a licensee's fitness to continue to be licensed. The Committee may issue a warning, suspend, revoke or refuse to renew a licence in accordance with this Policy depending on the individual circumstances. The determination will take into account all the circumstance including previous conduct of the licensee. The Licencing Sub Committee may depart from this Policy on reasonable grounds for doing so.
4. Penalty points issued to a licensee will be confirmed in writing within 14 days of the decision to issue points.
5. The system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, byelaws or regulations.

Any disputes regarding the issuing of penalty points will be referred to the Service Manager who will have the discretion to award a greater or lesser number of points than is displayed on the tariff, if the complaint or breach is upheld. Licensees shall have twenty one days from the date of issue of penalty points to appeal against the decision. An appeal must be made in writing.

POLICY RELATING TO PREVIOUS CONVICTIONS AND CAUTIONS IN RELATION TO FITNESS TO HOLD LICENCES

Introduction

Each application will be determined on its own merits bearing in mind all the circumstances of the application.

Hackney Carriage and Private Hire drivers are listed occupations under the Rehabilitation of Offenders Act 1974. This means that a conviction is never spent and can therefore be taken into consideration in the determination of an application.

In terms of this policy any reference to conviction includes formal police cautions, whether for driving or any other offence.

This policy shall apply to all new applicants and any application by a current holder for a renewal of a licence. Any reference to an applicant shall also mean any person currently holding a combined Hackney Carriage/ Private Hire driver's licence, or Private Hire Operator's licence.

A precondition of being a licence holder is that the Council must be satisfied that applicants or holders of licenses are fit and proper persons. A criminal record check is therefore an important tool in the fit and proper person assessment process. This policy gives guidance on the extent to which an applicant's criminal and driving records can be used when assessing an applicant's/licensee's fitness to hold a licence issued by the Council. The policy also sets out the minimum period of time the Council expects an applicant to remain free from conviction, caution or fixed penalty notice before he/she may be considered fit and proper.

This policy will apply in the following situations: when a criminal record check discloses an applicant has received any conviction or caution. When the Council is informed that a licensee has received any conviction caution and when a subsequent criminal record check discloses a conviction or caution has been obtained during the period of an existing licence.

Applications disclosing an history of offending behavior resulting in conviction and or formal police caution falling both within and outside of this policy may be referred to the Licensing Sub-Committee for determination. The type of offending behavior that may be referred to the Licensing Sub Committee will depend, for example, on relevance to the application, seriousness of the offence, the age and number of convictions or cautions received and the nature of disposal on conviction i.e. conditional discharge, fine, community order or custody sentence.

General Policy

1. Each case will be decided on its own merits. Although an applicant may have convictions falling within the guidance set out in this policy, the Council may depart from this policy on reasonable grounds having had regard to the full facts of the case and any mitigating or other circumstances put forward by the applicant. Should the Licensing Sub Committee depart from this policy it will give reasons for so doing.
2. An applicant with convictions is not permanently barred from obtaining a licence but would be expected to have remained free of conviction for the period of time set out in this policy. Nevertheless, the overriding consideration in determining whether or not to grant a licence will be the protection of the public.
3. Where any conviction has resulted in a term of imprisonment, the time periods set out in this policy run from the date of conviction.
4. Notwithstanding the periods set out below, during which an applicant is expected to remain free from conviction, the nature, seriousness, frequency of offending and any mitigating circumstances put forward will always be taken into consideration when determining whether an applicant is a fit and proper person to hold a licence.
5. Bath & North East Somerset Council will expect that an applicant will not -
 - (a) have been convicted of three or more minor motoring offences during the previous three years;
 - (b) have been convicted of a serious motoring offence during the previous five years;
 - (c) have been refused or had revoked by the Traffic Commissioners an HGV or PSV Licence within the previous three years.
 - (d) have been cautioned by the police for an offence during the previous two years;
 - (e) have been convicted of an offence during the previous three years;
 - (f) have been convicted of a serious offence for five years
 - (g) have been convicted of a sexual offence within the previous five years;
6. A serious view will be taken of any conviction occurring whilst the person holds a current licence.

A serious view will be taken of any conviction obtained by a licensee whilst he or she is acting in the course of their employment as a licensed Driver or Operator.
7. Where there is evidence suggesting that the safety of the travelling public is at risk and it is in the interests of public safety a driver's licence may be suspended or revoked immediately by an authorised officer. Immediate

suspension should be expected in any case involving assault or involving indecency of any description.

8. The above examples are not exhaustive and the Council may depart from this policy where it is just, fair and reasonable to do so. Where the Council departs from this policy it will give reasons for so doing.
9. The following examples may afford a general guide on the action to be taken where convictions or police cautions are revealed:–

Sexual Offences

Drivers of licensed vehicles frequently carry lone children, women and vulnerable persons. Applicants with convictions for sexual offences or convictions of a sexual nature must show a period of at least 5 years free of conviction before their application can be considered.

A conviction for a sexual offence or of a sexual nature will be viewed seriously. Any application disclosing such offences will be referred to the Licensing Sub-Committee for determination.

An application from an applicant who is the subject of a notification requirement or notification order under the Sexual Offences Act 2003 shall be referred to the Licensing Sub-Committee for determination.

Where there is more than one conviction for this type of offence a period of 10 years should elapse before an application is considered. Any such application shall be referred to the Licensing Sub-Committee.

An application from a current licensee with one such conviction or where the offence occurred whilst acting in the course of their employment as a Council licensee shall be referred to the Licensing Sub-Committee for determination.

Drug Offences

Any conviction involving the misuse of drugs will be viewed seriously. An applicant with such a conviction will be expected to show at least 3 years free of conviction before being considered for the grant of a licence. Where a course of rehabilitation has been ordered or undertaken an applicant will be expected to show a period of at least 5 years free of conviction before being considered for the grant of a licence.

Any application disclosing such offences will be referred to the Licensing Sub-Committee for determination.

An application from a current licensee with one such conviction or where the offence occurred whilst acting in the course of their employment as a licensee shall be referred to the Licensing Sub-Committee for determination.

Violence Against the Person

Drivers are often placed in confrontational situations with their passengers. It is important that they have the ability to deal with such situations in a calm and polite manner.

Where an applicant has a conviction for an offence of violence against the person such as wounding with intent, grievous bodily harm or assault occasioning actual bodily harm they should have remained free from conviction for a period of 5 years. Any application disclosing such offences will be referred to the Licensing Sub-Committee for determination.

Where an applicant has a conviction for an offence such as assault or common assault they should have remained free from conviction for a period of 3 years. Any application disclosing such offences will be referred to the Licensing Sub-Committee for determination.

An application from a current licensee with one such conviction or where the offence occurred whilst acting in the course of their employment as a Council licensee shall be referred to the Licensing Sub-Committee for determination.

Dishonesty

Licensed drivers are in a position of trust. They often carry unaccompanied goods and are aware of empty properties, for example after taking its occupant to the airport or railway station. Moreover, it is comparatively easy for an unscrupulous driver to exaggerate a fare by taking an unusual route or demand more than the legal fare as overseas/out of town visitors are often unfamiliar with a city's layout and or confused by the change in currency becoming "fair game." For these reasons the honesty of an individual is of paramount importance when determining the grant of a licence.

Where an applicant has a conviction for offences involving an element of dishonesty they should have remained free from conviction for a period of 3 - 5 years. Any application disclosing such offences will be referred to the Licensing Sub-Committee for determination.

An application from a current licensee with one such conviction, or where the offence occurred whilst acting in the course of their employment under a Council licence, shall be referred to the Licensing Sub-Committee for determination.

Intoxication Through Drink or Drugs

An isolated conviction for an offence aggravated by drink or drugs should not necessarily preclude the grant of a licence although the Council must be satisfied that it was an isolated occurrence.

Should, however, an applicant have more than one conviction for an offence aggravated by drink or drugs, particularly if close together and within the preceding three years, the Council will take a more serious view of the matter.

If there is any history of alcoholism or drug addiction, or a suggestion that the applicant has been or is in recovery from such an addiction, then a period of 5 years should have elapsed since the last conviction for an offence aggravated by drink or drugs.

An application from a current licensee with such convictions, or where the offence occurred whilst acting in the course of their employment under a

Council licence, shall be referred to the Licensing Sub-Committee for determination.

If so required the applicant shall, whether or not medical evidence is presented by the applicant, submit to an examination by a Council appointed Medical/Occupational Health professional to assess the applicant's fitness to drive a licensed vehicle.

Traffic Offences

A serious view will be taken of convictions of driving or being in charge of a motor vehicle while under the influence of drink or drugs

Where an applicant has been convicted of a serious motoring offence, for example driving or being in charge of a motor vehicle while under the influence of drink or drugs, dangerous driving, failing to stop or report an accident then a period of 5 years should have elapsed since the last conviction. Any application disclosing such offences will be referred to the Licensing Sub-Committee for determination.

Where an applicant has been convicted of more than one serious motoring offence in the preceding 5 years grave concerns will arise about the applicant's fitness to be licensed and the Council would expect a period of 5 years should have elapsed since the last conviction. Any application disclosing such offences will be referred to the Licensing Sub-Committee for determination.

Where the applicant was ordered to re-sit a driving test or an extended driving test after disqualification, the period of 5 years should have elapsed since the last conviction and any application disclosing such offences will be referred to the Licensing Sub-Committee for determination.

An application from a current licensee with one serious motoring conviction or where the offence occurred whilst acting in the course of their employment as a licensee shall be referred to the Licensing Sub-Committee for determination.

Applications will not normally be entertained from applicants who have more than one previous conviction for driving with excess alcohol, especially where they have been ordered by the court to undertake any form of rehabilitation. Any application in these circumstances will be referred to the Licensing Sub-Committee for determination.

Where an applicant has been convicted of minor traffic offences, for example obstruction, parking or speeding offences, which are dealt with by way of fine and or endorsement this will not normally be a bar to the grant of a licence provided there have not been more than 3 offences within the three years immediately preceding the application. Any application disclosing such offences will be referred to the Licensing Sub-Committee for determination.

Where sufficient penalty points have been endorsed on an applicant's driving licence requiring a period of disqualification from holding or obtaining a driving licence the Council would expect a period of at least six months should have elapsed before the restoration of the combined Hackney Carriage/Private Hire driving licence.

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**PROPOSED PRIVATE HIRE DRIVER'S GENERAL CONDITIONS
& HACKNEY CARRIAGE DRIVER BYELAWS**
(changes following public consultation are shown in bold italics)

EXPLANATORY NOTES

Bath & North East Somerset Council issues a combined Hackney Carriage/Private Hire driver's licence and badge. This means that once the licence is issued you are legally entitled to drive both a Hackney Carriage and a Private Hire vehicle.

Both categories of licence are subject to regulatory schemes that provide a framework of rules and regulations which you must comply with at all times whilst acting as a licensed driver.

The Council issues a combined Hackney Carriage/Private Hire driver's licence. Licensees must comply with the Local Government (Miscellaneous Provisions) Act 1976 and Conditions attached to the license. These conditions are found in Section 1 of this document.

Hackney Carriage licensees must comply with the Town Police Clauses Act 1847 and byelaws. The byelaws can be found in Section 2 of this document.

The Council does not attach Conditions to a Hackney Carriage driver's licence. Hackney Carriage drivers are, however, required to familiarise themselves with the Private Hire drivers' Conditions set out in Section 1 of this document as they form part of the combined licence they hold. In the interests of public safety and security the Council will expect Hackney Carriage drivers to advise the Council of any conviction or caution they may obtain, any change of address or application details and any matter affecting their medical fitness to drive. Guidance for such disclosure can be found in Section 1 of this document headed as follows: - Criminal Charges, Convictions, Cautions and Fixed Penalty Notices, Medical Fitness, Changes in Application Details.

Any failure to comply with a requirement may result in enforcement action being taken under the byelaws, conditions and or the appropriate statutory regime.

If you are unsure how this affects you and would like further clarification of any of the conditions and byelaws please contact the Licensing Office at Locksbrook Road, Bath, BA1 3EL or telephone 01225 477689.

A combined Private Hire/Hackney Carriage Drivers Licence is issued on condition that the driver fully accepts and understands the byelaws, conditions and penalty point scheme set out below.

INTERPRETATION

In these conditions and byelaws:-

- (a) "the Council" means Bath & North East Somerset Council.

- (b) "Authorised Officer" means any Officer of the Council authorised in writing by the Council for the purposes of the Local Government (Miscellaneous Provisions) Act 1976.
- (c) "Driver's Licence" means in relation to the driver of a Hackney Carriage, a licence issued under section 46 of the Town Police Clauses Act 1847 and, in relation to the driver of a Private Hire vehicle, a licence under section 51 of the Local Government (Miscellaneous Provisions) Act 1976 .
- (d) "Vehicle Licence" means in relation to a Hackney Carriage a licence under sections 37 to 45 of the Town Police Clauses Act 1847 and in relation to a Private Hire vehicle means a licence issued under section 48 of the Local Government (Miscellaneous Provisions) Act 1976

SECTION 1 - PRIVATE HIRE DRIVER'S CONDITIONS :

The following conditions are applicable to all holders of a combined Hackney Carriage/Private Hire driver's licence Issued by Bath & North East Somerset Council.

BADGES:

On being granted a Private Hire driver's Licence the driver will be issued with two identification badges. The driver shall wear one badge on his/her upper body in such position and manner as to be plainly visible at all times whilst hired or available for hire unless specifically exempted in writing by the Council. The driver shall display the other badge in the vehicle in such a position as to be plainly visible to any passenger. The driver shall not permit the use of the badges by any other person.

RETURN OF BADGES:

The holder of a Private Hire driver's Licences must return the badges issued by the Council to an Authorised Officer immediately upon suspension, revocation or ceasing to be so licensed.

NUMBER OF PERSONS CONVEYED:

The driver shall not convey in any vehicle licensed for Private Hire a greater number of persons than that specified in the Licence for that vehicle.

TAXIMETERS:

- (a) The driver of a vehicle fitted with a taximeter shall bring the meter into operation as soon as the vehicle is hired until termination of the hiring. The vehicle shall be deemed to be hired when the passenger is seated safely inside the vehicle. Where the vehicle is in attendance and is requested to wait, or proceed to another destination, the vehicle shall be deemed to be hired from that point.
- (b) The driver of a Private Hire vehicle fitted with a taximeter shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.

- (c) The driver of a Private Hire vehicle shall not tamper with or permit any person, other than an authorised Officer of the Council or an authorised taximeter dealer to make any alterations to the taximeter or tamper with the taximeter seal.

APPLICATION BASED FARE CALCULATORS:

Any mobile phone equipment used to calculate the fare shall be fixed securely to the interior of the vehicle in such a manner that it does not obstruct the drivers view of the road and so as to be plainly visible to fare paying passengers.

AGREED FARES FOR VEHICLES:

The driver shall not demand from the hirer a fare in excess of any previously agreed for that hiring between the hirer and the Operator, and shall adhere to the Operators tariff at all times unless specifically instructed by the Operator to the contrary.

If the vehicle is a Private Hire vehicle fitted with a taximeter and there has been no previous agreement as to the fare, the driver shall not demand from the hirer a fare in excess of the fare shown on the face of the taximeter or application based fare calculator.

RECEIPT FOR FARE:

If requested by the hirer of the Private Hire vehicle the driver shall provide a **written** receipt for the fare paid. The receipt shall include the first name, the surname and badge number of the driver and the name of the Operator (if any). If a company receipt is given, the driver must be working for the company named on the receipt.

ACCIDENTS:

The driver of a Private Hire vehicle involved in any accident shall report to the Proprietor of the Private Hire vehicle the details of the accident within 12 hours of its occurrence.

CONDUCT:

The driver shall:

- (a) ensure that any Private Hire vehicle driven by him/her is in a roadworthy and clean condition before the commencement of driving for hire and reward.
- (b) at all times whilst hired or available for hire behave in a civil and orderly manner to members of the public, passengers and other road users.
- (c) take all reasonable precautions to ensure the safety of persons conveyed including when such person are entering and or alighting from the vehicle;

(d) not discriminate against any person on the basis of race, colour, creed, gender, sexuality or disability.

DRESS:

The driver shall at all times when acting as a Private Hire driver be respectably dressed and be clean and tidy in his/her appearance.

Examples of non acceptable standards of dress are:

- Clothing that is ripped, torn or holed
- Words or graphics on any clothing that is suggestive or offensive
- Sports shirts such as football, rugby or cricket shirts
- Track Suits
- ***Shorts, miniskirts, flip flops, vest tops and any clothing that could be deemed to be provocative or sexually revealing.***

PUNCTUAL ATTENDANCE:

The driver of a Private Hire vehicle who has agreed or has been hired to be in attendance with a vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such a vehicle at the appointed time and place. In the event of a delay in attendance the driver shall take reasonable steps to contact the customer using the contact details provided. In the event of a 'no show' by the customer the driver shall take reasonable steps to contact the customer before driving away.

EATING & DRINKING:

The driver shall not at any time whilst hired eat or drink.

SMOKING:

The Smoke free legislation under the Health Act 2006 which came into effect on 1st July 2007, makes smoking a criminal offence in licensed Private Hire vehicles.

Smoking in the vehicle is prohibited at all times including when the vehicle is not being used for hire and reward and when the driver is off duty.

Vaping and E-Cigarettes use is prohibited at all times.

The above also applies to passengers being carried within a licensed vehicle.

RADIOS:

No radio or musical apparatus shall be used other than for the purpose of sending or receiving messages in connection with the operation of the vehicle without the consent of any passenger.

NOISE POLLUTION:

The driver of a Private Hire vehicle shall not sound the vehicle's horn to alert passengers of his arrival at a pre-arranged pick up point.

The driver shall not cause or permit noise to be emitted from the vehicle at any time so as to cause a nuisance or annoyance to any person, whether inside or outside the vehicle.

ASSISTANCE TO PASSENGERS:

The driver shall, when requested by any person hiring or seeking to hire his/her Private Hire vehicle:

- (a) convey a reasonable quantity of luggage,
- (b) afford reasonable assistance in loading and unloading,
- (c) afford reasonable assistance in carrying the luggage to or from the entrance of any building, station or other place at which he/she may take up or set down such a person,
- (d) afford all reasonable assistance to wheelchair bound, disabled and elderly persons,

The driver shall not be obliged to convey any noxious, odorous, foul, offensive or dangerous substance.

TAKEAWAY FOOD:

It is at the driver's discretion whether or not takeaway food is allowed to be carried within the vehicle. If the driver does permit then the food should remain sealed and not be consumed within the vehicle. If a passenger refuses to comply with this request then the hiring may be terminated by the driver.

CONVEYANCE OF LUGGAGE:

No luggage shall be conveyed on the exterior of the vehicle. The driver should exit the vehicle and assist the passenger in safely and securely storing the luggage to be carried, provided that the amount of luggage does not exceed the storage space of the vehicle. No luggage shall be carried in the interior of the vehicle in such a manner as to be a hazard in the event of an emergency stop.

SHORTEST ROUTE:

The driver, when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route. If the driver is aware of any local temporary condition that may affect the shortest route such as roadworks or special events the driver

should inform the passenger verbally of this and request permission to take an alternative route.

SEAT BELTS:

The driver shall point out to passengers that seat belts shall be worn in accordance the legislation regarding the use of seatbelts.

It is the driver's responsibility to ensure that children over 3 years but under 14 years of age are suitably secured.

PETS:

The driver shall not refuse to carry within the vehicle any household pets providing they are accompanied by an adult and providing such pets are suitably restrained or contained so as not to cause a nuisance or damage.

Persons with pets may be refused if the driver is allergic to such animals. A certificate to that effect, signed by the driver's General Practitioner must be produced to an Authorised Officer of the Council on request.

A driver shall not carry in the vehicle any animal that belongs to the driver or is being looked after by the driver which belongs to the Proprietor, Operator of the vehicle or any other person.

GUIDE DOGS AND OTHER ASSISTANCE ANIMALS:

Passengers with guide dogs or other assistance animals, may only be refused if the driver of a Private Hire vehicle is allergic to such animals. A certificate to that effect, signed by the driver's General Practitioner must be produced to an Authorised Officer of the Council on request.

LOST PROPERTY:

The driver shall immediately after termination of any hiring or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left therein and if any such property is found the driver shall take it as soon as possible and in any event within 24 hours to a Police station and then leave it in the charge of a Police Officer on his/her giving the driver a receipt for it.

If a Private Hire Operator has a Council approved procedure in place for dealing with lost property then the driver may deposit any lost property with the Private Hire Operator and the condition above shall not apply.

CONDITION OF VEHICLE:

The driver shall at all times ensure that the vehicle's lights are fully operative, its tyres are within legal limits and that the vehicle is clean and tidy.

The driver shall ensure that there is available and ready for use, in the vehicle a torch, a jack, a tool kit, a full set of spare light bulbs and a fire extinguisher.

PLYING FOR HIRE:

The driver shall not, at any time whilst driving or in charge of a vehicle licensed for Private Hire: -

- (a) station his/her vehicle for hire or ply for hire or solicit any person to hire or to be carried for hire or reward on any road or in any public place readily accessible and visible from a road;
- (b) the driver shall not call out or otherwise importune any person to hire the vehicle or use anyone else to do so;
- (c) the driver shall not accept a booking from the roadside or contact the Operator on behalf of a potential hirer.
- (d) all hiring's must be communicated to the driver by or on behalf of the licensed Private Hire Operator for that vehicle by use of telephone or by a two way radio system fitted to that vehicle. At no time can a hiring be accepted other than a prearranged booking.
- (e) the driver shall not illuminate the roof sign.
- (f) the driver shall at no time station his/her vehicle on or near a Hackney Carriage rank.
- (g) A driver shall when requested by an Authorised Officer drive to another location if in the view of the Authorised Officer the driver could be perceived to be plying for hire due to the nature of the location.

CRIMINAL CHARGES, CONVICTIONS, CAUTIONS, AND FIXED PENALTY NOTICES:

Should the Licence holder be charged with any offence which has not yet been concluded he/she shall notify the Council of the charge in writing within 7 days and provide full information relating to the circumstances leading to the charge.

Should the Licence holder receive any conviction, caution or Fixed Penalty Notice for a motoring offence during the period of the Licence he/she shall within 7 days give the Council written notice of the conviction, formal caution or Fixed Penalty Notice together with providing information relating to the circumstances surrounding the offence.

Any charge, conviction, caution and fixed penalty notice also includes motoring offences.

CRIMINAL ALLEGATIONS AND INVESTIGATIONS

If a licensee is accused of any criminal activity that is the subject of an active Police investigation they should inform the Licensing Office as soon as reasonably practicable and in any event within 24 hours of such investigation being commenced. The licensee should provide as much information as possible that does not prejudice the investigation.

Licensees who have allegations made against them involving sexual misconduct may have their licence immediately revoked or suspended on the grounds of immediate public safety.

MEDICAL FITNESS

Any change in a Licensee's medical condition that may affect his/her ability to drive shall be notified to the Authorised Officer of the Council as soon as reasonably practicable or in any event within 48 hours.

The Licensee shall if required produce to the Council a certificate signed by his/her registered medical practitioner certifying that the Licensee meets the standards of a Group 2 (Vocational) driver as set by the Driver and Vehicle Licensing Agency (DVLA).

If so required the Licensee shall, whether or not such certificate has been produced, submit to an examination by a Council appointed Occupational Health Advisor to assess the Licensee's fitness to drive a licensed vehicle.

Should a change in medical fitness render the Licensee unfit to meet the Group 2 Vocational Driver standards set by the DVLA and the criteria recommends that driving should cease then the license shall be revoked immediately on the grounds of public safety. .

If a medical is requested by the Council in accordance with the recommended timescales prescribed in the policy applicable to licensed drivers and they licensee fails to produce the results of such medical then the Authorised Officer may revoke or suspend the driver's license on the grounds of immediate public safety.

CHANGE OF ADDRESS

Should the Licensee change address during the period of the license written notice shall be given to the Council of that change within seven days. The written notice shall be on a form that can be obtained from the Licensing office.

CHANGES IN APPLICATION DETAILS

If during the currency of the Licence any of the particulars supplied in the driver's application changes, details of those changes shall be notified in writing to an Authorised Officer of the Council within 7 days of the change.

SERVICE OF NOTICES

Any notice required to be served by the Council relating to this Licence under any of the provisions of, Part II of the Local Government (Miscellaneous Provisions) Act 1976 or any other enactment shall be deemed properly served if it is served personally on the Licensee, left at his/her last known address or sent by way of pre-paid post.

DUTY TO RESPOND TO WRITTEN REQUESTS

If a licensee fails to respond to written requests for documentation without reasonable excuse on three occasions prompting a follow up letter then the licensee shall be referred to the Licensing Sub-Committee for them to consider whether or not he/she remains fit and proper person. The three occasions referred to above are not limited to any one year term of a licence and all occasions where repeated requests for information are made will be taken into account.

PENALTY POINT SCHEME

Breach of any of the conditions may be enforced by the Penalty Point system as shown on the attached table.

SUSPENSION, REVOCATION OR REFUSAL TO RENEW LICENCE

The Licence may be suspended revoked or not renewed by the Council:

- (a) if the driver is convicted of an offence under or otherwise fails to comply with any of the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976;
- (b) if the driver has been convicted of an offence involving dishonesty, indecency or violence;
- (c) if the driver becomes disqualified from driving the Licence shall be automatically revoked; or
- (d) any other reasonable cause.

This is not an exhaustive list but examples of any other reasonable cause may include formal cautions, fixed penalty notices and matters where a Licence holder has been charged with an offence which has yet to be concluded.

LICENSEE'S DUTY TOWARDS AUTHORISED OFFICERS

Any person who:

- (a) wilfully obstructs an Authorised Officer or constable acting, in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

- (b) without reasonable excuse fails to comply with any of the requirements properly made to him by an Authorised Officer or constable, in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- (c) without reasonable cause fails to give an Authorised Officer or constable any other assistance or information which he may require for the performance of his functions in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

Shall be guilty of an offence.

These conditions shall apply to Private Hire driver's licensed by the Bath & North East Somerset District Council.

The Council reserves the right to waive any requirements of these conditions.

The Council reserves the right to amend or add to any of these conditions on notice to the licensees.

July 2018

Penalty Points System Relating to Private Hire Driver's Licence Conditions

Cause	Points
Demanding more than displayed on taximeter or application	6
Failing to wear ID badge	4
Failing to display ID badge in interior of vehicle	4
Refusing to carry guide dogs, hearing dogs or service dogs for the disabled	4
Failing to notify conviction/formal cautions/fixed penalty notices within 7 days	4
Failing to notify change of details e.g. address within 7 days	3
Failing to afford all reasonable assistance with luggage when requested	3
Failing to convey a reasonable quantity of luggage in the vehicle when requested	3

Failing to meet required standards of conduct/dress	4
Failing to provide written receipt when requested	4
Failing to notify accident to Proprietor within 24 hours	4
Carrying excess passengers	6
Failing to keep records	3
Failing to produce records	3
Parking on or near a Hackney Carriage rank	6
Travelling with roof sign illuminated	6
Demanding more than agreed fare	6
Failing to attend at time and place without sufficient cause	3
Breach of any other condition not specified above	1 - 6

Where 12 or more points are issued to a Driver within any period of 1 year, a report will be submitted to the relevant Licensing Committee who may following a hearing suspend, revoke or refusal to renew such a Licence.

SECTION 2 HACKNEY CARRIAGE BYELAWS

The following byelaws are applicable to all holders of a combined Hackney Carriage/Private Hire driver's licence when acting as the driver of a licensed Bath & North East Somerset Hackney Carriage.

Model Byelaws for Hackney Carriages

BYELAWS

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the Council of Bath & North East Somerset with respect to Hackney Carriages in the District of Bath & North East Somerset.

Interpretation

1. Throughout these byelaws "the Council" means Bath & North East Somerset Council and "the district" means the District of Bath & North East Somerset.

Provisions regulating the manner in which the number of each Hackney Carriage corresponding with the number of its licence shall be displayed

2. (a) The Proprietor of a Hackney Carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.

(b) A Proprietor or driver of a Hackney Carriage shall:-
 - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire; and
 - (ii) not cause or permit the carriage to stand or ply for hire with any such painting marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how Hackney Carriages are to be furnished or provided

3. The Proprietor of a Hackney Carriage shall:-
 - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - (b) cause the roof or covering to be kept water-tight;
 - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
 - (d) cause the seats to be properly cushioned or covered;
 - (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
 - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;

- (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
 - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use; and
 - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The Proprietor of a Hackney Carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say
- (a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
 - (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures, a fare not exceeding the rate or fare which the Proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council;
 - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
 - (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Provisions regulating the conduct of the Proprietors and driver's of Hackney Carriages plying within the district in their several employments, and determining whether such driver's shall wear any and what badges

5. The driver of a Hackney Carriage provided with a taximeter shall:-
- (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;

- (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and
 - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.
6. A Proprietor or driver of a Hackney Carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. 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 appointed by the Council;
 - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - (c) 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; and
 - (d) 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.
8. A Proprietor or driver of a Hackney Carriage, when standing or plying for hire shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.
9. 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.
10. The Proprietor or driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. A 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 of persons specified on the plate affixed to the outside of the carriage.
12. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
13. The driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:-
- (a) convey a reasonable quantity of luggage;

(b) afford reasonable assistance in loading and unloading; and

(c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

Provisions fixing the rates or fares to be paid for Hackney Carriages within the district and securing the due publication of such fares

14. The Proprietor or driver of a Hackney Carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by a combination of distance and time unless the hirer express at the commencement of the hiring his desire to engage by time.

Provided always that where a Hackney Carriage furnished with a taximeter shall be hired by distance and time the Proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

15. (a) The Proprietor of a Hackney Carriage shall cause a statement of the fares fixed by Council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures

(b) The Proprietor or driver of a Hackney Carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

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

16. The Proprietor or driver of a Hackney Carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.

17. The Proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:-

(a) carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner, to the office of a Police Station in the District and leave it in the custody of the Officer in charge of the office on his giving a receipt for it; and

(b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

Penalties

18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefor.

Repeal of Byelaws

19. The byelaws relating to Hackney Carriages which were made by Bath City Council on the 15th day of May 1975. and which were confirmed by .The Secretary of State on the 1st day of November 1975 are hereby repealed.

SUSPENSION, REVOCATION OR REFUSAL TO RENEW LICENCE

Without prejudice to the Model Byelaws the Licence may be suspended revoked or not renewed by the Council: -

- (a) if the driver is convicted of an offence under or otherwise fails to comply with any of the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976;
- (b) if the driver has been convicted of an offence involving dishonesty, indecency or violence;
- (c) if the driver becomes disqualified from driving the Licence shall be automatically revoked; or
- (d) any other reasonable cause.

This is not an exhaustive list but examples of any other reasonable cause may include formal cautions, fixed penalty notices and matters where a Licence holder has been charged with an offence which has yet to be concluded.

I, the undersigned certify that the byelaws, conditions and penalty points scheme have been fully explained to me and that I fully understand them. I further certify that I agree to abide by and be bound by the byelaws, conditions and penalty point scheme.

Signed

Full Name

Date

Witness signed

Full Name

Date

**PROPOSED HACKNEY CARRIAGE VEHICLE (PROPRIETORS) LICENCE GENERAL
CONDITIONS**

(there are no proposed changes following the public consultation)

These conditions are based on the legislation, regulations and byelaws currently in force.

Hackney Carriages are subject to byelaws made by the Council

Copies of the byelaws are available from the B&NES Taxi Licensing Office, Locksbrook Road, Bath BA1 3EL

INTERPRETATION:

In these conditions:

"The Council" means Bath & North East Somerset Council.

"Authorised Officer" means an officer of the Council authorised in writing by the Council for the purpose of these conditions.

"Hackney Carriage" has the same meaning as in section 38 of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 Part II.

"Licence Plate" means the plate issued by the Council for the purpose of identifying the vehicle as a Hackney Carriage duly licensed by the Council.

"Proprietor" includes a part-proprietor and, in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement, means the person in possession of the vehicle under that agreement.

"Vehicle" means the Hackney Carriage vehicle in respect of which this licence is issued.

VEHICLE SPECIFICATIONS:

During the life of this policy one or more Clean Air Zones may be introduced. A Clean Air Zone will impose charges for all vehicles driving within it which do not meet specified emission standards. All vehicles licensed by the Council must be (as a minimum) compliant with the terms of the Clean Air Zone and meet with its emission standards.

Hybrid, plug-in hybrid or fully electric vehicles should have a minimum power output of 77 Kilowatts or the equivalent BHP of a 1400cc petrol or diesel engine.

The vehicle shall normally be less than 4 years old when first licensed by the Council. Any vehicle presented for licensing, which is older than 4 years at the date of application will be referred to the relevant Council Licensing Sub-Committee for determination.

Vehicles that have dented or damaged bodywork are unsuitable for licensing as a Hackney Carriage.

A licensed vehicle which becomes 10 years old may be subject to a review of its suitability to continue in service. Vehicles that are considered to be unfit for service will be referred to the Licensing Sub Committee for a final decision as to suitability to continue to be licenced as a Hackney Carriage. Factors that may render a licensed vehicle unfit may include (but not be limited to) general condition of exterior and interior, such as accident damage, rust, poor paintwork; ripped, torn or stained interior carpets, seats and trims; a history of failing an MOT test or Council Vehicle Inspection. The Vehicle Operator Services Agency (VOSA) MOT database and the individual vehicle licensing file will be used to ascertain this data for individual vehicles.

A current MOT certificate is required on all vehicles over 1 year old at the time of application for a Hackney Carriage vehicle licence. This is in addition to the Council Vehicle Inspection Test carried out as part of the application process. The proprietor shall produce to the Council's Licensing Team a new M.O.T certificate within seven working days of the expiry of the current certificate.

Vehicles that are less than 1 year old on the first application for a licence will be required to obtain an M.O.T certificate on the first anniversary of the date of registration of the vehicle and to produce the certificate to the Licensing Team.

The vehicle must be fitted with a right-hand drive and shall have a minimum of four doors. At least three of these doors must be accessible for passengers to enter and exit the vehicle without the need to move, adjust, or climb over any seating.

All passenger seats must allow not less than 406mm (16in) per passenger along the narrowest part of the seat. In addition the leg room between rows of seats should allow for a minimum 255mm (10in).

TYPE APPROVAL:

Vehicles shall comply with the European Community M1 type approval for passenger carrying vehicles. The definition of category M1 type approval is any motor vehicle with at least four wheels designed and constructed for the carriage of passengers.

Vehicles that have been originally classified as complying with M1 type approval but have undergone modifications or conversions since original manufacture will be considered suitable provided they are presented with the relevant Individual Vehicle Approval (IVA) or Single Vehicle Approval (SVA) certificate (or equivalent) issued by the DVSA.

Any vehicle submitted for licensing originally given European Community N type approval will be considered unfit for the purpose and will not be licensable as a Hackney Carriage vehicle. The definition of category N type approval is any motor vehicle with at least four wheels designed and constructed for the carriage of goods.

ALTERNATIVE FUELS:

Any conversion of a Hackney Carriage to run on Liquid Petroleum Gas, **any other alternative fuel or combination of fuels** must be carried out by a fully qualified and certified installation engineer. A certificate of installation must be produced to the Licensing Section before the vehicle can be used for the purpose of hire and reward.

WINDSCREEN OBSTRUCTIONS:

At no time shall any satellite navigation system, image recording equipment or other equipment be situated within the swept area of the windscreen of a licensed vehicle so as to obstruct the driver's view of the road.

ACCESSIBLE VEHICLES:

Accessible vehicles will be classed as those vehicles capable of allowing a passenger seated in a wheelchair to enter and exit the vehicle from the pavement through a side entry door. The vehicle must allow the hirer to remain seated in the wheelchair during the journey.

Accessible vehicles should cater for a range of disabilities including visual, audible and ambulant.

TINTED GLASS WINDOWS:

DIY window tint film kits are not permissible.

Tinted glass windows are permissible provided that they are only those supplied as standard by the original vehicle manufacturer and comply with current vehicle Construction and Use Regulations.

LICENCE RENEWALS:

Hackney carriage vehicle licences must be renewed annually and the renewal applied for prior to the expiration of the current licence. A licence will only be issued following a satisfactory vehicle inspection and measured mile taximeter test.

Where the licence cannot be renewed before the expiry of the current licence due to mechanical failure of the vehicle, the proprietor shall notify the Licensing Team in writing that the renewal application will be delayed. With the consent of an Authorised Officer an application for renewal of that licence may be submitted after the expiry date together with the renewal fee in force at that time.

WORK ASSURANCE:

The Hackney Carriage licence must be used on a full-time basis for a reasonable working week, at least 25 hours of which shall be during the period Monday to Thursday inclusive.

THIRD PARTY ADVERTISING:

Discreet third party advertising will be permitted on the front door panels of vehicles, subject to the written consent of the Council.

Where the vehicle is constructed or adapted for use by wheelchair users, applications for full livery third party advertising will be considered. Such applications to be made in writing to the Council's Licensing Team. Where such approval is withheld by the Licensing Team, the applicant may appeal to the Licensing Sub Committee.

Where the vehicle is constructed or adapted for use by wheelchair users, discreet third party advertising will be permitted in the interior passenger compartment of the vehicle.

COMPANY LIVERIES:

Company liveries will be permitted provided that the only lettering displayed on the vehicle is the name, telephone number and website address of the Hackney Carriage or Private Hire Company. No other wording is permitted.

Applications for company liveries must be submitted in writing to the Council's Licensing Team and the design must be approved by an authorised officer of the Council's Licensing Team before the livery is used. Any liveries which are considered unacceptable by an Authorised Officer of the Council's Licensing Team will be referred to the Licensing Sub Committee for determination.

Liveries are not permitted on any of the vehicles side or rear windows.

No reflective materials should be used in the lettering, graphics or background materials.

The name of the operating company and telephone number may be displayed on the windscreen of the vehicle. Such and sign must be of the "sunvisor" type, and must not exceed 330mm x 228mm (13in x 9in) in size.

At all times when available for private hire work vehicles must display the name of the Private Hire Operator they are working for. In the absence of a full vehicle livery then magnetic door signs displaying the name and telephone number of the Operator must be displayed.

HACKNEY CARRIAGE PLATES:

When a Hackney Carriage Licence is issued and on payment of a 'plate deposit,' the Council will issue a Hackney Carriage plate. There shall be marked on that Hackney Carriage plate the number of the licence for the hackney carriage, the registration number of the vehicle, manufacturer and model of vehicle, date of expiry of licence and the number of persons that may be carried. The number of passengers that may be carried by a Hackney Carriage vehicle is determined by the type of vehicle and is stated on the licence plates. In any event the maximum number of passengers allowed is eight.

At all times when plying for hire, or hired, there shall be affixed to the rear of the exterior of the vehicle and the front exterior of the vehicle, the Hackney Carriage plates provided by the Council,

An interior plate provided by the Council shall be fixed inside the hackney carriage so as to be plainly visible to any passenger.

In the case of a 'London' style Hackney Carriage the exterior rear Hackney Carriage plate shall be mounted upon the rear luggage compartment door and the front exterior plate shall be mounted on the front grill of the vehicle. The interior plate shall be mounted on the interior glass compartment partition in such a position as to be plainly visible to any passenger.

The Hackney Carriage licence plates shall be at all times clearly visible and maintained in a clean, tidy and legible condition. It is not permissible to alter the size of the issued licence plate by trimming or cutting.

No other plates, fittings, signs or printed matter shall be displayed on the exterior or interior of the vehicle without the approval of the Council or unless required by these conditions.

The licence plates shall remain the property of the Council and shall be returned to the Council on expiry, or within seven days of a notice of suspension, revocation or refusal to renew the licence having been served on the vehicle proprietor. The plate deposit shall be refunded upon the plate being returned to the Council.

SELLING, SUBSTITUTING OR DISPOSAL OF A VEHICLE:

Any vehicle substituted for the vehicle in respect of which this licence is issued must be authorised by the Council. There will be no fee for the first vehicle substitution required during the term of an existing licence. A vehicle substitution fee will be payable for any subsequent substitutions during the term of the existing licence.

Any vehicle proprietor who sells or otherwise disposes of a licensed Hackney Carriage must notify the Council in writing within fourteen days of the sale or disposal specifying the name and address of the new owner and the date of sale.

ROOF SIGNS:

At all times when a saloon or estate type vehicle is in use as a Hackney Carriage vehicle there shall be affixed to the roof of the vehicle a magnetic roof sign which is capable of being illuminated and is of a type supplied by the Council. There shall be marked on the roof sign the logo of the Council. The roof sign should be capable of indicating whether or not the vehicle is for hire and shall be fitted across the width of the vehicle's roof.

The roof sign must be kept illuminated at all times when the Hackney Carriage is available for hire. The sign should be connected to the taximeter and the illumination should automatically extinguish when the Hackney Carriage vehicle is hired and the taximeter is set to hired.

TAXIMETERS:

At all times when the vehicle is in use as a Hackney Carriage vehicle it shall be fitted with a clock calendar controlled taximeter approved by the Council.

All taximeters must be programmed with the current authorised tariff. Taximeters must be re-programmed with the current tariff within one month of the proprietor being notified of the new tariff.

Only one tariff shall be allowed at any one time and once set the taximeter shall be sealed by the Authorised Officer of the Council. The vehicle shall not be used for hire and reward unless the taximeter is sealed.

In the event of an emergency requiring an authorised taximeter dealer to break the taximeter seal, the vehicle may be used for hire and reward providing the driver is in possession of a certificate from the dealer indicating why the seal was broken and the date the seal was broken. In any event the taximeter is to be re-sealed within three working days of the date of the notice.

The taximeter shall be sealed in such a way that it shall not be practicable for any person to tamper with the taximeter except by breaking, damaging or permanently displacing the seals.

All taximeters must be capable of being sealed by permanent lead or plastic seals. Paper seals are not suitable for use. Existing meters that are not capable of authorised sealing methods should be replaced no later than twelve months from the date these conditions come into force.

RATE OF FARES TO BE CHARGED IF A HACKNEY CARRIAGE VEHICLE IS USED FOR PRIVATE HIRE WORK:

Only the authorised tariff as set by the Council can be charged. No other rate of fares is permissible and travelling time cannot be charged for. The taximeter can only be started when the hirer is seated safely inside the vehicle at the point of pick up within the area of the Council.

FARECARD:

At all times when the vehicle is in use as a Hackney Carriage a current statement of fares which may be lawfully charged shall be carried in the interior of the vehicle, and shall be made available to any person being conveyed in the Hackney Carriage on request.

EXTERIOR AND INTERIOR VEHICLE CAMERA RECORDING SYSTEMS:

Image recording equipment will only be permitted for installation in a licensed vehicle subject to the written consent of an Authorised Officer of the Council's Licensing Team. All applications for internal or external recording equipment must supply a valid certificate of registration with the Information Commissioners Officer (ICO). The certificate should be renewed annually and submitted to the Licensing Office.

If an approved image recording system is fitted a sign must be displayed in the interior of the vehicle, plainly visible to passengers that complies with the Data Protection Act, informing passengers that such equipment is in use. Similar signs shall be displayed to the exterior of the vehicle to warn prospective customers of the use of Internal and/or external image recording equipment.

Dummy image recording equipment is permissible subject to the written consent of the Council.

Any signs indicating that image recording equipment is in operation must comply with the Data Protection Act.

It shall be the vehicle proprietor's responsibility to ensure that he/she is fully aware of the provisions of the Data Protection Act 1988 and fully complies with the relevant requirements of the Act and the CCTV Code of Practice published by the Information Commissioners Office.

SMOKING:

The Smoke free legislation under the Health Act 2006 which came into effect on 1st July 2007, makes smoking a criminal offence in a licensed Hackney Carriage. Smoking is prohibited at all times including when the vehicle is not being used for hire and reward or the driver is off duty. It is the vehicle proprietors' responsibility to ensure that the legislation is complied with at all times and any licensed drivers permitted to drive the vehicle are fully aware of the law.

Vaping or e-cigarettes are not permitted to be used in licensed vehicles.

PROPRIETOR'S RESPONSIBILITIES:

Every proprietor of a Hackney Carriage vehicle shall:

- (a) ensure that all windows and window handles are maintained in good repair and condition and operate correctly
- (b) keep the seats properly cushioned and covered, the seats should be kept free from unsightly repairs stains and burns.
- (c) provide proper and sufficient accommodation for luggage and a means of securing such luggage
- (d) provide and maintain an electric light in the interior of the vehicle for use of any person entering or alighting from the vehicle
- (e) carry a spare wheel, tyre, and suitable tools for the replacement of damaged or punctured tyres. If the vehicle is fitted with an **LPG or alternative fuel conversion** and there is no room for a spare wheel then an alternative method of re inflating a punctured tyre must be carried. (It is acceptable not to carry a spare wheel if the vehicle is not fitted with a spare wheel as standard and manufacturers' equipment and is provided as an with a suitable alternative means of emergency puncture repair).
- (f) carry a fire extinguisher with a valid expiration date readily available for use. The fire extinguisher must comply with the requirements relating to fire extinguishing appliances for use in public service vehicles, which may include dry powder type.
- (g) keep the vehicle properly painted in one of the manufacturer's standard range of colours
- (h) keep the interior and exterior of the vehicle in a clean and tidy condition and all body work should be sound and reasonably well maintained, free from major dents and other distortions/damage. Any repairs and cosmetic improvements must be of professional quality and a good paint match achieved.
- (i) carry a full set of replacement bulbs, to include headlight, taillights, sidelights and indicators. (vehicles fitted with Xenon and LED lighting systems are excluded from this requirement, but should carry standard replacement bulbs if appropriate)

The vehicle shall display discreet signs advising passengers that seatbelts should be worn.

The vehicle shall display a “No Smoking” sign so as to be plainly visible to anyone entering the vehicle.

The vehicle shall be fitted with sufficient seat belts to correspond with the seating capacity of the vehicle.

Where the vehicle is an estate car, a rack must be fitted to prevent luggage entering the passenger compartment in an emergency stop.

INSURANCE:

The vehicle proprietor shall ensure that a valid certificate of insurance which complies with the requirements of the road traffic legislation is kept in force in respect of each driver of the Hackney Carriage and in relation to its use as a Hackney Carriage. On being required to do so by an Authorised Officer of the Council or constable the certificate of insurance shall be produced for examination.

Named drivers included on the insurance certificate must hold a Hackney Carriage drivers licence issued by the Council. Certificates will not be accepted if they include named drivers that are not the holder of a Hackney Carriage drivers licence issued by the Council.

The proprietor shall produce to the Licensing Section a new insurance certificate or cover note within seven working days of the expiry of the current certificate or cover note.

VEHICLE INSPECTIONS:

The proprietor shall permit an Authorised Officer of the Council or constable to inspect the vehicle at all reasonable times, and where an Authorised Officer or constable is not satisfied with the condition of the vehicle for use as a Hackney Carriage the vehicle licence may be suspended until such time as an Authorised Officer or constable is so satisfied.

Without prejudice to the conditions set out above the proprietor of a Hackney Carriage vehicle shall present the vehicle for inspection at such time and at such place within the area of Bath and North East Somerset Council as specified in written notice served on the proprietor by the Council.

ACCIDENTS & ALTERATIONS:

The Hackney Carriage proprietor shall report to the Licensing Team as soon as reasonably practicable, and in any case within 72 hours of the accident's occurrence in accordance with the Local Government (Miscellaneous Provisions) Act 1976. Any damage to the Hackney Carriage vehicle must be repaired as soon as is practicable. An Authorised Officer of the Council may require the Hackney Carriage vehicle to be presented for a formal mechanical inspection (at the licensees' expense) after completion of the repairs.

The proprietor of a vehicle shall report any material alteration in the design of the vehicle (either to the machinery or construction of the body) to the Licensing Team of the Council, as soon as practicable, and the Authorised Officer of the Council may require the vehicle to be presented for an inspection.

CHANGE OF ADDRESS:

The proprietor or part proprietor of the vehicle shall within seven days of any change of address during the period of the licence provide the details of the change to the Council's Licensing Team in writing on a form provided by the Council.

PENALTY POINT SCHEME:

Breach of any of these conditions may be enforced by the Penalty Point scheme as shown on the attached table.

SUSPENSION, REVOCATION OR REFUSAL TO RENEW LICENCE:

The Hackney Carriage licence may be suspended, revoked or not renewed by the Council on any of the following grounds:

- a) that the hackney carriage vehicle is unfit for use as a hackney carriage vehicle
- b) any offence under or non-compliance with the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976, on the part of the vehicle proprietor or driver
- c) any other reasonable cause.

The Licence may be immediately suspended where an Authorised Officer is not satisfied as to the fitness of the vehicle or its taximeter where the provisions of section 68 of the Local Government (Miscellaneous Provisions) Act 1976 apply.

MISCELLANEOUS:

The vehicle proprietor is required to be familiar with the Council's requirements for Hackney Carriage vehicles, and to ensure that these are complied with and that any driver of the vehicle is made aware of his/her responsibilities thereunder.

If the vehicle proprietor permits or employs any other person to drive the vehicle as a Hackney Carriage vehicle he shall, before that person commences to drive the vehicle, cause the driver to deliver to the vehicle proprietor, the Hackney Carriage drivers licence for retention, until such time as the driver ceases to be permitted or employed to drive the vehicle, or any other vehicle of his.

SERVICE OF NOTICES:

Any notice required to be served by the Council under this licence, or under any of the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976, shall be deemed to have been properly served if served personally on him/her, or sent by pre-paid post to or left at the last known address of the holder of the licence.

GENERAL:

A person who,

- (a) wilfully obstructs an Authorised Officer or constable acting, in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or the Town Police Clauses Act 1847;
- (b) without reasonable excuse fails to comply with any of the requirements properly made to him by such officer or constable in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or the Town Police Clauses Act 1847;
- (c) without reasonable cause fails to give such an officer or constable any other assistance or information which he may require for the performance of his functions in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or the Town Police Clauses Act 1847;

shall be guilty of an offence.

These conditions shall apply to Hackney Carriages licensed by Bath & North East Somerset Council.

The Council reserves the right to waive any requirements of these conditions as it sees fit.

The Council reserves the right to waive any requirements of these conditions at its absolute discretion.

The Council reserves the right to amend or add to any of the foregoing conditions and notice thereof will be served on all licensees.

July 2018

Penalty Points System Relating to Hackney Carriage Vehicles

Offence	Points	Person Responsible
Carrying more passengers than specified in licence for vehicle	6	Driver
Licensed vehicle failing to display exterior plates	6/Stop Notice	Driver/Proprietor
Failing to have current insurance certificate	6/Stop Notice	Proprietor
Failing to have current MOT certificate	6/Stop Notice	Proprietor
Tyres, windscreen wipers/washers, exhaust, lights, reflectors, spare wheel and tyre, brakes, not maintained in good condition	6 Stop Notice	Driver/Proprietor
No tools to change spare wheel and tyre, or defective or unsuitable tools / no spare bulbs	4/Stop Notice	Driver/Proprietor
No fire extinguisher/fire extinguisher not in good working order/not of correct type	4/Stop Notice	Driver/Proprietor
Vehicle displaying signs not authorised	4/Stop Notice	Proprietor
Dirty interior/exterior of vehicle	4/Stop Notice	Driver/Proprietor
Failing to report accident within 72 hours	4	Proprietor
Failing to produce insurance or MOT certificate on expiry of certificate.	4	Proprietor
Interior comment plate missing/not visible to passengers	4	Driver/Proprietor
Unauthorised CCTV System	Stop Notice	Proprietor
Any breach of condition not specified above	4	Driver/Proprietor

<u>METERS</u>	Points	Person Responsible
Taximeter not sealed or seal broken	6/Stop Notice	Driver/Proprietor
<u>Taximeter not displaying current tariff</u>	4/Stop Notice	Proprietor
<u>Taximeter obscured or not visible to passengers</u>	4 Stop Notice	Driver/Proprietor

Where 12 or more points are issued to a Driver/Proprietor/Operator within any twelve month period, a report will be submitted to the relevant Council Sub Committee with a view to the suspension, revocation or refusal to renew such a licence.

I, the undersigned certify that the preceding conditions and penalty points scheme have been fully explained to me and that I fully understand them. I further certify that I agree to abide by and be bound by the conditions and penalty point scheme.

Signed

Full Name

Date

Witness signed

Full Name

Date

PROPOSED PRIVATE HIRE VEHICLE LICENCE GENERAL CONDITIONS
(there are no proposed changes following the public consultation)

These conditions are based on the legislation currently in force.

INTERPRETATION:

In these conditions:

"The Council" means Bath & North East Somerset Council.

"Authorised Officer" means an officer of the Council authorised in writing by the Council for the purpose of these conditions.

"Private Hire Vehicle" has the same meaning as defined in section 80 of the Local Government (Miscellaneous Provisions) Act 1976 Part II.

"Licence Plate" means the plate issued by the Council for the purpose of identifying the vehicle as a Private Hire vehicle licensed by the Council.

"Proprietor" includes a part-proprietor and, in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement, means the person in possession of the vehicle under that agreement.

"Vehicle" means the Private Hire vehicle in respect of which this licence is issued.

"Executive Hire" means a vehicle which is supplied for exclusive use for corporate account work, account work or vehicles used exclusively for sightseeing tours of the surrounding area. The exempted vehicle must work solely in either or both of these sectors.

VEHICLE SPECIFICATIONS:

The vehicle may not be of a design or appearance so as to lead any person to believe that the vehicle is a Hackney Carriage and therefore available for immediate hire.

During the life of this policy one or more Clean Air Zones may be introduced. A Clean Air Zone will impose charges for all vehicles driving within it which do not meet specified emission standards. All vehicles licensed by the Council must be (as a minimum) compliant with the terms of the Clean Air Zone and meet with its emission standards.

Hybrid, plug-in hybrid or fully electric vehicles should have a minimum power output of 77 Kilowatts or the equivalent BHP of a 1400cc petrol or diesel engine.

The vehicle shall normally be less than 4 years old when first licensed by the Council. Any vehicle presented for licensing, which is older than 4 years at the date of application will be referred to the Council's Licensing Sub-Committee for determination.

Vehicles that have dented or damaged bodywork are unsuitable for licensing as a Private Hire vehicle.

A licensed vehicle which becomes 10 years old may be subject to a review of suitability to continue in service. Vehicles that are considered to be unfit for service will be referred to the

Council's Licensing Sub Committee for a final decision as to suitability to continue to be licensed as a Private Hire vehicle. Factors that may render a licensed vehicle unfit may include (but not be limited to) general condition of exterior and interior, such as accident damage, rust, poor paintwork; ripped, torn or stained interior carpets, seats and trims; a history of failing an MOT test or Council Vehicle Inspection. The Vehicle Operator Services Agency (VOSA) MOT database and the individual vehicle licensing file will be used to ascertain this data for individual vehicles.

A current M.O.T. certificate is required on all vehicles over 1 year old at the time of application for a Private Hire vehicle licence. This is in addition to the Council's vehicle inspection test carried out as part of the application process. The proprietor shall produce to the Licensing Section a new M.O.T certificate within seven working days of the expiry of the current certificate.

Vehicles that are less than 1 year old on the first application for a licence will be required to obtain an M.O.T certificate on the first anniversary of the date of registration of the vehicle and to produce the certificate to the licensing department.

The vehicle must be fitted with a right-hand drive and shall have a minimum of four doors. At least three of these doors must be accessible for passengers to enter and exit the vehicle without the need to move, adjust, or climb over any seating.

All passenger seats must allow not less than 406mm (16in) per passenger along the narrowest part of the seat. In addition the leg room between rows of seats should allow for a minimum 255mm (10in).

TYPE APPROVAL:

Vehicles shall comply with the European Community M1 type approval for passenger carrying vehicles. The definition of category M1 type approval is any motor vehicle with at least four wheels designed and constructed for the carriage of passengers.

Vehicles that have been originally classified as complying with M1 type approval but have undergone modifications or conversions since original manufacture will be considered suitable provided they are presented with the relevant Individual Vehicle Approval (IVA) or Single Vehicle Approval (SVA) certificate issued by the VOSA.

Any vehicle submitted for licensing originally given European Community N type approval will be considered unfit for the purpose and will not be licensable as a Private Hire vehicle. The definition of category N type approval is any motor vehicle with at least four wheels designed and constructed for the carriage of goods.

STRETCH LIMOUSINES:

Stretch limousines may be licensed as a Private Hire vehicle provided that the vehicle is either a standard production model, or alternatively the vehicle has been stretched as part of a recognised programme approved by the original vehicle manufacturer. American limousines must have been approved under the Qualified Vehicle Modifier (QVM) programme for Ford/Lincoln or the Cadillac Master Coachbuilder (CMC) program for Cadillac vehicles. Limousines will only be licensed if the vehicle seating capacity does not exceed eight passengers in total.

A current IVA certificate issued by the VOSA in respect of the prospective stretched limousine must be submitted on application for a Private Hire vehicle licence. Imported Stretch Limousines may be left hand drive.

Any supply of alcohol intended in the course of a limousine hiring is only permissible if the relevant premises licenses have been obtained, under the Licensing Act 2003, where applicable.

ALTERNATIVE FUELS:

Any conversion of a Private Hire vehicle to run on Liquid Petroleum Gas, any other alternative fuel or combination of fuels must be carried out by a fully qualified and certified installation engineer. A certificate of installation must be produced to the Council's Licensing Team before the vehicle can be used for the purpose of hire and reward.

WINDSCREEN OBSTRUCTIONS:

At no time shall any satellite navigation system, image recording equipment or other equipment be situated within the swept area of the windscreen of a licensed vehicle so as to obstruct the driver's view of the road.

Any mobile phone equipment used to calculate the fare shall be fixed securely to the interior of the vehicle in such a manner that it does not obstruct the drivers view of the road and so as to be plainly visible to fare paying passengers.

TINTED GLASS WINDOWS:

DIY window tint film kits are not permissible.

Tinted glass windows are permissible provided that they are only those supplied as standard by the original vehicle manufacturer and comply with current vehicle Construction and Use Regulations.

LICENCE RENEWALS:

A Private Hire vehicle licence must be renewed annually and the renewal applied for prior to the expiration of the current licence. A licence will only be issued following a satisfactory vehicle inspection and measured mile taximeter test if applicable.

Where the licence cannot be renewed due to mechanical failure of the vehicle the proprietor shall notify the Licensing Team in writing that the renewal application will be delayed. With the consent of an Authorised Officer an application for renewal of that licence may be submitted after the expiry date together with the renewal fee in force at that time.

THIRD PARTY ADVERTISING:

Discreet third party advertising will be permitted on the front door panels of vehicles, subject to the written consent of the Council.

PRIVATE HIRE OPERATOR LIVERIES & DOOR SIGNS:

Company liveries will be permitted provided that the only lettering displayed on the vehicle is the name, telephone number and website address of the Private Hire Company. No other wording is permitted. The words "TAXI" and "CABS" are prohibited from use as part of a livery on a Private Hire vehicle.

Applications for company liveries must be submitted in writing to the Council's Licensing Team and the design must be approved by an Authorised Officer of the Licensing Team before the livery is used. Any liveries which are considered unacceptable by an Authorised Officer of the Licensing Team will be referred to the Licensing Sub Committee for determination.

Liveries are not permitted on any of the vehicles side, front or rear windows.

No reflective materials should be used in the lettering, graphics or background materials.

The name of the operating company and telephone number is permitted to be displayed on the windscreen of the vehicle. Such a sign must be of the “sunvisor” type, and must not exceed 330mm x 228mm (13in x 9in).

At all times when available for hire Private Hire vehicles must display the name of the Private Hire Operator they are working for. In the absence of a full vehicle livery then magnetic door signs displaying the name and telephone number of the Operator must be displayed.

ROOF SIGNS:

A Roof sign as prescribed by the Council shall be fitted to the vehicle at all times whilst hired or available for hire. The roof sign shall be fitted along the length of the vehicle’s roof, Illumination of the roof sign is not permitted.

Roof signs may be removed for vehicles travelling on long journeys involving motorways but should be replaced on exiting the motorway.

PRIVATE HIRE PLATES:

When a Private Hire Licence is issued and on payment of a ‘plate deposit’ the Council will issue a Private Hire plate. There shall be marked on the Private Hire plates the number of the licence for the Private Hire vehicle, the registration number of the vehicle, manufacturer and model of the vehicle, date of expiry of the licence and the number of persons that may be carried. The number of passengers that may be carried by a Private Hire vehicle is determined by the type of vehicle and is stated on the licence plates In any event the maximum number is eight.

At all times, there shall be affixed to the rear of the exterior of the vehicle and the front exterior of the vehicle, the Private Hire plates provided by the Council.

An interior plate provided by the Council shall be fixed to the inside of the Private Hire vehicle so as to be plainly visible to any passenger.

The plates shall be at all times clearly visible and maintained in a clean, tidy and legible condition. It is not permissible to alter the size of the issued licence plate by trimming or cutting.

No other plates, fittings, signs or printed matter shall be displayed on the exterior or interior of the vehicle without the approval of an Authorised Officer of the Council or unless required by these conditions. At no time shall the word “TAXI” or “CAB” be used or any other wording leading any person to believe that the vehicle is a Hackney Carriage.

The licence plates shall remain the property of the Council and shall be returned to the Council on expiry, or within seven days of the notice of suspension, revocation or refusal to renew the vehicle licence having been served on the proprietor. The plate deposit shall be refunded upon the plates being returned to the Council.

EXECUTIVE HIRE:

Exemptions from the requirement to display standard identification plates and roof signs will only be granted to vehicles that are exclusively supplied by an Operator for Executive Hire or corporate account work on a full time basis and are not fitted with a taximeter or an app based fare calculator.

Executive Hire Vehicles will be required to display an identification disc on the interior of both the front windscreen and rear window so as to be plainly visible. There shall be marked on the Private Hire disc the number of the licence for the Private Hire vehicle, the registration number of the vehicle, date of expiry of the licence and the number of persons that may be carried.

Only one set of identification discs will be issued to a qualifying vehicle per year under this exemption. If a set of conventional identification private hire plates are requested for any reason then the exemption shall be terminated and the discs must be returned to the Council before the identification plates are issued.

Exemptions will not be granted for vehicles that are made available for work such as day to day private hire bookings, airport transfers and home to school passenger transport.

Any exempted vehicle that is found to be working as a standard private hire vehicle carrying out normal bookings through and Operator will have the exemption terminated and will be required to display the required roof sign and identification plates.

Exemptions from the requirement to display standard vehicle identification plates and roof signs will only be granted in exceptional circumstances and it is for the applicant or licensee to demonstrate to the Licensing team that there is a good case for exemption. For example, stating that the vehicle is used for 'account work' is not sufficient and the Licensing team may request evidence and testimonials to support claims for exemption. The Council's default position is that of best practise, i.e. for identification plates and roof signs to be clearly displayed.

SELLING, SUBSTITUTING OR DISPOSAL OF A VEHICLE:

Any vehicle substituted for the vehicle in respect of which this licence is issued must be authorised by the Council. There will be no fee for the first vehicle substitution required during the term of an existing licence. A vehicle substitution fee will be payable for any subsequent substitutions during the term of the existing licence.

Any vehicle proprietor who sells or otherwise disposes of a licensed Private Hire vehicle must notify the Council in writing within fourteen days of the sale or disposal specifying the name and address of the new owner and the date of sale.

TAXIMETERS:

If the Private Hire vehicle is fitted with a taximeter:

The taximeter will be programmed with the authorised tariff as set by the licensed Private Hire operator. No other tariff shall be permitted.

All tariffs shall be clock calendar controlled.

The word "FARE" shall be printed on the face of the taximeter in plain letters.

The taximeter shall be positioned so as to be clearly and easily visible at all times to any person conveyed in the Private Hire vehicle.

The taximeter shall be sealed in such a way that it shall not be practicable for any person to tamper with the taximeter except by breaking, damaging or permanently displacing the seals.

The taximeter must be sealed by an Authorised Officer of the Council.

The vehicle shall not be used for hire or reward unless the taximeter is properly sealed.

In the event of an emergency requiring an authorised taximeter dealer to break the taximeter seal, the vehicle may be used for hire and reward providing the driver is in possession of a certificate from the dealer indicating why the seal was broken and the date the seal was broken. In any event the taximeter is to be re-sealed within three working days of the date of the notice.

All taximeters must be capable of being sealed by permanent lead or plastic seals. Paper seals are not suitable for use. Existing meters that are not capable of authorised sealing methods should be replaced no later than twelve months from the date these conditions come into force.

All taximeters must be clock calendar controlled. Existing taximeters that are not capable of being clock calendar controlled should be replaced no later than twelve months from the date these conditions come into force.

FARECARD:

If the vehicle is fitted with a taximeter a current table of fares as set by the Private Hire Operator shall be carried the interior of the vehicle at all times and shall be made available to any person being conveyed in the Private Hire vehicle on request.

EXTERIOR AND INTERIOR VEHICLE CAMERA RECORDING SYSTEMS

Image recording equipment will only be permitted for installation in a licensed vehicle subject to the written consent of an Authorised Officer of the Council's Licensing Team Section. All applications for internal or external recording equipment must supply a valid certificate of registration with the Information Commissioners Officer (ICO) The certificate should be renewed annually and submitted to the Licensing Office.

If an approved image recording system is fitted a sign must be displayed in the interior of the vehicle, plainly visible to passengers that complies with the Data Protection Act, informing passengers that such equipment is in use. Similar signs shall be displayed to the exterior of the vehicle to warn prospective customers of the use of internal and/or external image recording equipment.

Dummy image recording equipment is permissible subject to the written consent of the Council.

Any signs indicating that image recording equipment is in operation must comply with the Data Protection Act.

It shall be the vehicle proprietor's responsibility to ensure that he/she is fully aware of the provisions of the Data Protection Act 1988, and fully complies with the relevant requirements of the Act and the CCTV Code of Practice published by the Information Commissioners Office.

SMOKING:

The Smoke free legislation under the Health Act 2006 which came into effect on 1st July 2007, makes smoking a criminal offence in a licensed private hire vehicle. Smoking is prohibited at all

times including when the vehicle is not being used for hire and reward or the driver is off duty. It is the vehicle proprietor's responsibility to ensure that the legislation is complied with at all times and to ensure that any licensed drivers permitted to drive the vehicle are fully aware of the law.

Vaping or e-cigarettes are not permitted to be used in licensed vehicles.

PROPRIETORS RESPONSIBILITIES:

Every proprietor of a Private Hire vehicle shall:

- (a) ensure that all windows and window handles are maintained in good repair and condition and operate correctly.
- (b) keep the seats properly cushioned and covered, and ensure that they are kept free from unsightly repairs stains and burns.
- (c) provide proper and sufficient accommodation for luggage and a means of securing such luggage
- (d) provide and maintain an electric light in the interior of the vehicle for use of any person entering or alighting from the vehicle
- (e) carry a spare wheel and tyre and suitable tools for the replacement of damaged or punctured tyres. If the vehicle is fitted with an alternative fuel conversion and there is no room for a spare wheel, then an alternative method of re inflating a punctured tyre must be carried. (It is acceptable not to carry a spare wheel if the vehicle is not fitted with a spare wheel as standard and manufacturers' equipment is provided as an alternative means of emergency puncture repair).
- (f) carry a fire extinguisher with a valid expiration date readily available for use. The fire extinguisher must comply with the requirements relating to fire extinguishing appliances for use in public service vehicles, which may include dry powder type
- (g) keep the vehicle properly painted in one of the manufacturer's standard range of colours
- (h) keep the interior and exterior of the vehicle in a clean and tidy condition and all body work should be sound and reasonably well maintained, free from major dents and other distortions/damage. Any repairs and cosmetic improvements must be of professional quality and a good paint match achieved
- (i) Carry a full set of replacement bulbs, to include headlight, taillights, sidelights and indicators. (vehicles fitted with Xenon and LED lighting systems are excluded from this requirement, but should carry standard replacement bulbs if appropriate)

The vehicle shall display in both rear passenger door windows a discreet sticker advising passengers that seatbelts should be worn.

The vehicle shall display a "No Smoking" sign so as to be plainly visible to anyone entering the vehicle.

The vehicle shall be fitted with sufficient seat belts to correspond with the seating capacity of the vehicle.

Where the vehicle is an estate car a rack must be fitted to prevent luggage entering the passenger compartment during an emergency stop.

INSURANCE:

The vehicle proprietor shall ensure that a valid certificate of insurance, which complies with the requirements of the road traffic legislation currently in force, is kept in respect of each driver of the Private Hire vehicle and in relation to its use as a Private Hire vehicle. On being required to do so by an Authorised Officer of the Council or constable the certificate of insurance shall be produced for examination.

The proprietor shall produce a new insurance certificate or cover note within seven days of the expiry of the current certificate, or cover note.

Named drivers included on the insurance certificate must hold a Private Hire driver's licence issued by the Council. Certificates will not be accepted if they include named drivers that are not the holder of a Private Hire driver's licence issued by the Council.

VEHICLE INSPECTIONS:

The proprietor shall permit an Authorised Officer of the Council or constable to inspect the vehicle at all reasonable times, and where an Authorised Officer or constable is not satisfied with the condition of the vehicle for use as a Private Hire vehicle the vehicle licence may be suspended until such time as an Authorised Officer or constable is so satisfied.

Without prejudice to the provisions of the conditions set out above, the proprietor of a Private Hire vehicle shall present the vehicle for inspection at such time and at such place within the area of Bath and North East Somerset Council as is specified in written notice in writing served upon the proprietor by the Council.

ACCIDENTS & ALTERATIONS:

The proprietor of a Private Hire vehicle shall report to the Licensing Team of the Council any accident to any such vehicle within 72 hours of the occurrence in accordance with the Local Government (Miscellaneous Provisions) Act 1976. Any damage to the Private Hire vehicle must be repaired as soon as is practicable. The Authorised Officer of the Council may require the Private Hire vehicle to be presented for a formal mechanical inspection at the licensee's expense after completion of the repairs.

The proprietor of a Private Hire vehicle shall report to the Licensing Team of the Council, any material alteration in the design of the vehicle (either to the machinery or construction of the body) as soon as practicable, and the Authorised Officer of the Council may require the vehicle to be presented for an inspection.

CHANGE OF ADDRESS:

The proprietor or part proprietor of the vehicle shall within seven days of any change of address during the period of the licence provide the details of the change to the Council's Licensing Team in writing on a prescribed form provided by the Council.

PENALTY POINT SCHEME:

Breach of any of these conditions may be enforced by the Penalty Point scheme as shown on the attached table.

SUSPENSION, REVOCATION OR REFUSAL TO RENEW LICENCE:

The Private Hire vehicle licence may be suspended, revoked or not renewed by the Council on any of the following grounds:-

- a) that the vehicle is unfit for use as a Private Hire vehicle
- b) any offence under or non-compliance with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, on the part of the vehicle proprietor or driver
- c) any other reasonable cause.

The Licence may be immediately suspended where an Authorised Officer is not satisfied as to the fitness of the vehicle or its taximeter where fitted, the provisions of section 68 of the Local Government (Miscellaneous Provisions) Act 1976 apply.

MISCELLANEOUS:

The vehicle proprietor is required to be familiar with the Council's requirements for Private Hire vehicles, and to ensure that these are complied with and that any driver of the vehicle is made aware of his/her responsibilities.

If the vehicle proprietor permits or employs any other person to drive the vehicle as a Private Hire vehicle he shall, before that person commences to drive the vehicle, cause the driver to deliver to the vehicle proprietor, the Private Hire vehicle drivers licence for retention, until such time as the driver ceases to be permitted or employed to drive the vehicle, or any other vehicle of his.

SERVICE OF NOTICES:

Any notice required to be served by the Council under this licence, or under any of the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976, shall be deemed to have been properly served if served personally on him/her, or sent by pre-paid post to or left at the last known address of the holder of the licence.

GENERAL:

Any person who:

- (a) wilfully obstructs an Authorised Officer or constable acting, in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976
- (b) without reasonable excuse fails to comply with any of the requirements properly made to him by such officer or constable in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976
- (c) without reasonable cause fails to give such an officer or constable any other assistance or information which he may require for the performance of his functions in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976

shall be guilty of an offence.

These conditions shall apply to Private Hire vehicles licensed by Bath & North East Somerset Council.

The Council reserves the right to waive any requirements of these conditions at its absolute discretion.

The Council reserves the right to amend or add to any of the foregoing conditions and notice thereof will be served on all licensees.

July 2018

Penalty Points Scheme Relating to Private Hire Vehicles

Offence	Points	Person Responsible
Carrying more passengers than specified in licence for vehicle	6	Driver
Licensed vehicle failing to display exterior plates	6/Stop Notice	Driver/Proprietor
Failing to have current insurance certificate	6/Stop Notice	Driver/Proprietor
Failing to have current MOT certificate	6/Stop Notice	Driver/Proprietor
Tyres, windscreen wipers/washers, exhaust, lights, reflectors, spare wheel and tyre, brakes, not maintained in good condition	4 6 points each defect or Stop Notice	Driver/Proprietor
No tools to change spare wheel and tyre, or defective or unsuitable tools / no spare bulbs	4/Stop Notice	Driver/Proprietor
No fire extinguisher/fire extinguisher not in good working order/not of correct type	4/Stop Notice	Driver/Proprietor
Vehicle displaying signs not authorised	4/Stop Notice	Proprietor
Vehicle failing to display compulsory roof sign	4/Stop Notice	Driver/Proprietor
Dirty interior/exterior of vehicle	4/Stop Notice	Driver/Proprietor
Failing to report accident within 72 hours	4	Proprietor
Failing to produce insurance certificate or MOT certificate on expiry of certificate.	4	Proprietor
Interior comment plate missing/not visible to passengers	3	Driver/Proprietor
Any breach of condition not specified above	1 – 4	Driver/Proprietor
Unauthorised CCTV System	Stop Notice	Proprietor

METERS (IF FITTED)	Points	Person Responsible
Taximeter not sealed or seal broken	6/Stop Notice	Driver/Proprietor
Taximeter not displaying current operators tariff	4/Stop Notice	Driver/Proprietor
Taximeter obscured visible to passengers	4 Stop Notice	Driver/Proprietor

Where 12 or more points are issued to a Driver/Proprietor/Operator within any period of 1 year, a report will be submitted to the relevant Council Licensing Sub Committee with a view to the suspension, revocation or refusal to renew such a licence.

I, the undersigned certify that the preceding conditions and penalty point scheme have been fully explained to me and that I fully understand them. I further certify that I agree to abide by and be bound by the conditions and penalty point scheme.

Signed

Full Name.....

Date

Witness signed

Full Name

Date

PRIVATE HIRE OPERATOR'S GENERAL CONDITIONS
(changes following public consultation are shown in bold italics)

A Private Hire Operator's Licence is issued on condition that the Operator fully understands and accepts the conditions and penalty point scheme as set out below.

INTERPRETATION:

In these conditions:-

- (a) "the Council" means Bath & North East Somerset Council.
- (b) "Authorised Officer" means any Officer of the Council authorised in writing by the Council for the purposes of the Local Government (Miscellaneous Provisions) Act 1976.
- (c) "Operate" means in the course of business to make provision for the invitation and or acceptance of bookings for a Private Hire vehicle.

THE LICENCE:

The Private Hire Operator's Licence is granted to the person named on the application form, and allows the Licensee to make provision for the invitation and acceptance of bookings for Private Hire vehicles at the premise's address specified on the Licence application form.

Operator's Licences shall not be transferable between premises. Any change of premises will require a new Licence which must be applied for prior to the change of premises.

It is an offence to operate from any premises other than that specified on the Operator's Licence.

FIT AND PROPER PERSON:

Before the Council will grant a Private Hire Operator's Licence, they must be satisfied that the applicant is fit and proper. All applicants will be required to submit to the Council such information as is considered necessary to enable them to determine whether or not a Licence should be granted.

CRIMINAL RECORDS DISCLOSURE:

A Standard Disclosure & Barring Services Check will be required on first application for an Operator's licence and subsequently on all future application to renew the licence.

A Certificate of Good Conduct will be required for applicants who have not been resident in the UK for the previous 10 years. The applicant should obtain this from the appropriate Embassy or Legation, and a certified translation will be required if it is not provided in English.

INSURANCE:

The Licensed Operator shall at all times have in force a current public and employees' liability insurance policy. The current certificate of insurance shall be displayed on the premises at all

times and a copy of the certificate of insurance shall also be sent to the Licensing Authority annually on renewal.

RECORDS:

Under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976, Private Hire Operator's are required to keep a record giving particulars of every booking of any Private Hire vehicle invited or accepted by the Operator before the commencement of each journey.

Such record shall be kept either in a ledger with consecutively numbered pages, or on a computer database/spreadsheet in an identifiable format. All such records shall be produced on request at all reasonable times for inspection by an Authorised Officer of the Council or a Police Officer.

Where records of bookings are stored electronically, the Operator shall ensure that such data is collected, stored and disposed of in accordance with the Data Protection Act 1998.

BOOKINGS:

The booking record shall contain the following details:-

- (a) the name of the driver
- (b) the date and time of the booking
- (c) the name of the hirer
- (d) the method of booking (eg by telephone, in person etc)
- (e) time of pick up
- (f) point of pick up
- (g) destination
- (h) details of vehicle allocated for booking
- (i) remarks (including details of any sub-contract).

SUB-CONTRACTING:

An Operator accepting a booking remains liable for that booking, even if they sub-contract to another Operator.

VEHICLE RECORD:

The Operator shall maintain a record of all vehicles used in connection with the Operator's business.

The vehicle record shall contain the following details:-

- (a) name of proprietor
- (b) registration number
- (c) plate number
- (d) any radio call sign used
- (e) date of expiry of Private Hire vehicle Licence

DRIVER'S RECORD:

The Operator shall maintain a record of all driver's undertaking Private Hire bookings.

The driver's record shall contain the following details:-

- (a) driver's full name
- (b) driver's current full address
- (c) driver's badge number
- (d) expiry date of Private Hire driver's Licence

RECORDS TO BE KEPT FOR 12 MONTHS:

All records shall be kept for a period of not less than 12 months following the date of the last entry.

INSPECTION OF RECORDS:

Records shall be available for inspection by an Authorised Officer of the Council or any Police Officer at the licensed premises at all reasonable times on request without notice. Records will be produced to the Council in an acceptable format consistent with the above in written or electronic format, promptly when requested by an Authorised Officer. Records should be produced without any redaction or alteration.

SERVICE STANDARD

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

- (a) each vehicle shall attend punctually at the appointed time and place unless delayed or prevented by sufficient cause;
- (b) any premises to which the public has access are kept clean, adequately heated, ventilated and lit;
- (c) any waiting area provided by the Operator has adequate seating facilities
- (d) any telephone facilities and radio equipment are maintained in a sound condition and any defects repaired promptly;
- (e) any radio equipment provided by the Operator is licensed by the Home Office. The Operator shall produce this Licence to the Council on request.
- (f) The Operator shall be responsible for the conduct and actions of office staff employed or working on behalf of the Operator.

COMPLAINTS

The Operator shall keep a record of complaints received. The record shall contain:

- (a) Date of complaint.
- (b) Name of complainant
- (c) Form of complaint (letter, telephone)
- (d) Nature of complaint (summary of complaint)
- (e) Vehicle and driver Licence numbers
- (f) Action taken by Operator

Complaints received regarding service standards should be dealt with and resolved by the Operator in a professional manner. Where complaints are received alleging **discrimination** or violent, dishonest or sexual misconduct then the complainant shall be referred to the Council and/or the Police.

Failure to refer such complaints to the Council and/or the Police as soon as reasonably practicable and in any event within 24 hours without reasonable excuse will be considered a serious breach and may result in the licence being referred to the Licensing Sub-Committee for consideration of whether or not the Operator remains fit and proper.

CONVICTIONS, FORMAL CAUTIONS AND FIXED PENALTY NOTICES

Should the Operator receive any conviction, caution or Fixed Penalty Notice during the period of the Licence the Licensee shall within 7 days give the Council written notice of the conviction, formal caution or Fixed Penalty Notice. This includes any motoring offences.

If the Operator is a limited company, the Operator shall in writing, within seven days, give to the Council the details on any conviction, formal caution or Fixed Penalty Notice imposed on the company or any director thereof during the period of the Licence.

If the Operator is a partnership, the Operator shall in writing, within seven days, give to the Council the details on any conviction, formal caution or Fixed Penalty Notice imposed on the partnership or any partner thereof during the period of the Licence.

PLANNING PERMISSION/LANDLORDS CONSENT

The grant of an Operator's Licence does not permit the use of premises as a Private Hire Operator's base in the absence of planning permission or any other necessary consent. Operators shall ensure that all necessary permissions and consents have been obtained for the premises from which they operate.

NUISANCE

The Operator shall not cause or allow to be caused any nuisance or annoyance to the owners or occupiers of nearby premises, by the conduct of the business to which this Licence relates. This includes, but is not limited to multiple vehicles being parked in residential areas, vehicles leaving and returning to premises at unsociable hours and vehicles being maintained or serviced.

PRIVATE HIRE OPERATOR LIVERIES & DOOR SIGNS

Company liveries will be permitted provided that the only lettering displayed on the vehicle is the name, telephone number and website address of the Private Hire Company. No other wording is permitted. The words "TAXI" and "CABS" are prohibited from use as part of a livery on a Private Hire vehicle.

Applications for company liveries must be submitted in writing to the Licensing Team and the design must be authorised by the Licensing Team before the livery is used. Any liveries which are considered unacceptable by the Licensing Team will be referred to the Licensing Sub Committee for determination.

Liveries are not permitted on any of the vehicles side, front or rear windows.

No reflective materials should be used in the lettering, graphics or background materials.

The name of the operating company and telephone number is permitted to be displayed on the windscreen of the vehicle. Such a sign must be of the "sunvisor" type, and must not exceed 330mm x 228mm (13in x 9in).

At all times when available for hire Private Hire vehicles must display the name of the Private Hire Operator they are working for. In the absence of a full vehicle livery then magnetic door signs displaying the name and telephone number of the Operator must be displayed.

LOST PROPERTY

Any procedure or protocol for dealing with property left in a licensed vehicle must be approved by the Council and permission must be obtained in writing. Such procedures or protocols must clearly state retention times and methods of disposal of any unclaimed property.

PENALTY POINT SCHEME

Breach of any of these conditions may be enforced by the Penalty Point system as shown on the attached table.

SUSPENSION, REVOCATION OR REFUSAL TO RENEW LICENCE

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

- (a) if the Operator is convicted of an offence under or otherwise fails to comply with any of the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976;
- (b) if the Operator has been convicted of an offence involving dishonesty, indecency or violence;
- (c) any other reasonable cause.

This is not an exhaustive list but examples of any other reasonable cause may include formal cautions, fixed penalty notices and matters where a Licence holder has been charged with an offence which has yet to be concluded.

LICENSEE'S DUTY TOWARDS AUTHORISED OFFICERS

Any person who:

- (a) wilfully obstructs an Authorised Officer or constable acting, in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976,
- (b) without reasonable excuse fails to comply with any of the requirements properly made to him by an Authorised Officer or constable under Part II of the Local Government (Miscellaneous Provisions) Act 1976
- (c) without reasonable cause fails to give an Authorised Officer or constable any other assistance or information which he may require for the performance of his functions under Part II of the Local Government (Miscellaneous Provisions) Act 1976

shall be guilty of an offence.

The Council reserves the right to waive any requirements of these conditions.

The Council reserves the right to amend or add to any of these conditions on notice to the licensees.

July 2018

Penalty Points System Relating to Private Hire Operator's Conditions

Cause	Points
Failing to produce or allow inspection of any records register	6
Failing to keep records of bookings in the prescribed form	4
Failing to keep vehicle records	4
Failing to keep driver records	4
Failing to notify any conviction/formal caution/fixed penalty	3
Failing to keep public part of premises clean, tidy and comfortable	3
Breach of any condition not specified above	1 - 4

Where 12 or more points are issued to an Operator within any period of 1 year, a report will be submitted to the relevant Licensing Sub- Committee who may following a hearing suspend, revoke or refusal to renew such a Licence.

I, the undersigned certify that the conditions and penalty points scheme have been fully explained to me and that I fully understand them. I further certify that I agree to abide by and be bound by the conditions and penalty point scheme set out above.

Signed

Full Name

Date

Witness signed

Full Name

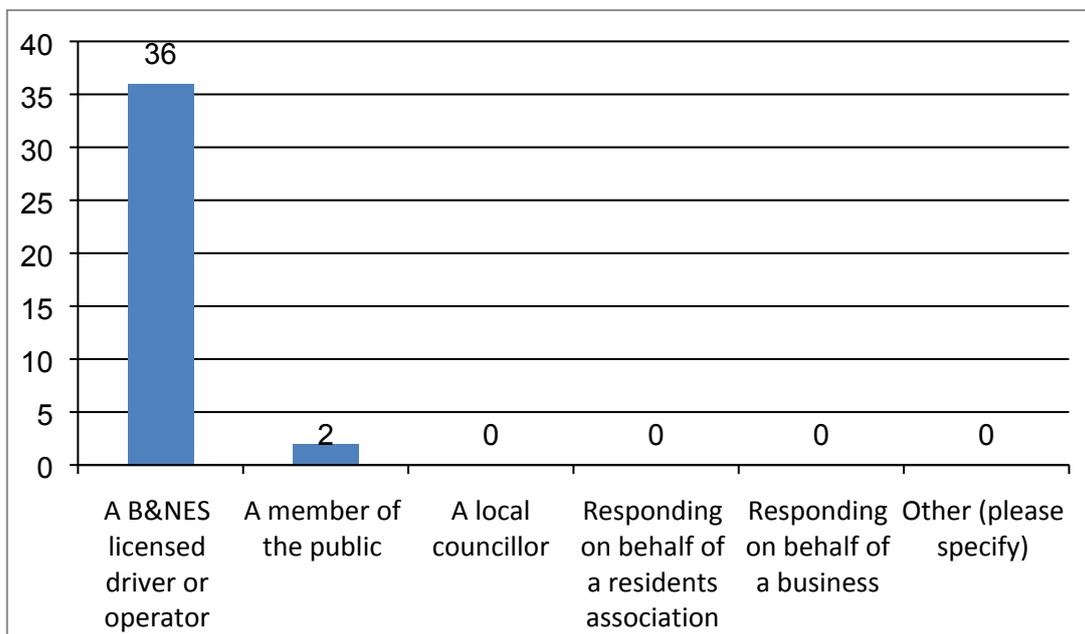
Date

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Hackney Carriage and Private Hire Policy and conditions review 2018- Public Consultation analysis

Question 1:

In what capacity are you responding to the consultation?



95% of people who responded were either B&NES licensed drivers or operators; 5% were members of the public.

Question 2:

During the life of the new taxi policy one or more Clean Air Zones may be introduced to help reduce harmful levels of air pollution in the area to within legal limits. A Clean Air Zone will impose charges for all vehicles driving within it which do not meet specified emission standards. All vehicles licensed by the Council must be (as a minimum) compliant with the terms of the Clean Air Zone and meet with its emission standards. Currently Euro 6 diesel and Euro 4 petrol vehicles may meet standards for central Bath however technical modelling is ongoing and no decision about these types of vehicle has yet been made. Fully electric and hydrogen fuel cell vehicles would meet standards for central Bath and would not be subject to a charge. In the interests of both the public and drivers' health, the Council is encouraging use of hybrid, plug-in hybrid or fully electric powered vehicles providing the minimum specifications set down in the relevant Private Hire or Hackney Carriage vehicle licence conditions are met. Please provide any comments about these proposals, particularly on how the Council can assist vehicle owners in achieving compliance.

15 people responded to this question; the comments are provided in the following table, together with officer responses.

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Comment	Officer's response
More time please, most drivers have hire purchase/ lease agreements of up to 5 years.	The Government has mandated the Council to reduce levels of nitrogen dioxide in the shortest time possible and by 2021 at the latest. Discussions with the trade began in April 2018 to ensure that as much notice as possible was given.
Most drivers have bought their vehicles over 5 years, so though I agree that vehicles should be cleaner I don't think it is fair to only give 2 years notice.	See above comment.
If the pollution in specific area, in my view to make some roads just for taxi, cycling and buses, then we can decrease pollution.	There are exceedances in nitrogen dioxide levels throughout B&NES and so it is necessary to take a wide-ranging approach in reducing these levels.
Euro 5 diesels and Euro 6 are nearly the same.	On average, Euro 6 vehicles are significantly better in terms of vehicle emissions than Euro 5 diesels.
How much will the tax be per year for diesels older than 2015?	The assumption is being made that this query relates to the charge for non-compliant vehicles to enter the Clean Air Zone. This will be confirmed in October 2018.
I really worry that your proposals are punishing low income residents once again. I'm sure we'd love to do more for the environment and everybody's health. Unfortunately, not everyone has the funds to buy a low emission vehicle within the next 2 years. Will there support schemes in place? What about targeting bus companies? How will they fare? I've seen some electric buses, but not many. And how will they achieve a more reliable service to offer a real alternative for Bath residents. Unfortunately, jobs and living locations seem to be increasingly apart and commuting times and costs ever increasing. You want to encourage people to leave their cars at home and use alternatives, but I do not feel that there are valid alternatives available at the moment. Also, if you are encouraging electric vehicles, where is the charging infrastructure? I live in a block of flats. There is no way I could have an electric vehicle, as there is no charging point nearby!	<p>The Council is considering concessions for the taxi trade to mitigate any negative impacts from the introduction of a Clean Air Zone in Bath. These will be confirmed in October 2018.</p> <p>Bus companies are also included within the terms of the Clean Air Zone and will be required to provide compliant vehicles.</p> <p>The Council is encouraging the use of electric vehicles and is applying for funding from the Office of Low Emission Vehicles for the installation of electric charging points for use by the taxis trade.</p>
Ban all diesels from being plated, give 3+ years notice so everyone can sort out their finance/lease reduce minimum CC for engines down to 1.0 or change from CC to HP as modern petrol engines have	Proposed vehicle specifications are given in the policy documents which are compliant with Government guidance for Clean Air Zones. These are at least a Euro 6 standard diesel and at least a Euro 4 standard petrol vehicle.

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<p>changed and improved a lot in the recent years. I personally suggest a petrol engine with 80+ HP as that would be above the standard for 1.4L engines ~10 years ago</p>	
<p>I'm just curious how it's going to be policed and every car complies only ask because of out of town cars they have to comply as well or they let off as per normal. It's just bath taxis being penalised.</p>	<p>The Clean Air Zone will be enforced by ANPR (Automatic Number Plate Recognition) cameras which are linked to the DVLA database. Every vehicle entering the zone will be required to comply, unless it has been granted a specific exemption.</p>
<p>Put fares up as we are losing money cause of Uber.</p>	<p>The Council regulates the fares for Hackney Carriage vehicles and agreed a 2.9% increase in 2018 because of inflation increases in motoring costs. Fares cannot be increased due to reasons of competition.</p>
<p>Just think it's a new money making scheme for the council and all councils.</p>	<p>The aim of introducing a Clean Air Zone is to reduce levels of nitrogen dioxide to below acceptable limits.</p> <p>Government guidance states that any income raised as a result of the implementation of the Clean Air Zone must be reinvested back into green transport schemes.</p>
<p>I drive a 2012. Diesel /hybrid yet this won't be "legal" when rules are implemented.. yet it's a hybrid</p>	<p>The Council is considering concessions for the taxi trade, including hybrid vehicles, to mitigate any negative impacts from the introduction of a Clean Air Zone in Bath. These will be confirmed in October 2018.</p>
<p>Some drivers have only recently purchased new vehicles. The vehicle change to drivers should be phased in, you can expect every taxi driver to be able to fund a new vehicle at the drop of a hat, especially after giving Uber a licence and forcing Banes drivers to work longer hours in competition with cars plated by Bristol, Wiltshire , TFL , Mendip , Devon , Wolverhampton, Gwent .</p>	<p>The Council is considering concessions for the taxi trade to mitigate any negative impacts from the introduction of a Clean Air Zone in Bath. These will be confirmed in October 2018.</p>
<p>We need more time for achieving compliance.</p>	<p>The Clean Air Zone will come into force sometime in 2020 and the Council is considering concessions for the taxi trade to mitigate any negative impacts from the introduction of a Clean Air Zone in Bath. These will be confirmed in October 2018.</p>
<p>When will the clean air zone come into force? Though I agree with the principal of the CAZ, many owners/ drivers are 2 years or less into 5 year hire purchase agreements ON</p>	<p>The Clean Air Zone will come into force at some point in 2020.</p>

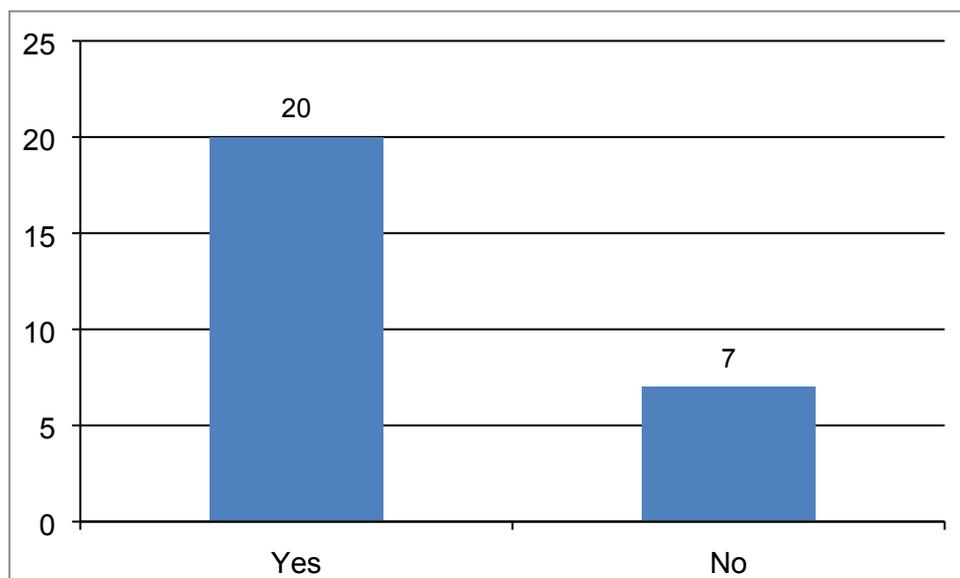
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VEHICLES THAT WILL NOT COMPLY.	
The current price of electric wheelchair accessible vehicles far outweighs the earning capabilities of a BANES taxi, and to my knowledge there are no hybrid WAVS currently available.	It is proposed to provide an exemption for WAV's licensed by B&NES from the Clean Air Zone in recognition of the valuable service they provide to the community.

Question 3:

The Council is proposing that all drivers should receive mandatory awareness training around child sexual exploitation. This is because taxi drivers are in a unique position to spot people who maybe vulnerable and being exploited. This 1 hour training course will be delivered by the Council so that we can keep costs for drivers to a minimum. It is anticipated that it will cost between £10 - £20 and this will be added to the licence application fee. Do you agree with the introduction of this mandatory training?

27 people answered this question.



74% of respondents to this question agreed that yes, mandatory awareness training around child sexual exploitation should be introduced for all drivers.

Two respondents provided further comments:

Comment	Officer's response
Done one of these courses already think it's a very grey area and your putting taxi drivers on the spot were not qualified in this field	The Council does not expect drivers to be experts or qualified in this field. The aim of the course is to raise awareness of situations that may cause the driver to be concerned and to provide useful information to empower the driver to feel confident in being able to report any concerns to the responsible authority. The main result of the course is that drivers

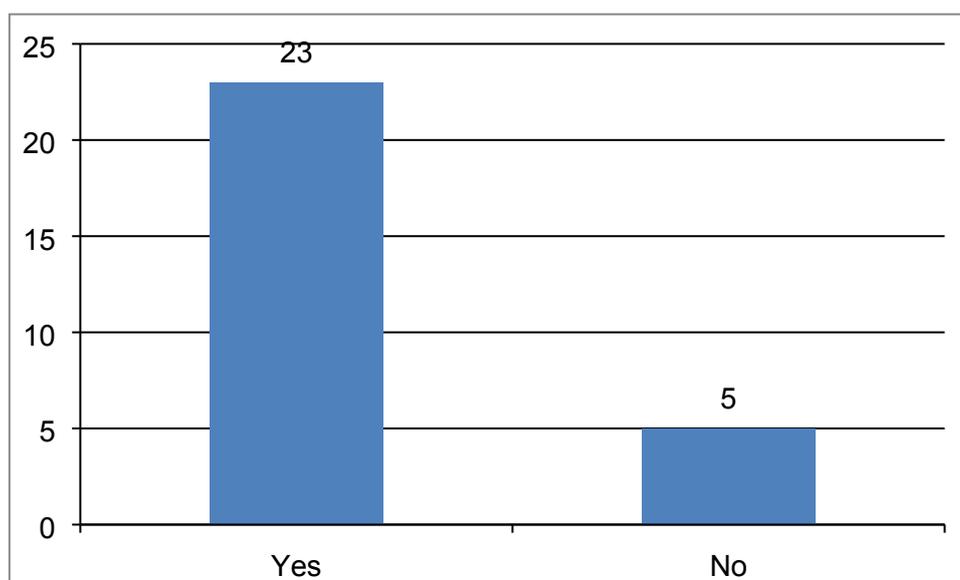
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	awareness of some of the signs of potential CSE is raised along with providing the driver with greater confidence in knowing what to do and who to approach with appropriate information should they find themselves in a situation which raises there concerns.
Drivers that do school runs have to do this course anyway, it makes sense.	No further comment

Question 4:

The Council is proposing to introduce a mandatory English speaking test for all new applicants as it is essential for public safety that a driver can communicate clearly with passengers and Emergency Services in the event of an emergency situation. This will be completed as part of the licence application process. Do you agree with the introduction of this mandatory training?

28 people answered this question.



82% of respondents to this question agreed that yes, a mandatory English speaking test for all new applicants should be introduced.

4 respondents provided further comments.

Comment	Officer's response
Because driver if see something Suspicious will call police straightway.	No further comment.
If you introduce this for all out of town drivers make it a level playing field but as per normal it's just bath drivers.	This condition relates to all new drivers licensed by B&NES. Other licensing authorities have already introduced a similar condition. Research by the DfT in 2017 indicated that 58% of 292 licensing authorities required some form of training by both hackney carriage and private

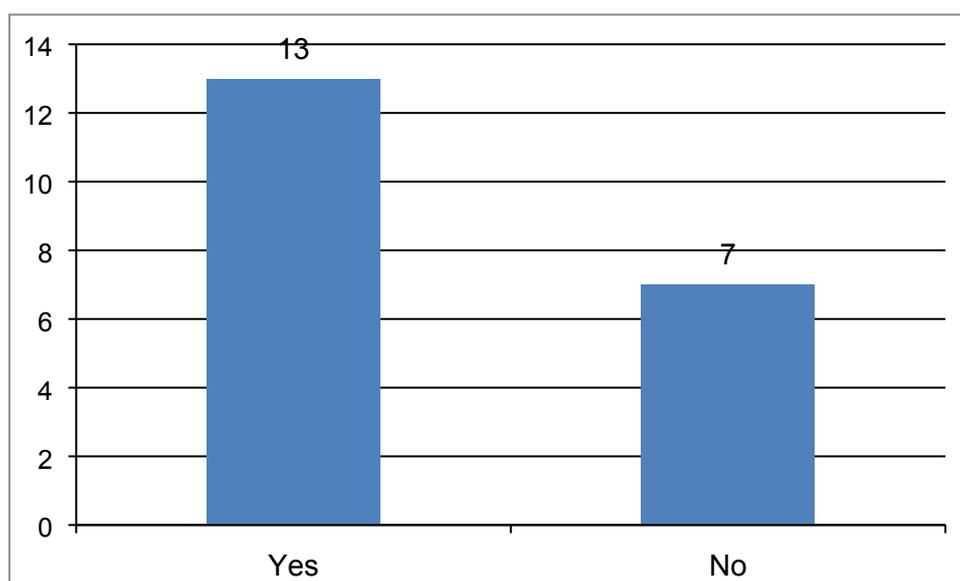
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	hire drivers.
Also all drivers should have a uk ???? licence	All applicants licensed by B&NES are required to hold a full UK driving licence with the required three year driving entitlement.
Yes, and ban Sat nav use for taxi drivers in the city centre. A map or an A to Z is what many of us learned our profession with.	This idea was suggested at the last taxi policy review in 2014 and was rejected by the Licensing Committee at that time after they considered the representations of other taxi drivers and developments in technology. However the Council agrees that local knowledge is essential and is committed to applicants passing a local knowledge test before issuing a combined hackney carriage/private hire drivers licence.

Question 5:

The Taxi Policy is being updated so that we can be sure it remains relevant and is fit for purpose. All the proposed changes are highlighted in red in the document which can be downloaded from the website. In general terms, do you agree with the proposed policy?

20 people answered this question.



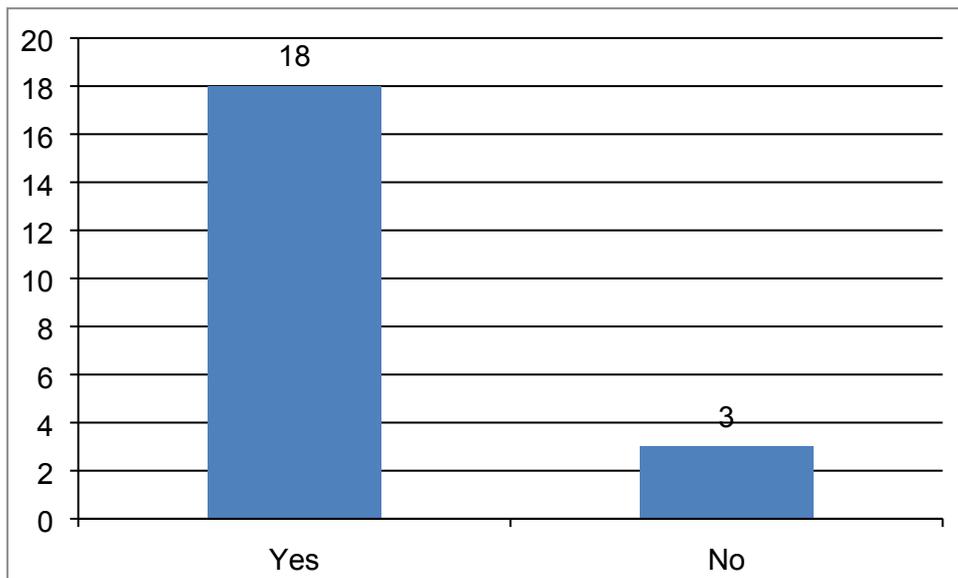
65% of respondents said yes, in general terms they agreed with the proposed policy. Nobody provided further comments.

Question 6:

The Hackney Carriage Vehicle Conditions are being updated so that they remain relevant and are fit for purpose. All the proposed changes are highlighted in red in the document which can be downloaded from the website. In general terms, do you agree with the proposed conditions?

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21 people answered this question.



86% of respondents said yes, in general terms they agreed with the proposed Hackney Carriage Vehicle Conditions.

1 respondent provided a further comment.

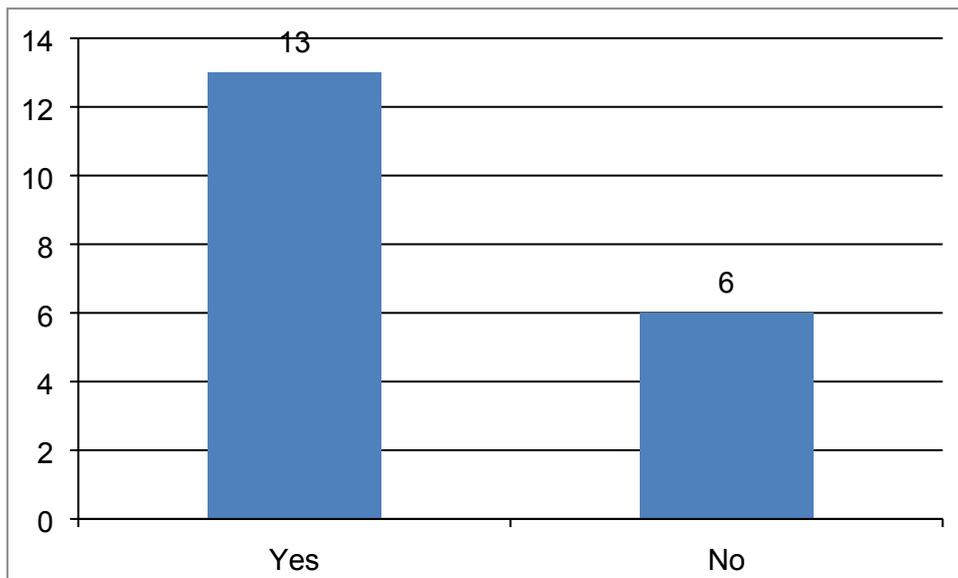
Comment	Officer's response
As before the price of available compliant WAVS will discourage drivers providing an essential service	It is proposed to provide an exemption from the Clean Air Zone for WAV's licensed by B&NES in recognition of the valuable service they provide to the community.

Question 7:

The Private Hire Vehicle Conditions are being updated so that we can be sure they remain relevant and are fit for purpose. All the proposed changes are highlighted in red in the document which can be downloaded from the website. In general terms, do you agree with the proposed conditions?

19 people answered this question.

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68% of respondents said yes, in general terms they agreed with the proposed Private Hire Vehicle Conditions.

3 respondents provided further comments.

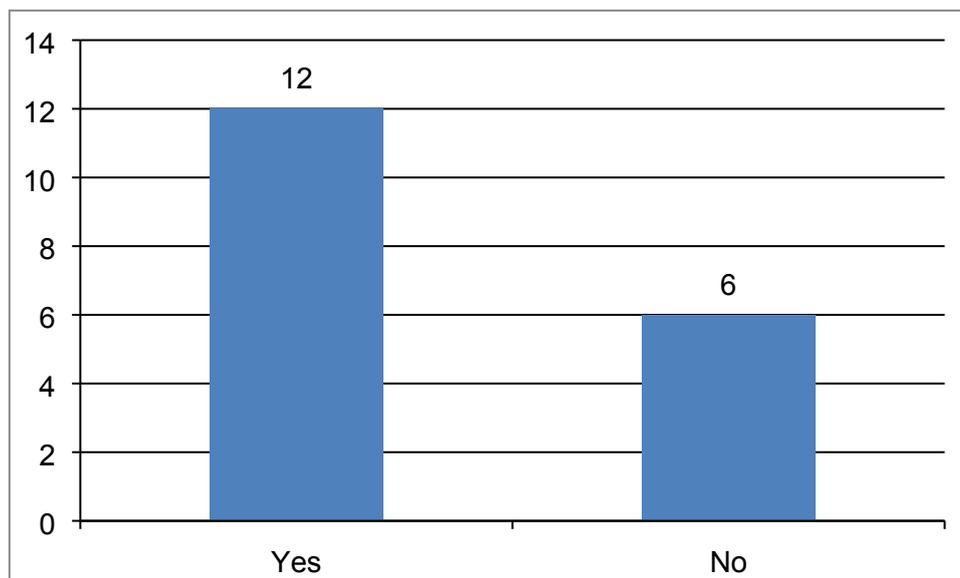
Comment	Officer's response
Will the council be ensuring that vehicles from other licensing authorities that are working in Bath for companies licenced by BANES such as Uber be subject to the same conditions	The Council is not able to impose any conditions on vehicles, drivers or operators licensed by other Councils. There is no legal mechanism to do so.
App based companies who are licenced and operate in bath such as Uber use a lot of vehicles from neighbouring licencing authorities, will they be subject to the new minimum standards, door signs etc. or will the council allow a uneven playing field ??	Only vehicles licensed by B&NES will be affected by the new policy and conditions. B&NES has no legal powers to impose terms and conditions on any vehicles or operators licensed by other authorities.
Short should be able to be worn if the temp is over 21 degree	It is expected that taxi drivers in B&NES dress in tidy and professional attire. However dress codes are often viewed subjectively by individuals and one person's idea of an acceptable dress code can be very different from another person's. The wearing of shorts and the fit and length of shorts can vary widely. One driver's idea of an acceptable pair of shorts may be unacceptable to a person travelling in a licensed vehicle and may make them feel uncomfortable. The majority of vehicles have air conditioning systems which allow the driver and passenger to travel in a comfortable environment.

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Question 8:

The Driver Conditions are being updated so that we can be sure they remain relevant and are fit for purpose. All the proposed changes are highlighted in red in the document which can be downloaded from the website. In general terms, do you agree with the proposed conditions?

18 people responded to this question.



67% of respondents said yes, in general terms they agreed with the proposed Driver Conditions.

2 respondents provided further comments.

Comment	Officer's response
I do not agree that we can no longer wear tidy shorts, we have recently experienced temperatures in the mid to late 30's and often have to sit in our vehicles on the taxi ranks for up to an hour at a time in the full sun. we cannot leave our vehicles to seek the shade as this is against council regulations, so wearing shorts is essential, will the council be banning miniskirts as well ?????,(shorts are short trousers miniskirts are short skirts!!!) Surely our health should be considered.	It is expected that taxi drivers in B&NES dress in tidy and professional attire. However dress codes are often viewed subjectively by individuals and one person's idea of an acceptable dress code can be vastly different from another person's. The wearing of shorts and the fit and length of shorts can vary widely. One driver's idea of an acceptable pair of shorts may be unacceptable to a person travelling in a licensed vehicle and may make them feel uncomfortable. The majority of vehicles have air conditioning systems which allow the driver and passenger to travel in a comfortable environment. Many drivers exit vehicles whilst waiting at taxi ranks for various reasons. For equalities sake it is agreed that this should extend to miniskirts. There are not considered to be any health implications associated with the proposed condition.
Tidy shorts should be permitted in hot weather also how can drivers be expected to take lost	We are aware of the difficulties and the new conditions for operators allow them to introduce

Hackney Carriage and Private Hire Policy and conditions review 2018- Public Consultation analysis

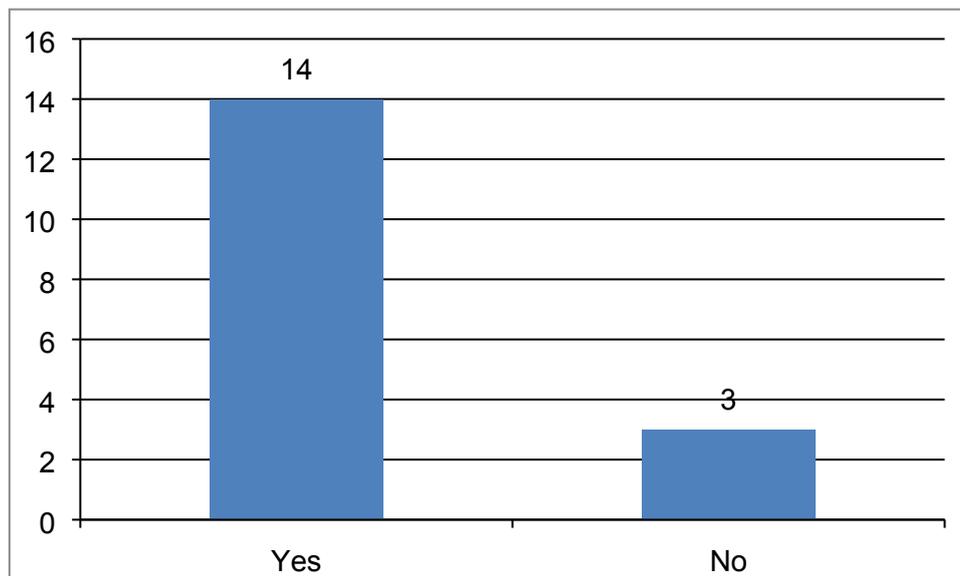
property to the police station when Bath does not have one (to stop at the one stop shop will incur a parking charge to the driver and is not open 24hr a day and travelling to Keynsham will be a great inconvenience to the driver and will also incur significant costs.

their own lost property retention schemes which will remove the requirement to take lost property to the Police. There will still be a Police Office in Manvers Street for drivers who are unable to use the facility provided by an operator. Drivers are advised to be extra vigilant at the end of a fare and ensure that the passenger has all their belongings to minimise incidents of lost property. From the Licensing Authority's experience of dealing with lost property incidents, many of them could be avoided with basic communication and a more vigilant and professional approach from the driver. Many lost property incidents are currently resolved by Licensing where identification of the vehicle is provided and the driver contacted before any property is handed into the Police.

Question 9:

The Private Hire Operator Conditions are being updated so that we can be sure they remain relevant and are fit for purpose. All the proposed changes are highlighted in red in the document which can be downloaded from the website. In general terms, do you agree with the proposed conditions?

17 people responded to this question.



82% of respondents said yes, in general terms they agreed with the proposed Private Hire Operator Conditions.

2 respondents provided further comments.

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Comment	Officer's response
Could there be more enforcement to ensure that the private hires comply with their current regulations such as picking up flyers (non booked fares or even putting their roof signs on their vehicles etc ?????) as the council don't seem to be able to enforce their existing rules so how will they enforce new ones?	There is regular enforcement to ensure that all licensed vehicles and drivers are complying with the regulations. There are regular Officer patrols to monitor activities and the team will respond to any issues raised by concerned drivers, whatever may be the cause.
The telephone number of a local office should be displayed on the exterior p/h signage so customers can contact the operator 24hr a day so as to report lost property etc., or any problems with the journey/driver	It is proposed that all private hire vehicles display signs that indicate which operator they are currently working for and the telephone number. In the absence of a telephone number then a website will be sufficient. It is not expected for all operators to be available 24hrs a day.

Question 10:

Please provide any other comments regarding the proposed changes.

3 respondents provided further comments.

Comment	Officer's response
Taxis should be exempt from the charge as we are PUBLIC transport and this charge will force many older drivers out of the job before retirement age as those with a couple of years to go before retirement should not be forced to work past their retirement date to pay for a car they don't want or need most drivers buy their cars on 4 to 5 year plans .I should think a fairer way would to wait until the car is changed to insist on a euro 6 diesel. The electric cars are far too small for the use as taxis.	<p>Taxis are included in all classes of a Clean Air Zone as stated in the Clean Air Zone Framework.</p> <p>The Council is considering concessions for the taxi trade to mitigate any negative impacts from the introduction of a Clean Air Zone in Bath. These will be confirmed in October 2018.</p> <p>The Council welcomes the use of electric vehicles as taxis and has provided a specification and vehicle conditions.</p> <p>Electric vehicles are an emerging market and whilst the models available are limited at this time, manufacturers will be providing a wider range of vehicles to stay competitive and provide vehicles that cater to a wider range of usage.</p> <p>With regard to size of taxis there is scope for vehicles of all sizes with some authorities licensing Smart Cars for City use where journeys predominantly only require a single passenger.</p>

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<p>Not allowing shorts after this spell of weather is pathetic, petty and vindictive</p>	<p>This is intended to provide a standard condition where no member of the public travelling in a licensed vehicle is made to feel uncomfortable by a driver whose choice of shorts (or other clothing) may be inappropriate and make them feel uncomfortable. The dress code whilst subjective in manner is there to encourage drivers to convey a professional appearance thereby improving the confidence of the public in choosing licensed vehicles as a preferred form of transportation.</p>
<p>Whilst I agree changes have to be made, as I stated previously, a vehicle change is something that would need to be phased in, charging taxis to come into the city to provide the service Banes requires is ludicrous. The A36 & A46 should have been linked years ago, the London road is a polluted mess but the majority of traffic is using it as a through road as there is no other alternative. I can't see how a tax will improve this situation on the London road</p>	<p>The Council is considering concessions for the taxi trade to mitigate any negative impacts from the introduction of a Clean Air Zone in Bath. These will be confirmed in October 2018.</p> <p>Regarding through traffic on London Road, its important to recognise that the vast majority of traffic in fact comes into Bath City Centre, with less than one in seven trips on London Road being through trips.</p>

4 people submitted responses on email via licensing@bathnes.gov.uk. The comments and officer's responses are provided below:

Comment:

Apologies for not booking a surgery slot regarding this, I left it too late.

If possible I would like to make a representation concerning the section about magnetic door signs on Private Hire vehicles. Whilst I agree with the principal of displaying the operator's details, I am slightly adverse to using magnets as over time they can cause scratches and paint fading. If the operator were to agree the supply of some kind of transparent plastic film signs to go in the rear passenger windows, would this be an acceptable alternative?

Yours sincerely,

Officer response:

Door signs are already in use by companies in B&NES and have been for a number of years with a very large number of drivers already using them without any reported issues. Magnetic door signs allow drivers who may work for more than one Operator to quickly change them when undertaking work for a different company with the minimum of disruption and fuss and can be easily transported flat in the vehicle and do not take up any space. Any film on the windows would not be as convenient and unless applied professionally would result in varied applications (as is

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the case with aftermarket window tints which are prohibited) and would not make it a simple task to change the displayed name of the Operator when required. Door signs provide a visual point of reference when a passenger is approaching a vehicle which is not provided by the rear window. Drivers visibility could also potentially be impaired by any application of film signs in the vehicle rear passenger window which is not something to be encouraged.

Comment:

Hope alls well. Just seen the updated regulations, like to mention congratulations on these certainly a step in the right direction in raising standards.

Do these come into force now or at renewal stage ?

Kind regards

Officer response:

It is intended that a Cabinet decision on the new policy and conditions will be made in December 2018, prior to the driver renewals in January 2019 when the proposed driver's conditions will take effect. The proposed new conditions for vehicles will take effect with any new vehicles licensed after this date and will affect Hackney Carriage renewals in May 2019 and Private Hire renewals in October 2019.

Comments were received from Uber Britannia Limited which is shown in the document attached to this Appendix.

The officer response is below:

Complaints Reporting

It is expected that Operators will deal with the majority of complaints regarding journeys taken themselves through internal protocols and procedures and to keep a record of these actions that can be inspected by the Council as part of normal Operator inspections or where a customer contacts the Council in the event of an unresolved dispute. With regard to complaints that involve violent, dishonest or sexual misconduct then the complainant should be referred directly to the Council and/or the Police. In such circumstances as these where it is likely to be a criminal matter the Operator should not be involved in an investigation of these matters as it may be prejudicial to later investigations by the appropriate authority. The Operator would be expected to be fully compliant in providing all relevant details to the Council or the Police when a potential criminal offence is being investigated and will be provided with the relevant data protection form should it be necessary. Complainant information would be gathered by the Operator in the normal course of business and the conditions require that the nature and method of any complaint is recorded by the Operator. It is expected that as Operators records are liable to inspection at any reasonable time by virtue of the legislation under which the licence is issued that this information would be forthcoming to the Council on request should it be necessary in unusual circumstances. Our licensing conditions apply to large corporate organisations such as Uber and small individuals who are sole traders. A large number of our Operators are based at home residential addresses and

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do not have secure data storage facilities and whilst they are required to comply with the Data Protection Act we do not wish to impose overly onerous data recording and storage requirements on our smaller Operators.

We agree the inclusion of the term “discrimination” is a desirable addition.

Decoupling Private Hire Drivers Licence from Hackney Carriage Drivers Licence

The combined Hackney Carriage/Private Hire driver’s license issued by B&NES allows a successful applicant to work in either sector of the trade without the need to apply for a separate licence depending on what type of vehicle he or she wishes to drive. Applicants often come into the “taxi trade” (to use a generic term) with a vague idea of how they wish to work and no clear idea of the difference between the two licence categories and the differences between the two methods of working either from the ranks for immediate public hire or through an operator for advance private hire bookings. The dual licencing regime has advantages not just for the applicant but for hackney carriage vehicle owners and private hire vehicle owners and operators who can all be assured that any driver they take on who is licensed by B&NES is fully legal for each type of vehicle and that the applicant having gone through the knowledge test process not only has a competent knowledge of the local area including shops, restaurants, sports facilities, pubs, nightclubs etc and has demonstrated that they can competently navigate the city by an appropriate route. It is of equal importance that the knowledge test also includes modules on the legal aspects of driving a private hire or hackney carriage vehicle which we believe is essential knowledge and prevents new drivers inadvertently falling foul of the law. Many of the points raised suggest that the Council should be facilitating an easier pathway for drivers who sign up to the Uber platform for the reasons they have put forward such as not carrying cash, or wishing to drive for limited hours whilst studying or having other commitments. We feel that the process in B&NES provides a better standard of licensed driver with a greater knowledge of the local area and the legislation and local licensing conditions that govern how they work. B&NES is committed to raising the professionalism of newly licensed drivers and the feedback that is received from applicants who complete the knowledge test is that it is a valuable experience in many cases. Since Uber have been operating in B&NES a great deal of time and resources has been spent investigating incidents and complaints about vehicles from other licensing authorities parking or picking up and dropping off from B&NES appointed hackney carriage stands. When we have investigated these incidents and interviewed drivers from other authorities they usually inform us that they were unaware that they stopping on our ranks is illegal as neither the licensing authority or operator had given them any information regarding the legalities of the job they are doing. The Council is committed to producing professional full time or part time licensed drivers who are knowledgeable of the local area, local conditions and the national legislation which governs them and are able to move fluidly between the two sectors should they require to without the additional burden of applying for a new license.

Receipt For Fare

We agree with the response from Uber and recommend the amendment suggested.

Hackney Carriage and Private Hire Policy and conditions review 2018- Public Consultation analysis

Condition 8

*The definition of a vehicle “proprietor” is contained within section 80 of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 and is defined in law as: - “**proprietor**” includes a part-proprietor and, in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement”. The Council can only issue licenses in accordance with the provisions of the current legislation. Whilst it is suggest that this will limit the provision of wheelchair accessible and electric vehicles in B&NES they do not currently have an scheme for the provision of either type of vehicle in B&NES and have not informed us of any intention to do so in this area. Should this arise then we would work to facilitate such provision as long as it complies with the current legislation in force. It should also be noted that there are a number of vehicle rental companies who provide vehicles for drivers on a long term basis and this provision ensures that there is a clear demarcation of responsibility for the driver who is possession of the vehicle and becomes the licensee and subject to the various vehicle licensing conditions.*

A comment was also received regarding the provision of roof signs on private hire vehicles in B&NES although there are no proposals to alter or amend the existing condition requiring them. The comments and Officer response to the individual points is included below.

I hope you are well.

I would like to put forward a suggestion to stop the usage of roof signs for Private hire vehicles in B&NES and I hope you will take this request in to consideration and discuss it with the relevant party's. I will list my reasons below.

Firstly with the proposed changes to displaying liveries in or on vehicles. I feel that the public have an extra layer of protection now in knowing that they are indeed entering a Private hire vehicle they have pre booked. Once in the vehicle a plate is of course displayed in the windscreen and drivers have badges so there can be no confusion they are getting into a licensed vehicle.

Officer response:

The point of the requirement of door signs is to add an extra layer of identity to allow the public to distinguish between Operators. The roof sign does not do this but allows all members of the public to easily identify a fully licensed B&NES vehicle and provide an eye level licence number unique to the vehicle. The majority of enquiries we get from the public whether they are complaints or lost property quote the number from the roof sign.

Door signs in your own words add “and extra layer of protection” so it would be counterproductive to on one hand add an extra layer of production whilst on the other hand removing the most visible identification feature of a licensed private hire vehicle.

Secondly the public in general I find have no clue what the difference is between a hackney roof sign and a Private hire one. So much so that I regularly get hailed by the public when driving through the city to a pick up (obviously I ignore them) I have had many conversation with clients when on board and they often ask what the difference is. I am also convinced that some PH drivers do stop when hailed so eliminating a roof sign I feel would stop this temptation because the public will no longer hail them.

Hackney Carriage and Private Hire Policy and conditions review 2018- Public Consultation analysis

Officer response:

The Hackney Carriage trade in Bath claim (backed by our Significant Unmet Demand public use surveys) that there is no "hailing culture" in Bath. In our experience the majority of plying for hire incidents occur when stationary vehicles are approached. Even if hailing was a major factor it is a lot easier to simply ignore and continue to drive. The provision of fully signed, plated easily distinguishable vehicles also makes it harder for rogue elements to take advantage of unsuspecting customers by roaming the streets hoping for a pick up.

As long as there is a two tier licensing system there will always be certain drivers who act illegally and ply for hire whether by accepting flag downs or being approached whilst stationary. It is up to the driver to act within the confines of the law. The public on a night out will attempt to hail or enter any vehicle they think they can whether or not a roof sign is displayed which is evident from the problem being existent in all towns in the UK whether or not roof signs are displayed. This problem is rampant in Bristol where private hires do not display roof signs. Thankfully in B&NES we have a great pool of responsible drivers who act lawfully but the small percentage of drivers who don't would do so irrespective of required roof signs or any other signage.

Thirdly in my position as you know I specialise in long distance and tours so I very rarely operate within B&nes area anyway except during a pick up or drop off. I spend most of the journey out of area so I feel even more so a company like mine has no need when undertaking airports and tours.

Officer response:

Our conditions provide for the removal of roof signs on motorway journeys. With regard to journeys taken on roads where normal speed limits apply the roof sign requires no maintenance or specific action from the licensee, and in that respect is no different from the required licence plates.

I also feel that if roof signs were no longer needed to be paid for then the funds could be directed into saving us the car owners some money and also making more money available for the licensing dept to monitor and enforce the more important rules such as safety of vehicles etc.. which I personally feel is much more of an important matter.

Officer response:

The cost of a roof sign is currently £46 which is a reasonably small investment for a self-employed business venture and that initial investment of £46 can last for many years so in the long term is an incredibly small amount of money to part with in the setup of a small business venture. Your suggestion that there would be any funds available for the licensing team to monitor and enforce the rules is incorrect. Any enforcement costs are legally not allowed to be funded by the sale of roof signs in the first place and if they were then the removal of roof signs would remove a revenue stream not provide one. The Council makes no profit from the sale of roof signs and merely facilitates the provision of them from our offices for the convenience of new licensees and existing licensees in the case of theft or loss. As licensing is a self-financing function then all costs of running the service and enforcement are provided by licensing fees which are calculated on very controlled time recording system annually and allow us to reduce the licence fees or increase them where appropriate based on actual recorded hours.

Hackney Carriage and Private Hire Policy and conditions review 2018- Public Consultation analysis

My final point and I think this is the most convincing point of all is that south Gloucestershire Private hire vehicles now operate within the city limits under the Uber banner in great numbers. None of these vehicles have roof signs at all. There for if Licensing and B&NES have no issue with these vehicles plying for hire within Bath and not having roof signs I am struggling to see why vehicles who pay to be licensed here have to. I think this in itself is a good enough reason to stop the rule of having them.

Officer response:

It is not that licensing have “no issues” with vehicles from other areas fulfilling private hire bookings. There is simply no legal mechanism to prevent them and we don’t have any control over what is required of them by the authorities that licence them. Other vehicles operating in Bath with lower standards are not a good reason for B&NES vehicles to lower our standards to match. The final point would actually go a long way to encouraging more of a free for all environment where totally unlicensed vehicles would be more able to come to Bath and blend in with other vehicles that display little or no signage. The roof signs on our vehicles provide an easily recognisable point of reference that ensures confidence in the hirer that the vehicle they are about to enter is legitimate and driven by a properly licensed driver and in the unlikely event of a problem provides an eye level source of an easily remembered three digit number that can be quoted to the Police or the Council should a complaint or loss or property need to be reported.

My final point is ask yourself if it was one of your loved ones in a city they were visiting and needed a private hire vehicle would you prefer a vehicle with highly visible identification markings which confirm its legitimacy thereby ensuring confidence for them that the vehicle is safe to use or a vehicle with very little readily visible signage and no easily distinguishable features that confirm its licensed status? We have no real problems here with illegal vehicles unlike other areas where vehicles do not display as much identification and unlicensed vehicles are rife and some horrendous incidents occur where drunken passengers are taken advantage of by rogue drivers. I think you only have to look at the stories in Private Hire Monthly about the sexual assaults that occur elsewhere in the country in vehicle that are mistaken for private hire vehicle to see the value of readily identifiable licensed vehicles. Thankfully we have never had a serious incident such as this in one of our licensed vehicles and I firmly believe that the signs and identification features on our licensed vehicle are a contributing factor to this.

Officer response:

Our overriding concern as a licensing authority is public safety and the roof signs provide a very important factor in ensuring that the travelling public in B&NES do so in a safe, secure and easily identifiable manner.

I look forward to yours and B&NES response to this matter. I have discussed this with other drivers in recent months and other small operators and they all agree with me and feel the same so I hope this suggestion is taken into serious consideration.

Officer response:

Your email will be included in the consultation responses and will be considered by elected Members who may have a different view than my points above, thank you for taking the time to provide your perspective it is appreciated.

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UBER

Uber Britannia Limited
Aldgate Tower - First Floor
2 Lemn Street
London E1 8FA

[via email]

13 September 2018

Dear Cathryn,

Thank you for the invitation to input into the B&NES taxi policy consultation 2018.

Recent advances in technology have brought considerable improvements to the private hire industry for passengers, drivers, operators and regulators alike. We welcome the opportunity to review conditions and ensure future regulation allows for further innovation and improvement.

In regards to the *Private Hire Operator's General Conditions* we would kindly ask you to consider the following:

Complaints reporting

- Addition of complainant's contact details to be collected with each record. This will enable the council to follow up directly with any complainant for further information. It will also give operators a legal basis on which to share this data with the council, which should minimise the occasions on which a formal data request must be made.
- Addition of 'discrimination' to be included into mandatory complaint type reporting.
- Consideration of a maximum 72 hour window to report complaints to council. This allows for a reasonable period to validate an ambiguous or spurious complaint and collate beneficial intelligence to assist with the handling of the complaint.

In regards to the *Proposals for Private Hire Driver's General Conditions & Hackney Carriage Driver Byelaws* we would kindly ask you to consider the following:

Decoupling Private Hire Driver Licence from Hackney Carriage Driver Licence

- The recent advances in technology within the private hire industry have made it a more appealing prospect for a more diverse group of applicants. This includes;
 - people who feel safer not having to handle cash (and thus be a target for theft),
 - people who feel safer carrying passengers who are not anonymous (with Uber each hirer has had their phone number, email address and credit card validated)
 - people who can be their own boss and build their work around things like childcare, study or creating their own business

Uber Britannia Limited, registered in England and Wales with registered number 8823469. Registered Office: Aldgate Tower - First Floor, 2 Lemn Street, London, E1 8FA

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it is therefore appropriate that the licensing process for these applicants is proportionate to the role they will undertake. In line with the majority of councils across the UK, we ask you to reconsider the value of testing applicants on skills and knowledge that are not directly applicable to the job they will undertake.

Receipt For Fare

- To future proof the conditions and to avoid any uncertainty, we would suggest that the requirement to provide a 'written receipt' be replaced with the requirement to provide a 'receipt', to allow receipts to be produced in more modern formats.

In regards to the *Proposed Policy on Hackney Carriage And Private Hire Licensing Standards For Vehicles, Operators And Operators* we would kindly ask you to consider the following:

Condition 8

In accordance with the definition of "Proprietor" as stated by the Local Government (Miscellaneous Provisions) Act 1976, the Council will not issue vehicle licenses to companies who intend to hire or lease the vehicle to a third party. In these cases vehicle licenses will only be granted to the person in possession of the vehicle under a lease or hire agreement.

This condition would have the unintended consequence of reducing the availability of specialist vehicles in the market (including wheelchair accessible and electric vehicles).

As an example, we are currently working with a company in another jurisdiction which rents Electric Vehicles to private hire drivers. The company facilitates the charging of these vehicles at its central hub and drivers are able to simply pick them up and drop them off when required (without having to worry about the charging infrastructure required). We are confident that this will be a catalyst for greater electric vehicle uptake.

Unfortunately, the outcome of the proposed condition would create an administrative burden for both drivers, operators and the third party companies which would inhibit the development of this model in B&NES.

I thank you for your consideration and would welcome the opportunity to discuss any of the submission in further detail.

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Department
for Transport

Access for wheelchair users to Taxis and Private Hire Vehicles

Statutory Guidance

Moving Britain Ahead

The Department for Transport has actively considered the needs of blind and partially sighted people in accessing this document. The text will be made available in full on the Department's website. The text may be freely downloaded and translated by individuals or organisations for conversion into other accessible formats. If you have other needs in this regard please contact the Department.

Department for Transport
Great Minster House
33 Horseferry Road
London SW1P 4DR
Telephone 0300 330 3000
Website www.gov.uk/dft
General enquiries: <https://forms.dft.gov.uk>



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Ministerial Foreword



This Government is committed to ensuring that transport works for everyone, including disabled people. Since joining the Department for Transport in 2015, and taking on Ministerial responsibility for transport accessibility, I have made it my mission to challenge the status quo and encourage innovative thinking to improve access to transport across the modes.

I know however, that despite the real improvements which have taken place in recent years, some disabled passengers still face discrimination when attempting to travel. I am clear that this is unacceptable.

Owners of assistance dogs are already protected by provisions in the Equality Act 2010 which make it unlawful to refuse or charge them extra. I want similar protections to apply to wheelchair users, which is why I am delighted that we have commenced the remaining parts of sections 165 and 167 of the Equality Act 2010, making it a criminal offence for drivers of designated taxi and private hire vehicles to refuse to carry passengers in wheelchairs, to fail to provide them with appropriate assistance, or to charge them extra. I hope that in so doing we will send a clear signal to the minority of drivers who think it acceptable to discriminate on grounds of disability that such behaviour will not be tolerated – and, more importantly, to enable wheelchair users to travel with confidence.

A handwritten signature in blue ink that reads "Andrew Jones". The signature is written in a cursive, flowing style.

**Andrew Jones MP,
Parliamentary Under Secretary of State, Department for Transport**

1. Introduction

Status of guidance

- 1.1 This guidance document has been issued in order to assist local licensing authorities (LAs) in the implementation of legal provisions intended to assist passengers in wheelchairs in their use of designated taxi and private hire vehicle (PHV) services. It provides advice on designating vehicles as being wheelchair accessible so that the new protections can apply, communicating with drivers regarding their new responsibilities and handling requests from drivers for exemptions from the requirements.
- 1.2 This is a statutory guidance document, issued under section 167(6) of the Equality Act 2010 and constitutes the Secretary of State's formal guidance to LAs in England, Wales and Scotland on the application of sections 165 to 167 of the Equality Act 2010. LAs must have regard to this guidance document.

2. Putting the law into practice

Background

- 2.1 We have commenced sections 165 and 167 of the [Equality Act 2010](#) (“the Act”), in so far as they were not already in force. Section 167 of the Act provides LAs with the powers to make lists of wheelchair accessible vehicles (i.e. “designated vehicles”), and section 165 of the Act then requires the drivers of those vehicles to carry passengers in wheelchairs, provide assistance to those passengers and prohibits them from charging extra.
- 2.2 The requirements of section 165 do not apply to drivers who have a valid exemption certificate and are displaying a valid exemption notice in the prescribed manner. An exemption certificate can be issued under section 166 of the Act, which is already in force. This allows LAs to exempt drivers from the duties under section 165 where it is appropriate to do so, on medical grounds or because the driver’s physical condition makes it impossible or unreasonably difficult for them to comply with those duties.
- 2.3 On 15th September 2010, the Department for Transport issued guidance on the Act which stated, in relation to section 167, *“although the list of designated vehicles will have no actual effect in law until the duties are commenced, we would urge licensing authorities to start maintaining a list as soon as possible for the purpose of liaising with the trade and issuing exemption certificates”*.
- 2.4 We therefore recognise that many LAs have already implemented some of these provisions, including publishing lists of wheelchair accessible vehicles and exempting drivers. Therefore, there are likely to be a range of approaches being used in practice by LAs across England, Wales and Scotland.

Transitional arrangements

- 2.5 We want to ensure that the commencement of sections 165 and 167 of the Act has a positive impact for passengers in wheelchairs, ensures they are better informed about the accessibility of designated taxis and PHVs in their area, and confident of receiving the assistance they need to travel safely.
- 2.6 But we recognise that LAs will need time to put in place the necessary procedures to exempt drivers with certain medical conditions from providing assistance where there is good reason to do so, and to make drivers aware of these new requirements. In addition, LAs will need to ensure that their new procedures comply with this guidance, and that exemption notices are issued in accordance with Government regulations. This will ensure that we get a consistent approach and the best outcomes for passengers in wheelchairs.
- 2.7 As such, we would encourage LAs to put in place sensible and manageable transition procedures to ensure smooth and effective implementation of this new law. LAs should only publish lists of wheelchair accessible vehicles for the purposes of

section 165 of the Act when they are confident that those procedures have been put in place, drivers and owners notified of the new requirements and given time to apply for exemptions where appropriate. We would expect these arrangements to take no more than a maximum of six months to put in place, following the commencement of these provisions, but this will of course be dependent on individual circumstances.

2.8 A flowchart setting out the sorts of processes that a LA could follow is set out below. This is an indicative illustration, and it will be down to each LA to determine the actions they need to take to ensure this new law is implemented effectively in their area.



3. Vehicles

Overview

- 3.1 Section 167 of the Act permits, but does not require, LAs to maintain a designated list of wheelchair accessible taxis and PHVs.
- 3.2 Whilst LAs are under no specific legal obligation to maintain a list under section 167, the Government recommends strongly that they do so. Without such a list the requirements of section 165 of the Act do not apply, and drivers may continue to refuse the carriage of wheelchair users, fail to provide them with assistance, or to charge them extra.

Vehicles that can be designated

- 3.3 We want to ensure that passengers in wheelchairs are better informed about the accessibility of the taxi and PHV fleet in their area, confident of receiving the assistance they need to travel safely, and not charged more than a non-wheelchair user for the same journey.
- 3.4 The Act states that a vehicle can be included on a licensing authority's list of designated vehicles if it conforms to such accessibility requirements as the licensing authority thinks fit. However, it also goes on to explain that vehicles placed on the designated list should be able to carry passengers in their wheelchairs should they prefer.
- 3.5 This means that to be placed on a licensing authority's list a vehicle must be capable of carrying some – but not necessarily all – types of occupied wheelchairs. The Government therefore recommends that a vehicle should only be included in the authority's list if it would be possible for the user of a "reference wheelchair"¹ to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair.
- 3.6 Taking this approach allows the provisions of section 165 of the Act apply to a wider range of vehicles and more drivers than if LAs only included on the list vehicles capable of taking a larger type of wheelchair.
- 3.7 The Government recognises that this approach will mean that some types of wheelchair, particularly some powered wheelchairs, may be unable to access some of the vehicles included in the LA's list. The Act recognises this possibility, and section 165(9) provides a defence for the driver if it would not have been possible for the wheelchair to be carried safely in the vehicle. Paragraph 3.10 of this guidance below aims to ensure that users of larger wheelchairs have sufficient information about the vehicles that will be available to them to make informed choices about their journeys.

¹ As defined in Schedule 1 of the [Public Service Vehicle Accessibility Regulations 2000](#)

Preparing and publishing lists of designated vehicles

- 3.8 We want to ensure that passengers in wheelchairs have the information they need to make informed travel choices, and also that drivers and vehicle owners are clear about the duties and responsibilities placed on them.
- 3.9 Before drivers can be subject to the duties under section 165 of the Act, the LA must first publish their list of designated vehicles, and clearly mark it as 'designated for the purposes of section 165 of the Act'.
- 3.10 LAs should ensure that their designated lists are made easily available to passengers, and that vehicle owners and drivers are made aware. Lists should set out the details of the make and model of the vehicle, together with specifying whether the vehicle is a taxi or private hire vehicle, and stating the name of operator. Where possible it would also be helpful to include information about the size and weight of wheelchair that can be accommodated, and whether wheelchairs that are larger than a "reference wheelchair" can be accommodated.
- 3.11 However, we recognise that some passengers in wheelchairs may prefer to transfer from their wheelchair into the vehicle and stow their wheelchair in the boot. Although the legal requirement for drivers to provide assistance does not extend to the drivers of vehicles that cannot accommodate a passenger seated in their wheelchair, we want to ensure that these passengers are provided with as much information as possible about the accessibility of the taxi and PHV fleet in their area.
- 3.12 We would therefore recommend that LAs also publish a list of vehicles that are accessible to passengers in wheelchairs who are able to transfer from their wheelchair into a seat within the vehicle. It should be made clear however that this list of vehicles has not been published for the purposes of section 165 of the Act and drivers of those vehicles are therefore not subject to the legal duties to provide assistance. Authorities may however wish to use existing licensing powers to require such drivers to provide assistance, and impose licensing sanctions where this does not occur.

Appeals

- 3.13 Section 172 of the Act enables vehicle owners to appeal against the decision of a LA to include their vehicles on the designated list. That appeal should be made to the Magistrate's Court, or in Scotland the sheriff, and must be made within 28 days of the vehicle in question being included on the LA's published list.

4. Drivers

Driver responsibilities

- 4.1 Section 165 of the Act sets out the duties placed on drivers of designated wheelchair accessible taxis and PHVs.
- 4.2 The duties are:
- to carry the passenger while in the wheelchair;
 - not to make any additional charge for doing so;
 - if the passenger chooses to sit in a passenger seat to carry the wheelchair;
 - to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
 - to give the passenger such mobility assistance as is reasonably required.
- 4.3 The Act then goes on to define mobility assistance as assistance:
- To enable the passenger to get into or out of the vehicle;
 - If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
 - To load the passenger's luggage into or out of the vehicle;
 - If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.
- 4.4 Once the duties are commenced, it will be an offence for the driver (unless exempt) of a taxi or PHV which is on the licensing authority's designated list to fail to comply with them. We encourage LAs to provide drivers of taxis and PHVs who are not exempt from the duties with clear guidance on their duties with respect to the carriage of passengers in wheelchairs, either as part of existing driver-facing guidance, or as supplementary communication. The Disabled Persons Transport Advisory Committee's Disability Equality and Awareness Training Framework for Transport Staff² may provide a useful resource.
- 4.5 Although each situation will be different, we take the view that reasonable mobility assistance will be subject to other applicable law, including health and safety legislation. However, we would always expect drivers to provide assistance such as folding manual wheelchairs and placing them in the luggage compartment, installing the boarding ramp, or securing a wheelchair within the passenger compartment.
- 4.6 Depending on the weight of the wheelchair and the capability of the driver, reasonable mobility assistance could also include pushing a manual wheelchair or

²

<http://webarchive.nationalarchives.gov.uk/20080804135759/http://www.dptac.gov.uk/education/stafftraining/pdf/trainingframework-nontabular.pdf>

light electric wheelchair up a ramp, or stowing a light electric wheelchair in the luggage compartment.

- 4.7 It is our view that the requirement not to charge a wheelchair user extra means that, in practice, a meter should not be left running whilst the driver performs duties required by the Act, or the passenger enters, leaves or secures their wheelchair within the passenger compartment. We recommend that licensing authority rules for drivers are updated to make clear when a meter can and cannot be left running.

Applying for and issuing exemptions

- 4.8 Some drivers may have a medical condition or a disability or physical condition which makes it impossible or unreasonably difficult for them to provide the sort of physical assistance which these duties require. That is why the Act allows LAs to grant exemptions from the duties to individual drivers. These provisions are contained in section 166, and were commenced on 1st October 2010.
- 4.9 Section 166 allows LAs to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical or physical grounds. The exemption can be valid for as short or long a time period as the LA thinks appropriate, bearing in mind the nature of the medical issue. If exempt, the driver will not be required to perform any of the duties. Since October 2010, taxi and PHV drivers who drive wheelchair accessible taxis or PHVs have therefore been able to apply for exemptions. If they do not do so already, LAs should put in place a system for assessing drivers and a system for granting exemption certificates for those drivers who they consider should be exempt.
- 4.10 We suggest that authorities produce application forms which can be submitted by applicants along with evidence supporting their claim. We understand that some licensing authorities have already put in place procedures for accessing and exempting drivers, and as an absolute minimum, we think that the evidence provided should be in the form of a letter or report from a general practitioner.
- 4.11 However, the Government's view is that decisions on exemptions will be fairer and more objective if medical assessments are undertaken by professionals who have been specifically trained and who are independent of the applicant. We would recommend that independent medical assessors are used where a long-term exemption is to be issued, and that LAs use assessors who hold appropriate professional qualifications and who are not open to bias because of a personal or commercial connection to the applicant. LAs may already have arrangements with such assessors, for example in relation to the Blue Badge Scheme.
- 4.12 If the exemption application is successful then the LA should issue an exemption certificate and provide an exemption notice for the driver to display in their vehicle. As section 166 has been in force since 2010, many LAs will already have processes in place for issuing exemption certificates, and as such we do not intend to prescribe the form that those certificates should take. We are however keen to ensure that passengers in wheelchairs are able to clearly discern whether or not a driver has been exempted from the duties to provide assistance, and as such will prescribe the form of and manner of exhibiting a notice of exemption.
- 4.13 If the exemption application is unsuccessful we recommend that the applicant is informed in writing within a reasonable timescale and with a clear explanation of the reasons for the decision.

Demonstrating exemptions

- 4.14 In addition to the exemption certificate, exempt drivers need to be issued with a notice of exemption for display in their vehicle.
- 4.15 The Department will soon make regulations which will prescribe the form of and manner of exhibiting a notice of exemption. Where a driver has been exempted from the duties under section 165 of the Act, they must display an exemption notice in the vehicle they are driving in the form and manner prescribed by the regulations. If the notice is not displayed then the driver could be prosecuted if they do not comply with the duties under section 165 of the Act.
- 4.16 The Department aims to distribute copies of the notice of exemption to LAs, but they are of course free to produce their own in accordance with the regulations.
- 4.17 Only one exemption notice should be displayed in a vehicle at any one time.

Appeals

- 4.18 Section 172 of the Act enables drivers to appeal against the decision of a LA not to issue an exemption certificate. That appeal should be made to the Magistrate's Court, or a sheriff in Scotland, and must be made within 28 days beginning with the date of the refusal.
- 4.19 LAs may choose to establish their own appeal process in addition to the statutory process but this would need to be undertaken rapidly in order to allow any formal appeal to the Magistrate's Court to be made within the 28 day period.

5. Enforcement

Licensing measures and prosecution

- 5.1 It is important to note that a driver will be subject to the duties set out in section 165 of the Equality Act 2010 if the vehicle they are driving appears on the designated list of the LA that licensed them, and the LA has not provided them with an exemption certificate, regardless of where the journey starts or ends.
- 5.2 The Government expects LAs to take tough action where drivers breach their duties under section 165 of the Act.
- 5.3 LAs have wide-ranging powers to determine the rules by which taxis and private hire vehicles within their respective areas may operate. We recommend that they use these powers to ensure that drivers who discriminate against disabled passengers are held accountable.
- 5.4 If a driver receives a conviction for breaching their duties under section 165 of the Act, it would be appropriate for the authority to review whether or not they remained a fit and proper person to hold a taxi or PHV drivers' licence. The Government's presumption is that a driver who wilfully failed to comply with section 165 would be unlikely to remain a "fit and proper person".
- 5.5 Authorities might also apply conditions which enable them to investigate cases of alleged discrimination and take appropriate action, even where prosecution did not proceed.

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Bath & North East Somerset Council

MEETING:	Licensing Committee	
MEETING DATE:	17 October 2018	
TITLE:	Review of the Council's Statement of Principles under the Gambling Act 2005	
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Appendix A: Copy of responses received from the consultation exercise, including officer comments and recommendations</p> <p>Appendix B: Copy of proposed Statement of Principles showing the recommended changes following public consultation</p>		

1 THE ISSUE

- 1.1 The Gambling Act 2005 (The Act) requires that licensing authorities review their Statement of Principles with regard to gambling every three years. Following the completion of a consultation exercise, the Committee are being asked to consider the responses received, and the officer recommendations, before the proposed Statement of Principles provided in Appendix B is presented to Full Council for adoption.

2 RECOMMENDATION

The Licensing Committee is asked to:

- 2.1 Note the responses to the consultation exercise and agree that the officer recommendations should be incorporated into the revised Statement of Principles
- 2.2 Recommend that the draft Statement of Principles, provided in Appendix B, is presented to Full Council for adoption.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The review of the Council's existing policy has been carried out by officers from Licensing and Legal Services. The majority of costs are taken by officer time and all costs are managed within existing budgets through full cost recovery from licensing fees.
- 3.2 The Council has a legal responsibility to review its Statement of Principles, under the Gambling Act 2005, every three years dating from January 2007. The fees charged for the licence costs under the Act cover all activities associated with

the prescribed duties including the provision and review of the Statement of Principles.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The Gambling Act 2005 created a new system of licensing and regulation for commercial gambling. Amongst other changes, it gave to local authorities new and extended responsibilities for licensing premises for gambling. In some cases (such as gaming machine arcades), this built on existing responsibilities. But in other major areas, including betting, casino gaming and bingo, they transferred to local authority responsibilities which previously lay with local licensing justices.
- 4.2 The new Act came fully into force in September 2007. In preparation, each licensing authority was required to develop, consult on and publish a statement of principles, setting out those principles which the authority proposes to apply in exercising its licensing functions under the Act.
- 4.3 To assist in this process, the Gambling Commission issued Guidance to licensing authorities on the manner in which they are to exercise their functions under the Act, and the principles to be applied by them, in exercising those functions. Licensing authorities are required to take account of all such Guidance when formulating a statement of principles.
- 4.4 The Guidance stated that the statement will last for a maximum of three years, but can be reviewed and revised by the authority at any time. The current Statement of Principles is due to be reviewed this year so that a revised version can be in place for the 31st January 2019. This will be the fourth revision since the Act came fully into force in 2007.

5 THE REPORT

- 5.1 A public consultation was carried out which lasted for 12 weeks from 20 April to 12 July 2018. The groups and stakeholders specified in Section 8 of this report were either emailed or written to and were asked to comment on the draft policy and asked if they had any suggestion for changes. Reminders were sent on the 8 June and 2 July 2018 respectively. A copy of the responses received from the consultation exercise, together with officer comments and recommendations is provided in Appendix A.
- 5.2 The Committee is being asked to consider the officer recommendations and agree to their inclusion in the revised Statement of Principles.
- 5.3 The Committee is asked to agree the revised Statement of Principles in Appendix B and to recommend that the Statement is submitted to Full Council for their approval and adoption. There is one recommended revision which can be found in bold italics at paragraph 19.2, page 21.

6 RATIONALE

- 6.1 The rationale for this report stems from a statutory duty on the Council to review its Statement of Principles every three years.

7 OTHER OPTIONS CONSIDERED

7.1 None.

8 CONSULTATION

8.1 The Council's Monitoring Officer and Section 151 Officer have had the opportunity to input to this report and have cleared it for publication.

8.2 The draft statement was circulated to various organisations and interested parties including:

- Bath Chamber of Commerce
- Business West
- Bath BID
- Chief Constable of Avon and Somerset Police
- Avon Fire and Rescue
- Gambling Commission
- Her Majesty's Revenue and Customs
- Local Safeguarding Children's Board
- Resident's Associations
- Bingo Association
- British Casino Association

9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

9.2 An equalities impact assessment has been completed in relation to the statement of principles. This identified that the policy has a positive impact in that premises are required to take steps to protect persons who maybe young (i.e. students) or elderly and who are vulnerable to financial exploitation. An action from the impact assessment is to further promote awareness of gambling issues with bodies such as the B&NES Student Community Partnership and Age UK.

Contact person	<i>Cathryn Brown, 01225 477645</i>
Background papers	
Please contact the report author if you need to access this report in an alternative format	

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Appendix A- Responses to public consultation on the Review of the Council’s Statement of Principles under the Gambling Act 2005

Comment	Officer response
<p>We are broadly supportive of the proposed principles.</p> <p>One specific issue which has been raised by residents which does not seem to be explicitly addressed is displays visible outside the premises which are not directly advertising gambling but are likely to attract young people to the premises an example being TV screens showing major sporting events.</p> <p>We are also not clear how the enforcement regime will be modified to address the challenge of policing a casino operating over much longer hours than traditional Bath gambling establishments.</p> <p>Page 161</p>	<p>After consultation with the Gambling Commission, whilst there is advice about the advertising of gambling activities, the guidance is silent on other attractions, like TV screens showing major events, which may encourage young people to visit premises.</p> <p>Officers consider this to be a valid point and will consider on a case by case basis during the routine inspection of gambling premises.</p> <p>The Gambling Commission has licenced the operator of Bath’s casino (Century Casinos) and will check compliance with the terms of their operators licence. An inspection has already been carried out since the opening of the casino in May 2018.</p> <p>The Casino will also be subject to unannounced visits from the Licensing Enforcement Group which will typically take place late evening/early hours of the morning.</p>
<p>What’s the rationale for asking premises “to assess staffing levels when a local college closes and students begin to vacate the grounds” (page 21)? Are college students more likely to gamble than university students or other member of the population?</p>	<p>Advice has been sought from the Gambling Commission regarding this comment. It is relevant to say that all students, college or university, are vulnerable to gambling addiction when they are required to take responsibility for managing their own personal budgets for the first time. The recommendation is that this bullet point on page 21 is revised to take account of all students:</p> <p>“Assessing staffing levels when all students (college or university) maybe more vulnerable to gambling addiction, i.e. at the start of a new term.”</p>

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Gambling Act 2005

Statement of Principles

January 2019

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BACKGROUND INFORMATION

Bath & North East Somerset Council (the Council), is the Licensing Authority for Bath and North East Somerset under the Gambling Act 2005 (the Act). This means that the Council has responsibility for granting premises licences and various permits with respect to gambling activities in the area and is responsible for processing Temporary and Occasional Use Notices.

The Act created a new system of licensing and regulation for commercial gambling. Amongst other changes, it gave to local authorities new and extended responsibilities for licensing premises for gambling. In some cases, such as gaming machine arcades, those built on existing responsibilities. In other major areas, including betting, casino gaming and bingo, they transferred to local authorities responsibilities which previously lay with local Licensing Justices.

Under the Act, each Licensing Authority is required to develop, consult on and publish a statement of its licensing principles before each successive period of three years. The statement must set out the principles, which the Authority proposes to apply in exercising its licensing functions under the Act.

The Gambling Commission has issued Guidance to all Licensing Authorities on the manner by which they are to exercise their functions under the Act and the principles to be applied when exercising those functions. The principles are set out in Parts A – E of this document and have been developed in accordance with the requirements of the Guidance.

The Act requires that Licensing Authorities carry out consultation of their proposed principles and that all of the following parties are consulted:

- The Chief Officer of Police;
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area;
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act, for example Residents Associations.

Section 157 of the Act requires the Licensing Authority to designate a competent body to advise them regarding the protection of children from harm. The Authority designates the Local Safeguarding Children's Board as this body.

In addition to the above, the following have also been consulted: a wide range of organisations including voluntary and community organisations working with children and young people; organisations including those that work with people who are problem gamblers such as GamCare; NHS B&NES (formerly PCT) and advocacy organisations such as the Citizen's Advice Bureau.

There has also been consultation with other local government service areas such as planning, economic development, environmental health and local businesses which are, or will be, holders of premises licences under the Act.

The list of persons who have been consulted is deliberately wide. This has enabled the Licensing Authority to undertake a comprehensive consultation exercise with anyone who may be affected by, or otherwise have an interest in, the licensing policy statement.

Copies of this Statement of Principles can be found on the Council's web site at www.bathnes.gov.uk/gambling. If you would like us to send you a hard copy then please write to us at:

Licensing Services
Bath & North East Somerset Council
Lewis House
Manvers Street
Bath
BA1 1JG

Or email us at licensing@bathnes.gov.uk.

If you require further information please telephone us on 01225 477531.

This document can be made available in a range of languages, large print, Braille, audio, electronic and other accessible formats. Please use the above contact details if you would like any further information.

GLOSSARY OF TERMS

Within this Statement of Principles, the following words and terms are defined as stated:

Act:	The Gambling Act 2005.
Better Regulation Executive:	The Better Regulation Executive (BRE) is a unit within the Department for Business, Energy & Industrial Strategy
Betting Machine:	This is a machine which has been designed or adapted for use to bet on future real events, such as horse racing and used as a substitute for placing a bet over the counter.
CCTV:	Closed Circuit Television.
Code of Practice:	Means any relevant code of practice under Section 24 of the Gambling Act 2005.
Council:	Bath & North East Somerset Council.
Council Area:	The area of Bath and North East Somerset administered by Bath & North East Somerset Council (Map appended at Appendix A).
DCMS:	Department for Culture, Media and Sport.
Default Condition:	Means a specified condition provided by regulations to be attached to a licence, unless excluded by Bath & North East Somerset Council.
FEC	(Unlicensed) Family Entertainment Centre.
FOBT	Fixed Odds Betting Terminal.
GamCare:	This is a registered charity that has a commitment to promote responsible attitudes to gambling and to work for the provision of proper care for those who have been harmed by gambling dependency.
Gaming Machine:	As defined by S172 Gambling Act 2005.
Guidance:	Guidance issued to Licensing Authorities by the Gambling Commission as required by Section 25 of the Gambling Act 2005, dated September 2012.
Licensing Authority:	Bath & North East Somerset Council.
Mandatory Condition:	Means a specified condition provided by regulations to be attached to a licence.

Notifications:	Means notification of Temporary and Occasional Use Notices.
Premises:	Any place, including a vehicle, vessel or moveable structure.
PSIA:	Private Security Industry Act 2001.
Regulations:	Regulations made by the Secretary of State under the Gambling Act 2005.
Regulators Code:	A statutory code that local authorities must have regard to when carrying out enforcement duties - issued by the Better Regulation Delivery Office.
Responsible Authority:	<p>With regard to the Act and the Gambling Commission's guidance, the following are responsible authorities in relation to premises:</p> <ul style="list-style-type: none"> ▪ The Licensing Authority in whose area the premises are wholly or mainly situated ("Bath & North East Somerset Council"); ▪ The Gambling Commission; ▪ Avon & Somerset Constabulary; ▪ Avon Fire and Rescue Service; ▪ Bath & North East Somerset Council; ▪ Development Control Manager, Planning Department; ▪ Environmental Protection Manager; ▪ A body designated by the local authority to advise about the protection of children from harm (Local Safeguarding Children Board); ▪ HM Revenue and Customs.

PART A: INTRODUCTION

1 General Information

- 1.1 Bath & North East Somerset Council (the Council) is situated in North East Somerset, covering an area from the outskirts of Bristol, south into the Mendips and east to the Southern Cotswolds and Wiltshire border. Its 220 square miles, two thirds of which is green belt, combine Areas of Outstanding Natural Beauty with some of the most significant historical treasures found anywhere in Europe.
- 1.2 Approximately half the population lives in the City of Bath, the largest settlement and a UNESCO World Heritage Site famed for its Georgian splendour and its Roman antiquities. Bath and North East Somerset is also home to vibrant high technology and multi-media business sectors. Keynsham is the largest town in North East Somerset, and occupies a key position in this respect. It represents an important commercial and cultural centre, including a number of strategic industrial sites.
- 1.3 There are also important residential and commercial centres at Midsomer Norton and Radstock in the south. This area also boasts its own unique industrial heritage, being the site of the former Somerset coalfield.
- 1.4 The Council is responsible for serving the needs of this unique area and its 170,000 population, and as a Unitary Authority, is charged with the delivery of all Local Authority services – from highways maintenance to parks, from planning to social services, from libraries to school transport.
- 1.5 A map of the Council area is shown at Appendix A.
- 1.6 Licensing Authorities are required, by the Gambling Act 2005, to publish a statement of the principles which they propose to apply when exercising their functions.
Under the Act, each Licensing Authority is required to develop, consult on and publish a statement of its licensing principles before each successive period of three years. The statement must set out the principles, which the Authority proposes to apply in exercising its licensing functions under the Act.
- 1.7 The Council has consulted widely before finalising and publishing this Statement of Principles.
- 1.8 The Act requires that the following parties are consulted by Licensing Authorities:
 - The Chief Officer of Police;
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area, for example Resident's Associations;

- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

2 Declaration

2.1 In producing its final Statement of Principles, the Licensing Authority declares that it will have had regard to the licensing objectives of the Act, the Guidance issued by the Gambling Commission, any relevant Codes of Practice and any responses from those consulted on the policy statement.

3 Gambling Act 2005

3.1 "Gambling" is defined in the Act as either gaming, betting or taking part in a lottery.

- Gaming means playing a game of chance for a prize.
- Betting means making or accepting a bet on the outcome of a race, competition or any other event; the likelihood of anything occurring or not occurring or whether anything is true or not.
- A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

3.2 The Act provides for three categories of licence:

- Operating Licence
- Personal Licence
- Premises Licence

3.3 The Licensing Authority will be responsible for issuing premises licences. The main functions of the Authority are to:

- Licence premises for gambling activities;
- Grant permits for gaming and gaming machines in clubs;
- Regulate gaming and gaming machines in alcohol licensed premises;
- Grant permits to family entertainment centres for the use of certain lower stake gaming machines;
- Grant permits for prize gaming;
- Consider notices given for the temporary use of premises for gaming;
- Consider occasional use notices for betting at tracks; and
- Register small society lotteries.

3.4 It should be noted that:

- Spread betting is regulated by The Financial Services Authority;
- Remote (on line) gambling is dealt with by the Gambling Commission; and
- The National Lottery is regulated by the National Lottery Commission.

3.5 This document sets out the policies that the Licensing Authority will apply when making decisions on applications or notifications for:

- Premises Licences;
- Temporary and Occasional Use Notices;
- Permits as required under the Act; and
- Regulations under the Act.

3.6 This Statement of Principles relates to all those licensable premises, notices, permits and registrations identified as falling within the provisions of the Act, namely:

- Casinos
- Bingo Premises
- Betting Premises
- Tracks
- Adult Gaming Centres
- Family Entertainment Centres
- Club Gaming and Club Machine Permits
- Prize Gaming and Prize Gaming Permits
- Temporary Use Notices
- Registration of small society lotteries

4 The Licensing Objectives

4.1 In exercising most of their functions under the Act, the Licensing Authority will have regard to the licensing objectives as set out in Section 1 of the Act.

The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

4.2 The Licensing Authority will, when making decisions about premises licences and Temporary Use Notices, aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission and/or DCMS;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives, and
- in accordance with the Council's Statement of Principles

5 Responsible Authorities

5.1 Responsible Authorities are public bodies that must be notified of all applications and are entitled to make representations to the Licensing Authority if they are relevant to the licensing objectives. Section 157 of the Act defines those as:

- a licensing authority in whose area the premises is situated;
- the Gambling Commission;
- The Police;
- The Fire Service;
- The Local Planning Authority;
- The Environmental Protection Team;
- A body designated by the local authority to advise about the protection of children from harm (Local Safeguarding Children Board); and
- HM Revenue and Customs.

The Licensing Authority will apply the following principles when designating in writing a body which is competent to advise the Authority about the protection of children from harm:

- The need for the body to be responsible for an area covering the whole of the Licensing Authority's area.
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.

5.2 In accordance with the Gambling Commission's Guidance, this Authority designates the Local Safeguarding Children's Board for this purpose.

Although Public Health is not listed as a responsible authority under the Act, the Licensing Authority will consult with them on any revision to its Statement of Principles as they are well placed to offer expert advice which may be relevant.

5.3 Section 211 (4) of the Act provides that in relation to a vessel, but to no other premises, responsible authorities should also include navigation authorities within the meaning of Section 221 of the Water Resources Act 1991 that have functions in relation to the waters where the vessel is usually moored or berthed or in any waters where it is proposed to be navigated at a time when it is used for licensable activities.

5.4 The contact details of all the Responsible Authorities under the Act are available via the Council's website at: www.bathnes.gov.uk/gambling.

6 Interested Parties

6.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined as someone who, in the opinion of the Licensing Authority:

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) has business interests that might be affected by the authorised activities; or
- c) represents persons who satisfy paragraph (a) or (b).

6.2 In determining whether someone lives sufficiently close to a particular premise so as to be affected, the licensing authority will take into account, among other things:

- The size of the premises;
- The nature of the premises;
- The distance of the premises from the person making the representation; and
- The potential impact of the premises.

6.3 In determining whether a person has a business interest which could be affected the licensing authority will consider, amongst other things:

- The size of the premises;
- The catchment area of the premises; and
- Whether the person making the representations has business interests in the catchment area that might be affected.

6.4 Business interests will be given a wide interpretation and could include, for example, partnerships, faith groups and medical practices.

6.5 Each case will be decided upon its merits. The Authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance. Larger premises may be considered to affect people over a broader geographical area compared with smaller premises offering similar facilities.

6.6 The Gambling Commission has recommended that the Licensing Authority states that interested parties include trade associations, trade unions and residents' associations. This Authority will not, however, generally view these bodies as interested parties unless they have a member who can be classed as one under the terms of the Act, e.g. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

6.7 Interested parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested party will be required as long as the councillor/MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these persons, this Authority will generally require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter/email from one of these persons, requesting the representation, is sufficient.

- 6.8 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact Licensing Services via e-mail at licensing@bathnes.gov.uk, or by telephone on 01225 477531.
- 6.9 Details of those persons making representations will be made available to applicants. In the event of a hearing being held such details will form part of a public document, unless it can be shown by the persons making representations that they are in fear of reprisals from the applicant.

7 Exchange of Information

- 7.1 The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Act in its exchange of information between itself and the Gambling Commission, which includes the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission on this matter as well as any relevant regulations issued by the Secretary of State.

8 Enforcement

- 8.1 In general, the Gambling Commission will take the lead role on the investigation and, where appropriate, the prosecution of illegal gambling.
- 8.2 The Gambling Commission is the enforcement body for the Operator and Personal Licences. Any concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission. The Gambling Commission will be responsible for compliance as regards unlicensed premises.
- 8.3 The main enforcement and compliance role for this Licensing Authority in terms of the Act will be to ensure compliance with the Premises Licences and other permissions, which it authorises.
- 8.4 The Licensing Authority will be guided by the Gambling Commission's Guidance for Local Authorities and it will endeavour to be:
- Proportionate: regulators should only intervene when necessary, remedies should be appropriate to the risk posed, and the costs identified and minimised;
 - Accountable: regulators must be able to justify decisions and be subject to public scrutiny;
 - Consistent: rules and standards must be "joined up" and implemented fairly;
 - Transparent: regulators should be open: regulations should be kept simple and user friendly; and
 - Targeted: regulation should be focused on the problem and minimise side effects.
- 8.5 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes as far as possible.

- 8.6 The Licensing Authority will also adopt a risk-based inspection programme. This would include targeting high-risk premises that require greater attention so that resources are more effectively concentrated on problem premises.
- 8.7 The Licensing Authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of Local Authorities. The website for the Better Regulation Executive can be viewed at:
- <https://www.gov.uk/government/groups/better-regulation-executive>
- 8.8 The Licensing Authority will have regard to the Regulators Code and will take account of any guidance issued by the Better Regulation Delivery Office (BRDO), and its own enforcement policy, which proposes that a graduated response is taken where offences against legislation are found or where licence conditions have been contravened. An isolated administrative offence, such as failing to maintain certain records, may be dealt with by way of a written warning. More serious offences may result in a referral to Sub-Committee, the issue of a formal caution or a referral for prosecution.
- 8.9 The Licensing Authority intends to use appropriate enforcement to promote the licensing objectives. Once licensed, it is essential that premises are monitored to ensure that they are run in accordance with their operating schedules, in compliance with the specific requirements of the Act and in compliance with any licence conditions. It will also be important to monitor the area for unlicensed premises.
- 8.10 The Licensing Authority will seek to work actively with the police in enforcing licensing legislation and intends to establish protocols with the Avon and Somerset Constabulary, the Avon Fire and Rescue Service, and other Council bodies such as Environmental Health, Trading Standards and Child Protection on enforcement issues to ensure an efficient deployment of officers.
- 8.11 According to the principle of transparency, this Licensing Authority's enforcement policy will be available upon request from:

Licensing Services
Bath and North East Somerset Council
Lewis House
Manvers Street
Bath BA1 1JG

Tel: 01225 477531

Email: licensing@bathnes.gov.uk

9 Licensing Authority Functions

9.1 The Licensing Authorities' functions under the Act are to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
- Issue Provisional Statements;
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
- Issue Club Machine Permits to Commercial Clubs;
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres;
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines;
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required;
- Register small society lotteries below prescribed thresholds;
- Issue Prize Gaming Permits;;
- Receive and Endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Gambling Commission regarding details of licences issued (see Section 6 above "Exchange of Information");
- Maintain registers of the permits and licences that are issued under these functions.

9.2 The Council will comply with all requirements set out in the Gambling Act 2005 (Proceedings of Licensing Committees (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007 with regard to hearings to be held under the Act.

9.3 It should be noted that the Local Licensing Authority will not be involved in licensing remote gambling (i.e. online gambling) at all. This will fall to the Gambling Commission via Operator Licences.

10 Gambling Commission Functions

10.1 The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling by ensuring that gambling is conducted fairly and openly, and by protecting children and vulnerable people.

10.2 The Commission provides independent advice to the Government about the manner in which gambling is carried out, the effects of gambling and the regulation of gambling generally.

10.3 The Commission has issued Guidance under Section 25 of the Act regarding the manner in which Local Authorities exercise their licensing functions under the Act and, in particular, the principles to be applied by local authorities.

11 Legislation

11.1 In undertaking its licensing function under the Act, the Council is also bound by other legislation including:

- s.17 of the Crime and Disorder Act 1988
- Human Rights Act 1998
- Health and Safety at Work etc., Act 1974
- Environmental Protection Act 1990
- The Anti-social Behaviour, Crime and Policing Act 2014
- The Equality Act 2010

11.2 However, the policy is not intended to duplicate existing legislation and regulation regimes that already place obligations on operators and employers.

PART B: PREMISES LICENCES – GENERAL

12 Premises Licences

- 12.1 Premises Licences will be subject to the permissions/restrictions set out in the Act and Regulations, as well as specific mandatory and default conditions. Licensing Authorities are able to exclude default conditions, and also attach others, where it is believed to be appropriate to achieve the licensing objectives.
- 12.2 The Licensing Authority is aware that, in making decisions about premises licences, it should aim to permit the use of premises for gambling in so far as it thinks it is:
- In accordance with any relevant code of practice issued by the Gambling Commission;
 - In accordance with any relevant guidance issued by the Gambling Commission;
 - Consistent with the licensing objectives (subject to the above); and
 - In accordance with the Authority's Statement of Principles (subject to the above).
- 12.3 "Premises" is defined in the Act as "any place" but the Act prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence provided they are for different parts of the building and those parts can genuinely be regarded as different premises.
- 12.4 There are particular requirements for entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area. The Gambling Act (Mandatory and Default Conditions) Regulations 2007 set out the access provisions for each different type of premises.
- 12.5 This Licensing Authority will also pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).
- 12.6 The Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises, but that considerations in terms of the licensing objectives can. The Licensing Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this Statement of Principles will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how any concerns raised can be overcome.

12.7 The Licensing Authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. This Licensing Authority will not consider whether a licence application is likely to be awarded planning or building consent, in its consideration of it. This Licensing Authority will listen to, and consider carefully, any concerns about conditions, which are not able to be met by licensees due to planning restrictions, should such a situation arise.

The previous requirement that the grant of certain gambling permissions should take account of whether there was unfulfilled demand is no longer of relevance. Therefore each application will be considered on its merits without regard to demand (part 6.37 of the Gambling Commission's Guidance document).

12.8 Premises licences which are granted by the Council must be reasonably consistent with the licensing objectives. With regard to these objectives, this Licensing Authority has considered the Gambling Commission's Guidance to Local authorities.

13 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

13.1 The Council places considerable importance on the prevention of crime and disorder, and will fulfil its duty under s.17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the area. A high standard of control is therefore expected to be exercised over licensed premises.

13.2 The Licensing Authority will, when determining applications, consider whether the grant of a Premises Licence will result in an increase in crime and disorder.

13.3 Applicants are encouraged to discuss the crime prevention procedures in their premises with the Council's Licensing Officers and Avon and Somerset Constabulary before making a formal application.

13.4 In considering licence applications, the Local Authority will particularly take into account the following:

- The location of the premises;
- The design and layout of the premises;
- The training given to staff in crime prevention measures appropriate to those premises;
- Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
- Where premises are subject to age restrictions, the procedures in place to conduct age verification checks;
- The likelihood of any violence, public order or policing problem if the licence is granted.

14 Ensuring that gambling is conducted in a fair and open way

- 14.1 The Gambling Commission does not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way. This will be a matter for the management of the gambling business, and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence.
- 14.2 Betting tracks operators do not need a separate licence from the Commission, so the local authority may, in certain circumstances, consider whether the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.

15 Protecting children and other vulnerable persons from being harmed or exploited by gambling

- 15.1 Apart from one or two limited exceptions, the intention of the Act is that children and young persons should not be allowed to gamble and should therefore be prevented from entering gambling premises which are “adult only” environments.
- 15.2 In practice, steps will generally be taken to prevent children from taking part in, or being in close proximity to gambling or being attracted to take part in gambling, such as may be caused by advertising.
- 15.3 The Licensing Authority will pay particular attention to the Code of Practice issued by the Gambling Commission as regards this licensing objective in relation to specific premises such as casinos. The Code provides that licensees of casinos must:
- Put into place policies and practices for the prevention of under age gambling and monitor these.
 - Designate a supervisor at each entrance to the premises.
 - A supervisor must check the age of customers who appear to be under age and refuse entry to those who cannot provide satisfactory documentation as to their age.
 - Take action to remove from the premises any person who is under age.
 - Ensure that any under aged persons accompanying adults are not permitted entry.
 - Ensure that gambling is not promoted in such a way as to appeal to children and young persons, i.e. by being linked to youth culture.
- 15.4 The Act does not define the term “vulnerable people” but the local authority considers that this group includes people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling perhaps due to a learning disability, mental health issues, alcohol or drugs.

16 Licence Conditions

16.1 There are three types of conditions that may be attached to premises licences:

- Mandatory – Conditions prescribed in regulations which are made by the Secretary of State and must be attached
- Default - Conditions prescribed in regulations which are made by the Secretary of State which will be attached unless specifically excluded by the local authority
- Conditions imposed by the Licensing Authority

16.2 Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises;
- enforceable; and
- reasonable in all other respects

16.3 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of control measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas etc. There are specific comments made in this regard under each of the licence types below. The Licensing Authority will also expect the licence applicant to offer their own suggestions as to ways in which the licensing objectives can be met effectively.

16.4 It is noted that there are conditions which the Licensing Authority cannot attach to premises licences. These are:

- Any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- Conditions relating to gaming machine categories, numbers, or method of operation;
- Conditions which provide that membership of a club or body be required (the Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- Conditions in relation to stakes, fees, winnings or prizes.

16.5 An application for a premises licence can only be made by a person who either holds an operating licence authorising him to carry on the activity in respect of which a premises licence is sought, OR has made an application for an operating licence, which has not yet been determined.

16.6 Applications for the grant, transfer or variation of a licence are not required to be accompanied by an operating schedule. However, the Licensing Authority would expect an applicant to provide a written statement,

demonstrating how the licensing objectives would not be undermined by the operation of the premises, where appropriate and relevant.

- 16.7 The level of detail should be proportionate to the scale and nature of the application made.
- 16.8 Definitions of “Responsible Authorities” and “Interested Parties” who are able to make representations under this Act can be found in the Glossary of Terms.
- 16.9 This Licensing Authority, in determining whether to grant a premises licence, will not have regard to the expected demand for the facilities which it is proposed to provide.
- 16.10 Conditions attached to Premises Licences will, so far as possible, reflect local crime prevention strategies. For example, CCTV may be appropriate in certain premises.

17 Door Supervision

- 17.1 Whilst considering whether or not to impose a condition relating to door supervision the Licensing Authority will take account of the content of Section 178 Gambling Act 2005 and have regard to Statutory Guidance. Accordingly, conditions will not impose the same or similar duties as other legislation and will only be imposed if it appears to the Licensing Authority that it is necessary and or appropriate to impose a responsibility to guard the premises against unauthorised access or occupation or against the outbreak of disorder or against damage.
- 17.2 This Licensing Authority considers that it is good practice for door supervisors working at licensed premises to be SIA trained and to undergo a Disclosure and Barring Service check every three years. This is in recognition of the nature of the work in terms of potential under age customers, searching individuals and dealing with potentially aggressive persons, etc. However, each case will be determined on its merits.

18 Provisional Statements

- 18.1 An applicant may apply for a provisional statement in respect of any premises expected to be constructed, altered or acquired.
- 18.2 Applications will be dealt with in a similar manner to applications for Premises Licences
- 18.3 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant’s circumstances. In addition, the Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- a) Which could not have been raised by objectors at the provisional licence stage; or
- b) Which in the Authority's opinion reflect a change in the operator's circumstances.

18.4 Multiple activity premises – layout and access

The Licensing Authority will not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning legislation or building regulation.

With the exception of bingo clubs, tracks on race-days and licensed FECs, children will not be permitted to enter licensed gambling premises. Therefore businesses will need to consider carefully how they wish to configure their buildings if they are seeking to develop multi-purpose sites.

The Licensing Authority will take particular care in considering applications for multiple premises licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, the following:

- The third licensing objective seeks to protect children from being harmed or exploited by gambling. In practice this means not only preventing them from taking part in gambling, but also prevents them from being in close proximity to gambling.
- Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

In determining whether two or more proposed premises are truly separate, the Licensing Authority will consider factors which could assist them in making their decision, including:

- Is a separate registration for business rates in place for the premises?
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

Where a building consists of a number of areas which hold separate premises licences, each individual licence (with the exception of tracks) must not exceed its permitted gaming machine entitlement.

The proper application of s.152 means that different premises licences cannot apply in respect of single premises at different times. There is no temporal element to a premises licence. Therefore, premises could not, for example, be licensed as a bingo club on week days and a betting shop at weekends.

Single and combined licences

Only one premises licence may be issued for any particular premises at any time although, in some circumstances, the licence may authorise more than one type of gambling. For example, a bingo licence will also authorise the provision of gaming machines.

PART C: PREMISES LICENCES - SPECIFIC

19 Best Practice

19.1 Risk assessments sharing

Premises license holders are advised to observe and follow all recognised best practice initiatives. These include; undertaking regular risk assessments and self-checks, under age sale checks by third parties, identifying people who may have gambling issues and the steps to protect vulnerable people from harm. The Authority also encourages the sharing of any information gathered as a result.

19.2 From 6 April 2016 all non-remote casino, adult gaming centres, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises. Licensees must review and update their local risk assessments as necessary and share those risk assessments with the Authority when applying for a premises licence, on application for a variation or on request.

Where concerns do exist, a Licensing Authority may request that the licensee share a copy of its own risk assessment which will set out the measures the licensee has in place to address specific concerns.

Although the Council does not have a specific Local Risk Assessment based on gambling in general, it does expect operators to take into account the following as a minimum when developing their own risk assessments. These include:

- The location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather.
- The demographics of the area in relation to vulnerable groups.
- Whether the premises is an area subject to high levels of crime and/or disorder.
- Local risk assessments should show how vulnerable people, including people with gambling dependencies are protected.
- ***Assessing staffing levels when all students (college or university) maybe more vulnerable to gambling addiction, i.e. at the start of a new term.***
- Proximity of gambling machines to the entrance door.
- Age verification policies including 'Think 21' and 'Think 25'.
- Consideration of line of sight from the counter to gambling machines.

Premises risk assessments must be kept on the premises and be readily available for inspection.

Local staff must be familiar with their own premises risk assessment and receive appropriate training to ensure its implementation.

20 Adult Gaming Centres

20.1 Adult Gaming Centres (AGCs) are a new category of premises introduced by the Act. No one under the age of 18 is permitted to enter an AGC and the persons operating an AGC must hold a gaming machines general operating licence from the Gambling Commission and must seek a premises licence from the Licensing Authority. They will be able to make category B3, B4, C and D gaming machines available to their customers.

20.2 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- Door Supervisors
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Measures for training staff etc.

This list is not exhaustive and is merely for example.

20.3 As regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes and provision of information leaflets/helpline numbers for organisations such as GamCare, whose website can be found at www.gamcare.org.uk, Gamblers Anonymous, National Debtline, local Citizens Advice Bureaux and independent advice agencies.

21 (Licensed) Family Entertainment Centres:

21.1 The Act creates two classes of family entertainment centre (FEC). Licensed FECs provide category C and D machines and require a premises licence. Unlicensed FECs provide category D machines only and are regulated through FEC gaming machine permits.

21.2 Children and young persons are permitted to enter an FEC and may play on the category D machines. They are not permitted to play on the category C machines and there must be a clear segregation between the two types of machine, so that children do not have access to category C machines.

21.3 This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Licensing Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- Door Supervisors
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Measures for training staff etc.

This list is not exhaustive and is merely for example.

21.4 With regard to the protection of vulnerable persons, this Licensing Authority will consider measures such as the use of self-barring schemes and provision of information leaflets/helpline numbers for organisations such as GamCare, whose website can be found at www.gamcare.org.uk, Gamblers Anonymous, National Debtline, local Citizens Advice Bureaux and independent advice agencies.

22 Casinos

22.1 Following Council and Executive resolutions a proposal was submitted to the Casino Advisory Panel to enable the Council to license a small casino in Bath.

22.2 On 16 October 2015 the Council issued a premises licence in relation to small casino activities.

22.3 The concept for Bath envisages a small, high quality casino with an emphasis on gaming tables. It seeks to take forward the 'Future for Bath Vision' by:

- Broadening the Bath visitor offer.
- Developing a 'mature' evening economy.
- Re-establishing Bath's gaming tradition.
- Drawing on the European model of spa towns and casino provision.
- Acting as a catalyst for wider regeneration and community benefit.
- Provision of a financial injection to the local economy.

22.4 The intention is to create a venue to add to the unique Bath experience and which will complement the city's leisure offer for both visitors and local residents alike. While significant social impacts are not anticipated, this is nonetheless regarded as an important issue to be monitored and managed as an integral part of the project.

22.5 Casino games offer the chance for multiple participants to take part in a game competing against the house, or back at different odds to their fellow players. Casinos can also provide equal chance gaming and gaming machines.

22.6 The Gambling Commission has provided Guidance for local Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The section referring to casinos can be viewed via the following link:

<http://www.gamblingcommission.gov.uk/for-licensing-authorities/Licensing-authority-toolkit/Codes-of-practice.aspx>

22.7 With regard to casino operation and the protection of vulnerable persons, the Licensing Authority encourages the use of self-barring schemes and the free provision of information leaflets and helpline numbers for organisations such as GamCare, (whose website can be found at www.gamcare.org.uk), Gamblers Anonymous, National Debtline, local Citizens Advice Bureaux and independent advice agencies.

23 Bingo Premises

23.1 Bingo is not given a statutory definition in the Act other than that it means any version of the game irrespective of by what name it is described. It is to have its ordinary and natural meaning. Two types of bingo are commonly understood:

- Cash bingo, where the stakes paid make up the cash prizes that are won; and
- Prize bingo, where various forms of prizes are won, not directly related to the stakes paid.

23.2 It is important that if children are allowed to enter premises licensed for bingo they do not participate in gambling, other than the category D gaming machines. The holder of a bingo premises licence may make available for use up to eight category B machines; any number of category C machines; and any number of category D machines. Regulations state that category B machines at bingo premises should be restricted to sub-category B3 and B4 machines, but not B3A lottery machines. Where category C or above machines are available in premises to which children are admitted Licensing Authorities should ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and

- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

23.3 The Licensing Authority will take into account any new Guidance issued by the Gambling Commission in relation to the suitability and layout of bingo premises.

24 Betting Premises

24.1 Betting premises is where off-course betting takes place; i.e. betting that takes place other than at a Track in what is currently known as a licensed betting office. Under the Act Licensing Authorities are responsible for issuing and monitoring Premises Licences for all betting premises. Children and young persons will not be able to enter premises with a betting Premises Licence, although special rules apply to Tracks.

24.2 The holder of a betting Premises Licence may make available for use up to four gaming machines of category B, C or D. Regulations state that category B machines at betting premises are restricted to sub-category B2, B3 and B4 machines.

24.3 When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, amongst other things, will take into account the following:

- the size of the premises,
- the number of counter positions available for person-to-person transactions,
- the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons

24.4 Section 177 does not prevent the licensee from permitting the installation of cash dispensers (ATMs) on the premises. Such machines may accept credit cards (and debit cards) and the arrangement is subject to a requirement that the licensee has no other commercial connection in relation to gambling (aside from the agreement to site the machines) with the service provider and does not profit from the arrangement, or receive any payment in connection with the machines. However, the provision of credit by gambling operators and the use of credit cards are separate matters that are managed through operating licence conditions and codes of practice issued by the Commission.

25 Tracks

25.1 Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on Tracks, both in the form of pool betting (often known as the totalisator or tote), and also general betting, often known as “fixed-odds” betting.

25.2 Tracks are different from other premises in that they may be more than one premises licence in effect and that the Track operator may not be required to hold an operator licence as there may be several premises licence holders at the Track, each of whom will need to hold their own operator licences.

25.3 There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling by way of track betting and this Authority would expect the premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter Track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

25.4 Appropriate licence conditions may be:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- The location of gaming machines
- Measures for training staff etc

This list is not exhaustive and is merely for example.

25.5 As regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes and the provision of information leaflets/helpline numbers for organisations such as GamCare, whose website can be found at www.gamcare.org.uk, Gamblers Anonymous, National Debtline, local Citizens Advice Bureaux and independent advice agencies.

25.6 A betting Premises Licence in respect of a Track does not give any automatic entitlement to use gaming machines. However, by virtue of Section 172(9) of the Act, if the Track operator who holds the premises licence also holds a pool betting operating licence, then up to four gaming machines may be sited on the Track (of categories B2 to D). The Commission recommends that Track premises licence holders familiarise themselves with the social responsibility policies of betting operators, who will be offering betting facilities on their tracks.

25.7 The Licensing Authority will take into account any Guidance related to where gaming machines can be located on tracks and any special considerations that should apply, e.g. the supervision of such machines and preventing children from playing with them.

- 25.8 Licensing Authorities have a power under the Act to restrict the number of betting machines and the nature and circumstances in which they are made available, by attaching a licence condition to a betting premises licence. The Licensing Authority will take into account the size of the premises and the ability of staff to monitor the use of machines by vulnerable people when determining the number of machines permitted. The potential space for such machines at a Track may be considerable, bringing with it significant problems in relation to the proliferation of such machines, the ability of Track staff to supervise them if they are scattered around the Track and the ability of the Track operator to comply with the law and prevent children betting on the machine. This Licensing Authority will therefore consider restricting the number and location of betting machines where necessary and appropriate.
- 25.9 This Licensing Authority considers that would be preferable for all self-contained premises operated by off-course betting operators on Track to be the subject of separate Premises Licences. This would ensure that there is clarity between the respective responsibilities of the Track operator and the off-course betting operator running a self-contained unit on the premises.
- 25.10 The Licensing Authority will consider attaching a condition to Track premises licences requiring the Track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the Track office.

26 Travelling Fairs

- 26.1 A travelling fair is defined as comprising wholly or principally for the provision of amusements and is provided by persons who travel from place to place and is held at a place which has been used for the provision of fairs on no more than 27 days per calendar year. The Licensing Authority will consider whether the applicant falls within the statutory definition of a travelling fair and will work with its neighbouring Authorities to ensure that land, which may cross local authority boundaries, is monitored so that the statutory limits are not exceeded.
- 26.2 Category D gaming machines and equal chance gaming may be provided without a permit provided that the facilities for gambling amount to no more than an ancillary amusement at the fair.

27 Small Society and Local Authority Lotteries

- 27.1 The Licensing Authority is responsible for the registration of small society lotteries. These are non-commercial societies, which are:
- For charitable purposes;
 - For the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity; or
 - For any other non-commercial purpose other than private gain;

and the proceeds of any such lottery must be devoted for those purposes

27.2 The total value of tickets to be put on sale per single lottery must be £20,000 or less, or the aggregate value of the tickets to be put on sale for all their lotteries in a calendar year must not exceed £250,000. If the operator plans to exceed either of these values then they may need to be licensed with the Commission to operate large lotteries instead.

27.3 An application may be refused on the following grounds:

- An operating licence held by an applicant for registration has been revoked or an application for an operating licence made by the applicant has been refused within the last five years
- The Society in question cannot be deemed to be non-commercial
- A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence
- Information provided in or with the application for registration is found to be false or misleading

27.4 Registrations run for an unlimited period unless cancelled or revoked.

27.5 Licensing Authorities may, if they so choose, promote a lottery for the benefit of their community if they obtain an operating licence from the Commission.

28 Exempt Gaming (Alcohol Licensed Premises)

28.1 Exempt gaming is equal chance gaming generally permissible in any club or alcohol licensed premises. Such gaming should be ancillary to the purposes of the premises. This provision is automatically available to all such premises, but is subject to statutory stakes and prize limits determined by the Secretary of State.

28.2 Equal chance gaming is gaming that does not involve staking against a bank and the chances of winning are equally favourable to all participants. It includes games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.

28.3 The Secretary of State has set both daily and weekly prize limits for exempt gaming. Different, higher stakes and prizes are allowed for exempt gaming in clubs than in alcohol-licensed premises.

28.4 Exempt gaming should be supervised by a nominated gaming supervisor and comply with any code of practice issued by the Commission under Section 24 of the Act.

28.5 A fee may not be levied for participation in the equal chance gaming offered by a club or alcohol-licensed premises under the exempt gaming rules. A compulsory charge, such as charging for a meal, may constitute a participation fee, depending on the particular circumstances.

- 28.6 In order to qualify as exempt gaming, clubs and alcohol-licensed premises may not charge a rake on games or levy or deduct an amount from stakes or winnings.
- 28.7 Members' clubs may only be established wholly or mainly for the purposes of the provision of facilities for gaming if the gaming is of a prescribed kind. The Secretary of State has decided that bridge and whist should be the only prescribed kinds of gaming. So long as it does not provide facilities for other types of non-machine gaming, a bridge or whist club may apply for a club gaming permit. If gaming is the principal reason for attendance at a club (other than a dedicated whist or bridge club), then it is not exempt gaming under Section 269 of the Gambling Act 2005. This would include poker clubs and the like established primarily for the purpose of providing poker or other gaming. Such clubs require Operating and Premises Licences

29 Bingo in Clubs and Alcohol Licensed Premises

- 29.1 Bingo is a class of equal chance gaming permitted on alcohol-licensed premises, and in clubs and miners' welfare institutes, under the allowances for exempt gaming in Part 12 of the Act. There are regulations setting controls on this form of gaming, to ensure that it remains a low stakes and prizes activity.
- 29.2 In addition, new rules are laid down in the Act about the playing of bingo specifically in alcohol-licensed premises, clubs and miners' welfare institutes (see above). Where the level of bingo played in these premises reaches a certain threshold, it will no longer be authorised by these rules and a bingo operating licence will have to be obtained from the Commission for future bingo games. The aim of these provisions is to prevent bingo becoming a predominant commercial activity on such non-gambling premises.
- 29.3 The threshold is that if the bingo played during any seven-day period exceeds the limit set by the Gambling Commission (either in money taken or prizes awarded), all further games of bingo played on those premises for the next 12 months will require an Operating Licence in order to be legal. This only applies to future games which are over the threshold set by the Gambling Commission. If, after a single incidence of 'high turnover' bingo, all further games are below the threshold, no Operating Licence is needed. There is a legal duty on the licensee or club to inform the Commission if they offer high turnover bingo in any seven day period. That allows the Commission to monitor the bingo activity on the premises, and discuss with the relevant licensee or club the need to obtain a bingo Operating Licence, if required. Where bingo is played in a genuine members club, under a bingo Operating Licence, no Premises Licence will be required.
- 29.4 If it comes to the attention of the Licensing Authority that alcohol-licensed premises, or clubs, or institutes, are playing bingo during the course of a week which involves significant stakes and prizes that makes it possible that the threshold limit in seven days is being exceeded, the Licensing

Authority will inform the Gambling Commission. To help clubs and institutes to comply with the full range of statutory requirements for gaming, the Commission has developed a statutory code of practice which is available on the Commission website.

PART D: PERMITS, TEMPORARY AND OCCASIONAL USE NOTICES

30 Gaming Permits – General

30.1 The Act does not allow applications for new gaming machine permits from premises where children will have free access to such machines. In view of this, and in order to promote the licensing objectives, this Licensing Authority will therefore not accept any applications for new gaming machine permits or applications for the renewal of existing gaming machine permits from existing gaming machine permit holders in relation to such places. This will include the following:

Accommodation Agencies, Art Galleries, Assembly Rooms, Bus Stations, Railway Stations, Cafes, Canteens, Cinemas, Theatres, Schools and Colleges, Youth Clubs, Swimming Pools, Off Licences, Loan Offices, Church Halls, Village Halls, Banks, Car Hire Premises, Employment Agencies, Garden Centres, Hospitals, Museums, Nurseries, Sales Rooms, Showrooms, Surgeries, Hotels, Registered Homes, Garages and Service Stations, Retail Shops and Warehouses, Video Hire/Sale Premises, Shopping Arcades/Centres, Dance Halls/Discotheques, Salons/Hairdressing Premises, Snooker/Billiards and Pool Halls, Taxi and Private Hire Offices and Ranks, Waiting Rooms and Reception Areas, Leisure/Health/Sports/ Community Centres, Restaurants, Take-away Food Premises.

30.2 This is not an exhaustive list and the Licensing Authority reserves the right to refuse applications where the licensing objectives are likely to be undermined.

31 Unlicensed Family Entertainment Centre (FEC) Gaming Machine Permits

31.1 Where a premise does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Licensing Authority for a permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238 of the Act).

31.2 An FEC can form part of larger premises provided it is separate and identifiable.

31.3 In exercising its functions in respect of FEC permits, the Licensing Authority need not, but may have regard to, the licensing objectives and must have regard to any Guidance issued by the Gambling Commission under the Act.

31.4 A Licensing Authority can grant or refuse an application for a permit, but cannot add conditions. However, the Authority will consider the following matters in determining the suitability of an applicant for a permit:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
- that employees are trained to have a full understanding of the maximum stakes and prizes.

31.5 Applicants will be expected to show that there are policies and procedures in place to protect children from harm e.g. appropriate measures and staff training in:

- Suspected truant school children on the premises
- Unsupervised young children on the premises
- Children causing problems in or around premises

31.6 Applicants will be required to demonstrate that they have no relevant convictions as set out in Section 7 of the Act.

31.7 The Licensing Authority will only grant a permit if it is satisfied that the premises will be used as an unlicensed FEC, and if the Chief Officer of Police has been consulted on the application. Relevant considerations to take into account would be the applicant's suitability such as any convictions that they may have that would make them unsuitable to operate a FEC and the suitability of the premises in relation to their location and issues about disorder.

31.8 The Act provides that Licensing Authorities may adopt a statement of principles with respect to determining the suitability of an applicant (this should not be confused with this Statement of Principles, which is concerned with licensing overall). This Licensing Authority has not currently adopted such a statement of principles. Should it decide to do so, it will be made available from the Licensing Services upon request.

31.9 With regard to renewals of these permits, a Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised Local Authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

32 Alcohol Licensed Premises - Gaming Machine Permits

32.1 Premises licensed to sell alcohol and which contain a bar where alcohol is served without a requirement that it be served only with food are automatically entitled to have two gaming machines of categories C or D. Such premises must notify the licensing authority of its intention to take up its entitlement by completing the requisite application form and pay the prescribed fee. The applicant must also comply with any relevant Code of Practice issued by the Gambling Commission under Section 282 of the Act.

32.2 The Licensing Authority may remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of Section 282 of the Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Act has been committed on the premises.

32.3 If a licensed premises wishes to have more than 2 machines, then a permit is required.

32.4 The Licensing Authority must consider an application based upon the licensing objectives and any Guidance issued by the Gambling Commission issued under Section 25 of the Act.

32.5 The Licensing Authority may also consider such matters as it thinks relevant. Such matters may be considered on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and the Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to adult only gaming machines.

32.6 Applicants will be expected to show that there will be no access for children to such machines and that all adult gaming machines are within sight of the bar, and/or in the sight of staff, who will monitor that the machines are not being used by those under 18. Such measures may include notice and signage. As regards the protection of vulnerable persons is concerned, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare, whose website can be found at www.gamcare.org.uk, Gamblers Anonymous, National Debtline, Citizen's Advice Bureaux and independent advice agencies.

32.7 The Licensing Authority may decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. No other conditions can be attached.

32.8 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines.

32.9 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as a FEC or Adult Gaming Centre Premises Licence.

33 Prize Gaming and Prize Gaming Permits

- 33.1 Gaming is prize gaming if the prize is not affected by the number of people playing or the amount paid for or raised by the gaming. Certain prize gaming requires a permit and other prize gaming may be offered without a permit.
- 33.2 In making its decision on an application for a permit the Licensing Authority does not need to, but may, have regard to the licensing objectives, but must have regard to any Gambling Commission Guidance.
- 33.3 There are conditions in the Act with which the permit holder must comply, but the Licensing Authority cannot attach conditions of its own. The conditions set out in the Act are:
- The limits on participation fees, as set out in regulations, must be complied with;
 - All chances to participate in the gaming must be allocated on the premises in which the gaming is taking place and on one day;
 - The game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - Participation in the gaming must not entitle the player to take part in any other gambling.

34 Club Gaming and Club Machines Permits

- 34.1 Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit.
- 34.2 The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D), equal chance gaming and games of chance in accordance with Regulations under the Act (currently pontoon and chemin de fer).
- 34.3 A Club Gaming Machine Permit will enable Members Clubs and Miners' Welfare Institutions to provide three machines of categories B3A, B4, C or D. Commercial Clubs may apply for a Club Gaming Machine Permit which will enable the premises to provide three machines of categories B4, C or D.

Members clubs must:

- have at least 25 members;
- be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations (currently bridge and whist);
- be permanent in nature;
- not established to make commercial profit; and
- be controlled by its members equally.

Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

34.4 The Licensing Authority will need to satisfy itself that the premises meet the requirements of a members' club and may grant the permit if the majority of members are over 18.

34.5 The Licensing Authority may only refuse an application on the grounds that:

- a) the applicant does not fulfil the requirements for a members' club, commercial club or miners' welfare institute, and therefore is not entitled to receive the type of permit for which it has applied;
- b) the applicant's premises are used wholly or mainly by children and/or young persons;
- c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- d) a permit held by the applicant has been cancelled in the previous ten years; or
- e) an objection has been lodged by the Commission or the police

34.6 There is also a 'fast-track' procedure available for premises, which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 Paragraph 10 of the Act).

34.7 Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an Authority can refuse a permit are reduced.

34.8 The grounds on which an application under the process may be refused are:

- that the club is established primarily for gaming, other than gaming of a prescribed kind (currently bridge and whist)
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming, or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

35 Fixed Odds Betting Terminals (FOBTs)

35.1 The Gambling Act 2005 classified FOBTs as B2 gaming machines and as currently drafted the Gambling Act 2005 allows up to four machines to be sited on betting premises. They are normally an electromechanical device that allows players to bet on the outcome of various games and events with fixed odds.

In certain licensed premises as currently drafted the Gambling Act 2005 allows a maximum of 20 B2 machines; or any combination of categories B to D machines, or any number of C or D machines are allowed.

Further information can be found on the Gambling Commission's website at:

<http://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/Sector-specific-compliance/Arcades-and-machines/Gaming-machine-categories/B2-gaming-machines.aspx>

36 Temporary Use Notices

- 36.1 A Temporary Use Notice may only be given by the holder of an operators licence.
- 36.2 A set of premises may not be the subject of temporary use notices for more that 21 days within a 12 month period.
- 36.3 The definition of "a set of premises" in relation to such notices will be a question of fact in the particular circumstances of each notice that is given. In determining whether a place falls within the definition of a "set of premises" the licensing authority will take into consideration the ownership/occupation and control of the premises.
- 36.4 A set of premises will be the subject of a temporary use notice if any part of the premises is the subject of a notice. Operators therefore cannot extend the limits on temporary use notices in respect of large premises by giving separate notices for different parts of the premises. Premises that might be suitable for a temporary use notice would include hotels, conference centres and sporting venues.

37 Occasional Use Notices

- 37.1 Where betting takes place on a track on eight days or less in a calendar year, betting may be permitted by an Occasional Use Notice without the need for a full Premises Licence.
- 37.2 A Track includes a horse racing course, a dog track or any other premises on any part of which a race or other sporting event takes place or is intended to take place. This could include a track on agricultural land upon which a point to point takes place. The track does not need to be a permanent fixture.
- 37.3 The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority will need to consider the definition of a 'Track' and whether the applicant is permitted to avail him/herself of the notice.

PART E: DECISION MAKING, REVIEWS AND COMPLAINTS

38 Licensing Committee Terms of Reference

38.1 The Committee's Terms of Reference will be set out in the Council's Constitution. The Terms of Reference have been guided by Regulations issued under the Act.

39 Allocation of Decision Making Responsibilities

39.1 These responsibilities will be set out in the Council's Constitution. The table in Appendix B indicates how the delegation of functions is allocated.

40 Complaints in respect of Licensed Premises

40.1 The Council will investigate complaints against licensed premises with regard to the licensing objectives. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

40.2 Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, the Council may initially arrange a conciliation meeting to address and clarify the issues of concern.

40.3 This process will not override the right of any interested party to ask that the Licensing sub-Committee consider their valid objections or for any licence holder to decline to participate in a conciliation meeting.

40.4 When dealing with a complaint about a licensed premises the Licensing Authority will have due regard to the Public Protection and Health Improvement Service Enforcement Policy:

<http://www.bathnes.gov.uk/services/environment/policies-and-strategies/public-protection-enforcement-policy>

41 Reviews

41.1 Requests for a review of a Premises Licence can be made by interested parties or responsible authorities; however, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, or will not cause this authority to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

A request for a review will be deemed relevant if it is:

- In accordance with any relevant code of practice issued by the Gambling Commission;

- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with the Authority's statement of Gambling Policy.

41.2 Representations may include issues relating to the following use of licensed premises:

1. for the sale and distribution of class A drugs and/or the laundering of the proceeds of drug crime;
2. for the sale and distribution of illegal firearms;
3. for prostitution or the sale of unlawful pornography;
4. as a base for organised crime activity;
5. for the organisation of racist, homophobic or sexual attacks or abuse;
6. for the sale of smuggled tobacco or goods;
7. for the sale of stolen goods;
8. where children and/or vulnerable persons may be put at risk.

41.3 Due consideration will be given to all relevant representations unless they fall within the following categories:

- The grounds are vexatious;
- The grounds are frivolous;
- They would not influence the Authority's determination of the application.

41.4 The Licensing Authority may also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

42 Further Information

42.1 Further information about the Act, this Statement of Licensing Policy or the application process can be obtained from:

Licensing Services
Bath & North East Somerset Council
Lewis House
Manvers Street
Bath
BA1 1JG

Tel: 01225 477531
Email: licensing@bathnes.gov.uk
Website: www.bathnes.gov.uk/gambling

Information is also available from:

The Home Office
<http://www.homeoffice.gov.uk/>

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Tel: 0121 230 6500
Website: www.gamblingcommission.gov.uk

The Gambling Act 2005 can be viewed online at:

<http://www.gamblingcommission.gov.uk/Client/detail.asp?ContentId=222>

Gamcare: www.gamcare.org.uk

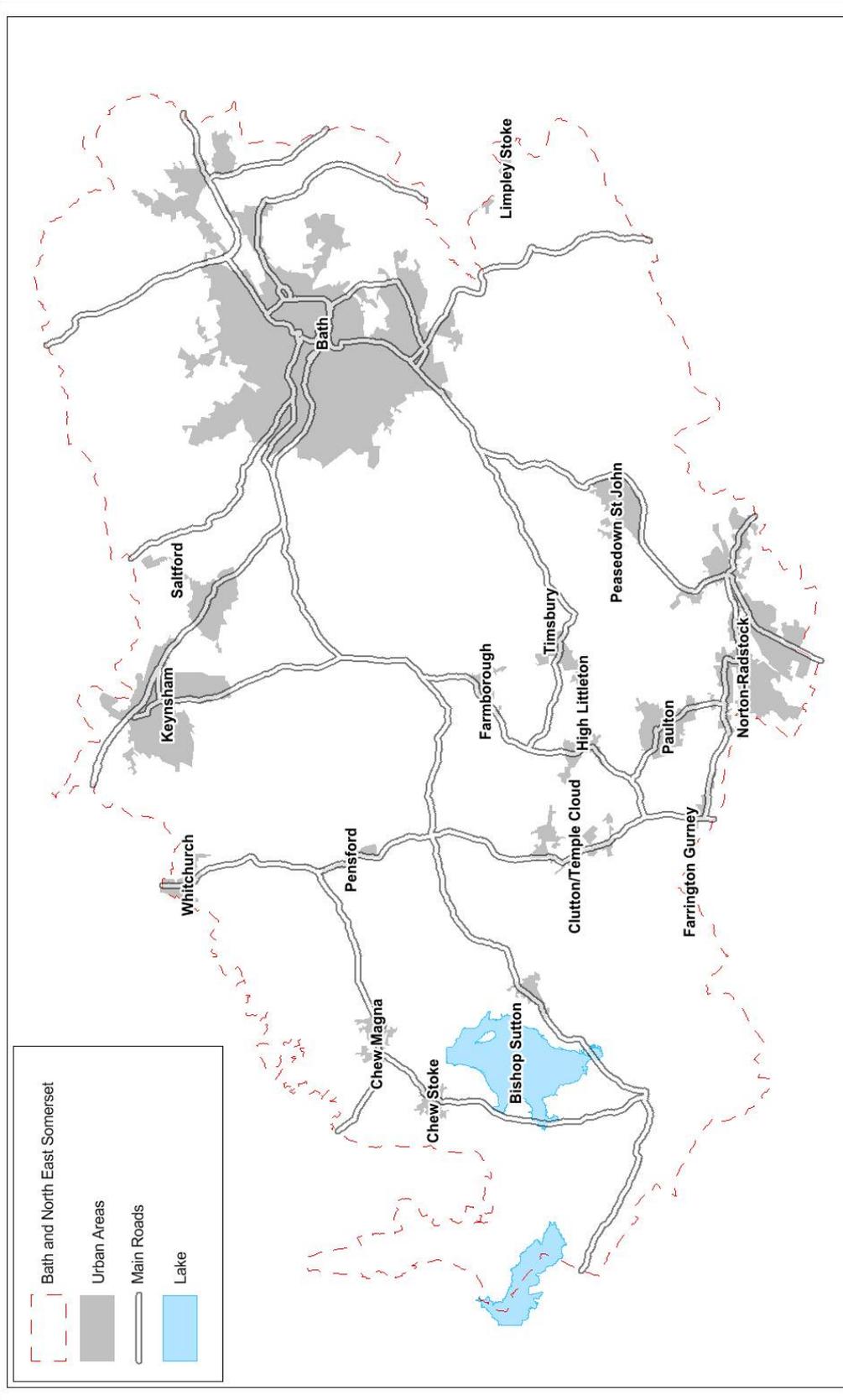
Bath and North East Somerset

Bath & North East Somerset Council
 Riverside
 Temple Street
 Keynsham
 Bristol BS31 1LA
 Tel: 01225 477000



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APPENDIX B

Table of Delegations of Licensing Functions

Matter to be dealt with	Full Council	Licensing Committee	Sub Committee	Officers
Three year licensing policy	X			
Policy not to permit casinos	X			
Fee Setting - when appropriate				X
Application for premises licences			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence			Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence			X	
Application for club gaming/club machine permits			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn

APPENDIX B

Matter to be dealt with	Full Council	Licensing Committee	Sub Committee	Officers
Cancellation of club gaming/club machine permits			X	
Applications for other permits				X
Cancellation of license premises gaming machine permits				X
Consideration of temporary use notice				X
Decision to give a counter notice to a temporary use notice			X	
Consideration of an Occasional Use Notice				X
Designation of "authorised person".				X
Exchange of information between various persons/bodies listed in the Act				X
Decision to initiate criminal proceedings.				X
Power to make Orders disapplying exempt gaming and the automatic entitlement to gaming machines in relation to specified premises.				X
Functions relating to the registration and regulation of small society lotteries.				X
To appoint an advisory panel		X		
Stage 1 of an application for a casino licence			X	
Stage 2 of an application for a casino licence		X		
Consideration of vexatious/frivolous/repetitive representations.				X

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