



NOTICE OF MEETING

Meeting: Licensing Committee
Date and Time: Tuesday 2 March 2021 7.00 pm
Place: Council Chamber
Telephone Enquiries to: Celia Wood

Members: Davies, Butler (Chairman), Clarke, Delaney, Drage, Farmer, Kennett, Lamb, Tomlinson, Wildsmith and Wright

Joint Chief Executive

CIVIC OFFICES, HARLINGTON WAY
FLEET, HAMPSHIRE GU51 4AE

AGENDA

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AND BRAILLE ON REQUEST**

- 1 At the start of the meeting, the Lead Officer will confirm the Fire Evacuation Procedure.**
- 2 The Chairman will announce that this meeting may be recorded and that anyone remaining at the meeting has provided their consent to any such recording - Please see our protocol on [Attending and Reporting Meetings](#).**

1 MINUTES OF THE PREVIOUS MEETING (Pages 4 - 6)

The minutes of the meeting held on 10 November 2020 are attached for confirmation and signature as a current record.

2 APOLOGIES FOR ABSENCE

To receive any apologies for absence from Members*.

***Note:** Members are asked to email Committee Services in advance of the meeting as soon as they become aware they will be absent.

3 DECLARATIONS OF INTEREST

To declare disclosable pecuniary, and any other, interests*.

***Note:** Members are asked to email Committee Services in advance of the meeting as soon as they become aware they may have an interest to declare.

4 CHAIRMAN'S ANNOUNCEMENTS

5 APPROVAL OF UPDATED TAXI AND PRIVATE HIRE POLICY (Pages 7 - 77)

To adopt the Council's updated Taxi and Private Hire Policy which sets out the approach to the administration of the Taxi and Private Hire licensing functions under the Town Centre Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

RECOMMENDATION

1. Adopts Taxi and Private Hire Policy;
2. Agree to consult the relevant organisations on the proposal to make the ability to make card payment in vehicles mandatory;
3. Agree that the Council joins the National Anti-Fraud Network (NAFN) and uses the NR3 system for Licensing Purposes;

Authorise the Head of Place in consultation with the Portfolio Holder for Regulatory to make minor alterations and typographical corrections to the document before it is published.

6 APPROVAL OF GAMBLING POLICY (Pages 78 - 115)

To adopt the Gambling Policy.

RECOMMENDATION

- I. Adopt the Council's Gambling Policy (Statement of Principles Gambling Act 2005 Joint Statement of Licensing Policy);

Authorise the Head of Place in consultation with the Portfolio Holder for Regulation to make minor alterations and typographical corrections to the document before it is published.

Date of Despatch: Monday, 22 February 2021

LICENSING COMMITTEE

Date and Time: Tuesday 3 November 2020 at 7.00 pm

Place: Council Chamber

Present:

Butler (Chairman), Clarke, Davies, Delaney, Farmer, Kennett, Lamb, Tomlinson, Wildsmith and Wright

In attendance: Kinnell

Officers: Jaggard, Draper, Shared Legal Services, Brough, Sanders and Wood

1 MINUTES OF THE PREVIOUS MEETING

The minutes of 5 November 2019 were agreed and confirmed and signed as a correct record.

It was noted that the Gambling Policy (Minute 17 of the previous minutes) will be sent out for consultation with the Taxi Policy this year.

2 ELECTION OF VICE CHAIRMAN

Councillor Wildsmith was elected as Vice Chairman.

3 APOLOGIES FOR ABSENCE

None received.

4 DECLARATIONS OF INTEREST

None declared.

5 CHAIRMAN'S ANNOUNCEMENTS

The Chairman expressed thanks to Officers in the Licensing Service for their quick response to the Covid-19 outbreak and adapting to the changes with working from home.

6 PROPOSED CHANGES TO THE HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

Licensing Committee's approval to the proposed Hackney Carriage and Private Hire Policy (Taxi Policy) was sought.

Members considered:

- The main changes recommended by the Department for Transport (DfT) 2020 guidance and the reason for adopting it as standard in 2021.
- DBS (Disclosure and Barring Service) check for drivers every 6 months via an electronic on-line checking system.
- The benefit and cost of signing up to the NR3 register (from the National Fraud Office).
- Additional signage within a licensed vehicle on how to make a complaint.
- The licence for a Private Hire Operator (PHO) to include a register of staff all of whom must have a basic DBS check and to be updated regularly.
- Updated guidance on applying for certificates of good conduct for drivers from outside of the UK with a priority for public safety.
- Correct storage of data held by a private hire operator in accordance with data protection legislation.
- Cost implications of any additional workload caused over the next 3 years by the extra checks on drivers, currently unknown but hoped to be absorbed by an efficiency gain.
- An implementation plan to bring in all the changes requested by the DfT for January 2021 will be reviewed at the next committee meeting.
- Disability safeguarding training through the Blue Lamp Trust as additional driver tests.
- The implications of making the use of CCTV in vehicles mandatory and considering the use of body worn videos for additional personal security.
- The extension of vehicle age limits to help drivers who may be struggling financially and for a redraft of the consultation document to incorporate a change to the wording to extend vehicle age limits by 1 year (March 2021 to March 2022).
- High-viz (reflective) jackets/sashes included in the equipment that vehicles are required to carry to be re-inserted into the draft policy.
- The consultation draft policy would go out for a period of 12 weeks from Monday 16 November 2020 to the start of February 2021. The revised paper would come back to the Committee for approval, taking into consideration the Committee's comments.
- An additional meeting date in March 2021 would be set for this purpose.

DECISION

That the updated policy go out for consultation with the trade and interested parties.

7 LICENSING SHARED SERVICE UPDATE

Members considered:

- The effect of the second lockdown and compliance with the new Government guidelines.
- Split fees for renewal applications giving applicants up to six months to pay the second half of the driver fee. Now extended until 13th December

but with a reduced payment window from six to three months for the vehicle payment.

- The investigation by the licensing team for the use of an external private company for medicals for drivers.
- New legislation brought in on 22 July 2020 under the Business and Planning Act which will be in place until 30 September 2021.
- The benefit of adhesive plates on licensed vehicles.

DECISION

The report was noted.

The meeting closed at 8.12 pm

LICENSING COMMITTEE

DATE OF MEETING: 2 MARCH 2021

TITLE OF REPORT: Approval of updated Taxi and Private Hire Policy

Report of: Head of Place

Cabinet member: Cllr Sara Kinnell, Regulatory

1 PURPOSE OF REPORT

- 1.1 To adopt the Council's updated Taxi and Private Hire Policy which sets out the approach to the administration of the Taxi and Private Hire licensing functions under the Town Centre Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

2 OFFICER RECOMMENDATION

Licensing Committee is recommended to:

- 2.1 Adopts Taxi and Private Hire Policy;
- 2.2 Agree to consult the relevant organisations on the proposal to make the ability to make card payment in vehicles mandatory;
- 2.3 Agree that the Council joins the National Anti-Fraud Network (NAFN) and uses the NR3 system for Licensing Purposes; and
- 2.4 Authorise the Head of Place in consultation with the Portfolio Holder for Regulatory to make minor alterations and typographical corrections to the document before it is published.

3 BACKGROUND

- 3.1 The Licensing Committee on the 10 November 2020 adopted the draft Taxi and Private Hire policy for consultation. The draft policy was consulted on for a 12 week period, which ended on 1 February 2021.
- 3.2 The draft policy had been updated in line with the Department for Transport Statutory Taxi and Private Hire Vehicle Standards (hereafter referred to as DfT guidance) published in July 2020.
- 3.3 The following people and organisations were consulted:
- All Licensed drivers, vehicle proprietors and Private Hire Operators
 - HDC councillors
 - HDC legal team
 - HCC transport services
 - HCC child protection services
 - Hampshire Constabulary Licensing Officer

- Hampshire Constabulary Roads Policing Unit
- National Private Hire and Taxi Association
- Guide Dogs campaign team

3.4 Two responses were received from current licence holders, these are detailed in Appendix 1.

4 CONSIDERATIONS

4.1 The consultation feedback focused on mandating card payments in licensed vehicles. As stated in the consultation response, this step has been taken by Transport for London (TfL). This would need to become a condition of the vehicle licence and as such would require further consultation with the trade and responsible authorities. The Council will only be able to mandate that card payments are taken, but not how. This will be up to the licensed drivers or vehicle proprietors to determine.

4.2 The expected benefit of mandating credit card payments would be to provide customers with a wide range of payment options. Especially during the current climate where contactless payments are preferred to reduce the transmission of Covid-19. Members must decide if they wish to pursue this as a mandatory option for licensing.

4.3 The National Anti-Fraud Network (NAFN) who hosts the NR3 register has confirmed its annual fee of £1,600 with no plans to charge a separate fee to Councils who only wish to access the NR3 database. Hart District Council has previously looked into obtaining access to NAFN but this option was not pursued. As a result, the Licensing service would have to take on the entire cost of access.

4.4 The benefits of using the NR3 system will allow the Licensing team to check the details of new applicants against a national register of drivers who have had their licence revoked or suspended by other NAFN members. This process safeguards Hart District Council in ensuring that new taxi and private hire applicants are fit and proper to hold a licence. Access to the register will also allow the Licensing team to enter the details of any drivers revoked and suspended by Hart to ensure public safety throughout the UK. Members must decide if they wish to pursue this option for licensing.

5 POLICY IMPLICATIONS

5.1 If members decide to mandate card payments, the trade and responsible authorities will need to be consulted for 12 weeks. The rest of the policy, if adopted, can be implemented whilst the additional consultation is ongoing. The responses to the consultation will then be brought to the committee for their consideration at the next available committee meeting.

6 FINANCIAL IMPLICATIONS

- 6.1** Should the committee request that the licensing team obtain membership of NAFN to access the NR3, this will incur an annual fee of £1,600, which will need to be recovered from the relevant licensing fees.
- 6.2** Should members wish to go to further consultation in relation to mandating card payments, there would be a cost of producing and issuing a consultation mailshot as well as approximately 4 hours of officer time.
- 6.3** There will be an additional cost to drivers, vehicle proprietors or operators if every vehicle is conditioned to provide means of electronic/card payment. There are a number of options for electronic payment and these must be reviewed by the drivers.

7 LEGAL COMMENT

- 7.1** As has been set out above the updated policy sets out how Hart District Council intends to administer its adopted function under the Local Government (Miscellaneous Provisions) Act 1976 in respect of the licensing of hackney carriage and private hire vehicles, drivers and operators. The policy has been appropriately amended in line with the Statutory Taxi and Private Hire Vehicle Standards published in July 2020

Contact Details: Sophy Brough, sophy.brough@basingstoke.gov.uk

APPENDICES

Appendix 1 - Consultation responses

Appendix 2 - Taxi policy

Appendix 3 - Implementation Plan

APPENDIX 1: Consultation responses

| | Consultation comments (verbatim/anonymised) | HDC response |
|---|--|---|
| 1 | <p>I understand you are currently reviewing the Taxi and Private Hire policy. Would you consider making it compulsory for drivers to accept credit card payments. Contactless payments are essential to help curb the spread of the virus. I have seen a huge increase in customers paying by card. In total around 70% of my customers now pay by card. It's now mandatory in London. (https://tfl.gov.uk/info-for/taxis-and-private-hire/accepting-card-payments)</p> | <p>As with any comments that come in during the consultation, they will be put to the committee for their consideration following the end of the consultation period.</p> |
| 2 | <p>I would like to submit a proposal to be put forward to the licensing committee that would make it mandatory for all vehicles licensed in this borough to provide card payment facilities in the vehicles</p> | <p>This will be presented to the committee for their consideration.</p> |



Licensing Policy for Hackney Carriage and Private Hire

This policy was adopted by the Hart District Council at the meeting of Council on 2 March 2021 and comes into force on 1 April 2021 and will be reviewed five years from that date unless previously amended

FOREWORD

This policy statement has four main purposes, which are:

- **to confirm to members** of the Licensing Committee the boundaries and powers of the council and the parameters within which to make decisions
- **to inform licence applicants** of the parameters within which the council will make licensing decisions and therefore how licensed operators, drivers and vehicles can operate within the area of the council
- **to inform local residents and businesses** of the parameters within which the council will make licensing decisions and therefore how their needs will be addressed
- **to support a case in a court of law** where the council has to show how it arrived at its licensing decisions.

If you have any queries about licensing issues, please contact the licensing team at the following address: -

Shared Licensing Team
Basingstoke and Deane Borough Council
London Road
Basingstoke
RG21 4AH
Tel. 01256 622122
Email: licence@hart.gov.uk

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GLOSSARY OF TERMS

| Term | Description | Reference for Details |
|--------------------------------------|---|------------------------------|
| Compliance testing centre | One of the designated test centres where vehicles may be tested and issued with a compliance certificate | |
| Compliance certificate | Test of mechanical fitness for a licensed vehicle and its compliance with the standards as set out in this policy | |
| Convictions and cautions | Any reference to convictions also includes, warnings, reprimands, ASBOs, cautions, community service orders, restraining orders, traffic offences and fixed penalty notices, including those that would previously have been regarded as spent under the 1974 Act | |
| Council | Hart District Council in its capacity as licensing authority for the area of Hart. | |
| DBS | Disclosure and Barring Service. Formerly Criminal Records Bureau (CRB) | |
| DfT | The Department for Transport, including previous names under which that Department has been known | |
| DfT guidance | The Department for Transport - Hackney Carriage and Private Hire Vehicle Licensing: Best Practice Guidance, published in XXXX 2019 | |
| DfT guidance on stretched limousines | The Department for Transport Guidance for Operators of Stretched Limousines, published March 2013 | |
| DVLA DVSA | Driver and Vehicle Licensing Agency Driver and Vehicle Standards Agency | |
| DVLA driving licence | A full original Great Britain driving licence | |
| EEA | European Economic Area | |
| GDPR | General Data Protection Regulations | |
| Group 2 Medical | The DVLA Group 2 standard of medical fitness for professional drivers. | |
| Hackney carriage | A vehicle licensed to ply for hire throughout the district. | Town Police Clauses Act 1847 |

| | | |
|-----------------------------------|---|---|
| HGV | Heavy Goods Vehicle | |
| Licensing Committee | The committee of councillors of Hart District Council that is responsible for the council's hackney carriage and private hire licensing functions in the area of Hart | |
| Licensing sub-committee | A Taxi Licensing Committee of three councillors | |
| Passenger | A traveler in a vehicle other than the driver. | |
| Private hire vehicle | A motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle or a London cab or tramcar, which is provided for hire with the services of a driver for the purpose of carrying passengers | Local Government Miscellaneous Provisions Act 1976 Sec 80 (1) |
| Private hire operator | A person who makes provision for the acceptance of private hire bookings to undertake themselves or pass to others to undertake. 'Operate' means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle | Local Government Miscellaneous Provisions Act 1976 |
| PSV | Passenger Service Vehicle | |
| Regulated occupation | The principles of the 1974 Act do not apply to applicants for hackney carriage and private hire drivers' licences. This is because the driving of taxis is listed as a 'Regulated Occupation' in relation to which questions may be asked as to the suitability of individuals to be granted a licence. | Rehabilitation of Offenders Act 1974 Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 |
| Taxi | This word has no meaning in law but is routinely used in government documents to describe hackney carriages. | To avoid confusion, the use is limited to instances where reference is made to other documents which have used it |
| UK Borders and Immigration | Previously the UK Border Agency. Provides guidance on Right to Work | |
| Ultra-Low emission vehicle (ULEV) | One with CO ₂ emissions below 50 g/ | |
| Vehicle or licensed vehicle | Either a hackney carriage or private hire vehicle. | |

INTRODUCTION

1 In setting out this joint policy, the council seeks to promote the following objectives:

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

2 The aim of the licensing process, in this context, is primarily to protect the public as well as to ensure that the public have reasonable access to these services, because of the part they play in local transport provision. It is important that the council's hackney carriage and private hire licensing powers are used to ensure that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required.

3 This policy contains information about legal requirements, government guidance, council policy, procedures and standards. It has been produced pursuant to the powers conferred by the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Acts 1847 and 1889, the Public Health Act 1875 and the Local Government Act 1972 which place on the councils the duty to carry out licensing functions in respect of hackney carriage and private hire vehicles, drivers and operators.

4 In exercising their discretion in carrying out their regulatory functions, the council will have regard to this policy document and the objectives set out above. Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits in accordance with the council's enforcement policy. Where it is necessary for the council to depart substantially from this policy, clear and compelling reasons will be given for doing so.

5 The policy will remain in existence for a period of five years, during which time it shall be kept under review and revised as necessary. The Shared Licensing Team Leader in consultation with the Chairman of the Licensing Committee is authorised to make minor administrative amendments to the policy where necessary.

6 The policy provides guidance for applicants, drivers and operators to assist them with the application processes and operation of their businesses. This guidance, application forms and current fees are also available on the council website. Applicants are strongly encouraged to use electronic applications where available on the council's website.

BACKGROUND

Role of hackney carriages and private hire vehicles

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

Licensing profile

8 As of September 2020, the council currently has 73 private hire vehicle and 251 hackney carriage vehicle licenses issued. There are 340 driver licenses issued and 36 operator licenses issued.

Best practice guidance and legislation

9 The DfT has national responsibility for the hackney carriage and private hire legislation in England and Wales. The DfT has produced updated Statutory Taxi and Private Hire Vehicle Standards in July 2020 (hereafter the 2020 Guidance) to reflect an increasing appetite to improve safeguarding provision. The council has taken account of the DfT guidance to shape this policy.

10 The DfT guidance to local authorities from March 2019 (hereafter the 2019 Guidance) states local authorities will 'decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes'. The guidance states that it is expected that the recommendations set out in the 2020 Guidance are "implemented unless there is a compelling reason not to". The Previous March 2019 DfT guidance only requests that the council takes account of the guidance to shape this policy.

11 The Equality Act 2010 has implications for both hackney carriage and private hire drivers in respect of the carrying of wheelchairs and access of wheelchair users to vehicles. The same legislation also requires drivers to carry assistance dogs. Drivers may be exempted from these requirements on medical grounds only.

12 This policy also takes account of the legislative basis of the council's taxi licensing powers, contained in the Town Police Clauses Act 1847 and 1889, the Public Health Act 1875, the Local Government Act 1972 and the Local Government (Miscellaneous Provisions) Act 1976 as amended, which the council has adopted. The policy also reflects changes due to the Deregulation Act 2015.

Costs and benefits of licensing policies

13 The council will ensure that the policy and its enforcement meet the objectives set out in the introduction whilst avoiding imposing undue restrictions and costs upon the drivers, proprietors and operators.

Enforcement

14 The DfT guidance is clear on the necessity of enforcement to maintain high standards of public safety. All enforcement will be proportionate and transparent. While the ultimate authority is the court the expectation is that enforcement will be carried out by licensing officers overseen by the Licensing Committee and the associated Licensing sub-committee.

15 Any enforcement system needs to deal with persistent, low level breaches up to serious, possibly, criminal behaviour. There are grades of sanctions from informal advice and warnings through to suspension and revocation of licences. The majority of enforcement will be for relatively minor offences or breaches and will be undertaken by the licensing officers. The council will operate a points-based enforcement scheme. The points system does not affect the driver's or operator's rights of appeal to the magistrate's court. The details of the system are shown in Appendix G.

Tariff

16 The tariff is a maximum figure that hackney carriage drivers can charge based on a range of factors including time of day or night and special occasions such as bank holidays. The tariff does not apply to private hire vehicles or pre-booked journeys where the cost is agreed in advance. Drivers may charge any amount for a journey provided it does not exceed the fare on the meter. Hackney carriage vehicles must carry a tariff card within the vehicle which is readily available upon request.

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

Limitation of numbers

17 No powers exist for the council to limit the number of private hire vehicles that they license. The council takes the view that the market will determine the number of hackney carriage vehicles to meet demand.

18 If the council were to take the view that a quantity restriction on the number of hackney carriage vehicles could be justified in principle, the DfT guidance advises that the level at which the limit should be set is addressed by means of a survey, including details on associated costs.

Specifications and conditions

19 The council is empowered to impose such conditions as they consider reasonably necessary, in relation to the grant of hackney carriage or private hire vehicle licences. Hackney carriages and private hire vehicles provide a service to the public; the council will only license vehicles suitable for this purpose. It is important to set criteria for the external and internal condition of the vehicle, provided that these are not unreasonably onerous, to maintain high standards within the trade.

20 The council will not license purpose built hackney carriage vehicles as private hire as this can confuse members of the public.

21 Any vehicle with a 'Q' plate registration will not be licensed as 'Q' plates are issued for vehicles which are either not originally registered in the UK and proof of age was unavailable at registration or for vehicles that have been built using a significant proportion of used parts. 'Q' plates are also used to disguise stolen or accident damaged vehicles.

22 Councils will not licence vehicles that have been classified as category S (Formerly C) or N (Formerly D) insurance write offs. These vehicles may have had sub-standard, low-cost repairs to return them to use.

Out of district hackney carriage vehicles

23 The council understands that hackney carriage vehicles may operate outside of the district if undertaking pre-booked journeys. Nothing in this policy prohibits this.

24 The council will not licence hackney carriage vehicles that are to be used predominantly outside of the area of the licensing authority or any taxi licensing zones that may be established. All applicants for hackney carriage vehicle licences must declare the areas within which they intend to use the vehicle.

25 For the purposes of clarity the council defines 'predominantly' as a minimum of 75% of booked journeys must commence or terminate within the district.

Accessibility

26 The councils are committed to social inclusion and ensuring that disabled residents have a variety of opportunities to enjoy a high quality of life. For this reason, the councils consider it important that disabled residents have access to all forms of public transportation.

Vehicle type

27 Any vehicle that has been purpose built, or any vehicle that has been modified or converted to carry a disabled person confined to a wheelchair, will be considered for licensing provided the vehicle complies with the requirements and guidelines laid down by the council.

28 Vehicles will have a maximum seating capacity of up to eight passenger seats and only forward or rearward facing seats shall be fitted. When carrying a wheelchair this must be included in, and not in addition to, the maximum number of seats. When the wheelchair facility is not required the vehicle may operate as a normal hackney carriage or private hire vehicle with seating for the number of passengers the vehicle is licensed to carry.

29 Prior to licensing the applicant must provide the council with written confirmation from the manufacturer or modifier that the vehicle meets the required standard. When a vehicle has been modified post manufacture to provide access or special facilities for disabled passengers the vehicle must have all modifications and adaptations, including all seats, seat belts and anchorages, retested or approved to meet either the European Whole Vehicle Type Approval or the UK Low Volume Type

Approval (ESVA or IVA) that meets the required standard. A licensing officer may require the vehicle to be referred to one of the council's designated vehicle compliance testing centres. This inspection will be carried out at the owner's cost.

Access

30 All wheelchair accessible vehicles must be able to load a wheelchair using the access equipment by the side or rear access doors. The side access door must be the door situated on the nearside of the vehicle, i.e. the kerbside when stopped in a normal road.

31 The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 1220mm (48 inches). The measurement shall be taken from the upper centre of the aperture to a point directly below on either the upper face of the fully raised platform or the upper face of the ramp fully deployed on level ground.

32 A locking mechanism shall be fitted that holds the access door in the open position whilst in use.

Equipment

33 A wheelchair accessible vehicle shall be fitted with either of the following forms of wheelchair access equipment:

Ramps

34 Any purpose designed access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to a safe working load of 250 kg and certified to BS6109.

Wheelchair lift

35 A purpose designed wheelchair lift shall conform to the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER). Vehicles presented for inspection with a wheelchair lift will require a valid LOLER certificate. All equipment used to lift people requires inspection every six months. The LOLER regulations require that records of inspection must be kept for two years or until the next inspection as a minimum.

36 The wheelchair access equipment shall be fitted such that it terminates at the interior floor level so as to allow smooth entry/exit of the wheelchair.

Anchorage

37 The wheelchair must always be carried in a secure and stable position as recommended by the vehicle manufacturer or conversion company. In the case of purpose-built vehicles i.e. London style taxis, this position will be facing the rear of the vehicle. In the case of vehicles which have been specially converted for the purpose of conveying wheelchairs, the converter's recommendations shall be followed. **Please note this will always be either facing the front or rear of the vehicle. Wheelchairs must never be carried facing sideways in a vehicle.**

38 A system for the effective anchoring and securing of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces. The system and the devices used to secure a wheelchair to the vehicle shall comply with the relevant standards laid down in European Directive 76/115 EEC (as amended by 90/629 EEC) or the UK equivalent standard.

39 All wheelchair tracking must comply with European Standard UNECE Regulation 14 (EC Directive 76/115 EEC) or the UK equivalent standard.

40 Each wheelchair user shall be provided with a disabled-person seatbelt, which fastens to the structure of the vehicle either permanently or temporarily by use of approved fixings to the position of the wheelchair. This is required by (European Directive 76/115 EEC or the UK equivalent standard and Regulations 46 and 47 Road Vehicles (Construction and Use) Regulations 1986).

41 A VOSA certificate of compliance following a post conversion inspection or construction to agreed standards will indicate compliance with the above standards.

42 The council is aware of the different demands for private hire vehicles, particularly those involved in providing transport through school contracts for disabled children. Operators also need to be aware of their liabilities under health and safety legislation in respect of staff that they employ to ensure that they provide a safe system of work for the driver.

Maximum age of vehicles

43 Any new application or replacement vehicle for a hackney carriage or private hire vehicle will only be considered if the vehicle is less than three years old from the date of first registration for non-purpose-built vehicles, or less than four years from the date of first registration for a purpose-built vehicle at the date of application.

44 The vehicle may usually only continue to be licensed until it is seven years from its date of first registration for non-purpose-built vehicles and ten years from the date of registration for a purpose-built vehicle.

45 Following the impact on the trade from the national lockdowns and Covid restrictions which started on 23 March 2020, it has been agreed that a temporary extension to the vehicle age limit until 31 March 2022. Until this date, vehicles can be licensed until eight years of age from its date of first registration. Following this date the age limit will revert to seven years from date of first registration.

46 Vehicles which are wheelchair accessible may continue to be licensed for ten years from the date of first registration subject to the vehicle meeting the council's testing specification and appearance requirements. In considering an application to licence a vehicle for ten years, consideration will be given to the requirements of the Equality Act 2010.

47 The age of imported vehicles will be judged from the date of manufacture.

48 The exception to the above being private hire vehicles in exceptional condition used exclusively for executive type chauffeur work. 'Exceptional condition' is defined

as a vehicle which is without damage or wear to the interior and the exterior. The age limit for new application or replacement vehicle will be less than five years old from the date of manufacture. The vehicle may continue to be licensed until 10 years from its date of manufacture.

49 From 1 January 2025 all vehicles being licensed for the first time must have CO₂ emissions of less than 50 g/km. All vehicles licensed prior to this date will be relicensed provided they have been continuously licensed. Vehicles licensed before 1 January 2025 whose emissions are 50 g/km or above will not be licensed past the 7 year or 10 year age limit (as appropriate). Licensed, or previously licensed, vehicles converted from private hire to hackney carriage will remain subject to an age limit of 7 years from date of original registration.

Vehicle testing

49 The DfT guidance recognises that an annual MOT test for licensed vehicles of whatever age is necessary. More frequent tests are recommended for older vehicles. The DfT guidance also suggests that it is good practice for councils to consider having more than one testing station and argues that there could be advantages in contracting out the testing work to different garages.

50 The council will approve testing stations to which all hackney carriages and private hire vehicles must be taken when being tested in connection with licensing requirements. The approved testing stations will be decided upon through an open application process that takes place every five years. Having taken into account the DfT guidance that best practice is to approve more than one testing station the council will approve a minimum of two testing stations in the Hart District Council area. The location and contact information for approved testing centres will be available on the council's websites from 1 September 2020.

51 Hart District Council will require all vehicles licensed or renewing their licence after 31 September 2020 to have a certificate of compliance from an approved test centre.

52 Anyone who wishes to complain about or is in dispute with any of the approved testing stations may contact the licensing team who will investigate the complaint. Complaints concerning the part of the test that checks the council's conditions will be dealt with by the licensing team with reference to an expert if necessary. Complaints about the mechanical MOT part of the test may be referred to VOSA.

53 Vehicles less than one month old and with less than 1500 recorded miles will be exempt from the requirement for a compliance check. All hackney carriage vehicles must have their meter checked for consistency with the displayed tariff card and the operation of the roof sign. This check must be carried out at a compliance testing centre.

54 Vehicles up to the fifth anniversary of their date of registration will require an annual compliance check.

Vehicles older than the fifth anniversary of their registration will require compliance checks every six months.

55 The test must take place in accordance with the council's testing procedures. Vehicles will be required to meet the required MoT standard for their age and construction and the council's standards as laid out in Appendix A and Appendix B. In addition the accuracy of the meter will be checked over a measured mile.

Signage and advertising

56 Members of the public can often confuse private hire vehicles with hackney carriages, without realising that private hire vehicles are not available for immediate hire or allowed to be hailed in the street. It is therefore important that the public are able to easily distinguish each type of vehicle.

57 For this reason private hire vehicles must not display any roof signs and hackney carriage vehicles must display roof signs of the specified dimensions.

58 Both hackney carriages and private hire vehicles must display a licence plate on the rear of the vehicle. The plates are different colours for hackney carriages and private hire vehicles. The external licence plate supplied by the council shall be securely fixed to the outside and rear of the vehicle either by direct fixing, e.g. adhesive, screw, bolt or rivet, or on a secure bracket, or by using the adhesive plate provided by the council. No temporary fixing such as magnets or Velcro® are allowed. An exemption for private hire vehicles from displaying the plate may be given at the discretion of the licensing officer in accordance with this policy.

59 The roof sign must be affixed to the vehicle at all times. The only exceptions to this are:

- when the vehicle is parked off the street at a proprietor's home or in a private taxi office car park for security reasons
- when the vehicle is undergoing maintenance work or is being cleaned.

60 In both cases the roof sign must be put back on the vehicle before the vehicle is used on the highway.

61 There is no exception to the roof sign unless the vehicle is a London style cab or other similar vehicle that has a built-in taxi roof sign.

62 Advertising will be permitted on hackney carriage vehicles. Complaints about unsuitable or offensive advertisements may be referred to the council's licensing team.

Plate exemption for private hire vehicles

63 Private hire vehicles which are used for corporate/executive style contract work for at least 75 per cent of the time may be exempted from displaying a plate. The operator's records for these vehicles must prove that the required amount of contract work is being carried out and the council will require written evidence as to

why plate exemption is required. Where an exemption is granted the vehicle will display a prescribed internal licence. The internal licence contains vehicle/ licence details and must be visible from the outside and the vehicle/ licence details must be visible from the inside. Both internal licences must be displayed at all times and the rear licence plate must be carried in the vehicle at all times.

64 The rear licence plate will be provided by the council and must be carried in the boot of the vehicle at all times. Vehicles given this exemption will normally be executive type cars. The council will determine applications for exemption on a case-by-case basis. The plate exemption must be applied for on an annual basis on the anniversary of the renewal of the vehicle licence. Operators/drivers should not automatically assume that when licensing a new vehicle to replace an existing plate exempted vehicle or renewing an existing plate that the plate exemption will continue.

65 The licence fee payable for plate exemption is subject to annual review and will be published together with other council licensing fees.

Security and closed-circuit television (CCTV)

66 The DfT recommends councils to look sympathetically on the installation of security measures, such as a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers.

67 The council will not require enhanced security or CCTV measures in vehicles. Operators and drivers may install such equipment but its use must be clearly indicated by signs in the vehicle including contact details for the system manager/operator. All such equipment and images must be operated in accordance with the Data Protection Act 1998 and the 2018, GDPR and the ICO code of practice for surveillance cameras. It is the responsibility of the driver/operator to ensure compliance.

68 No audio, video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied to the council.

69 If a driver decides they wish to use body worn video or CCTV the following conditions must be adhered to:

- 1) The driver must register with the ICO as a data controller
- 2) The device used must have a pin enabled play back system to ensure security of the data should the device be lost or stolen
- 3) Drivers wishing to operate BWV or CCTV will need to display adequate signage in their vehicle and on their person to inform customers that BWV is in place. The signage must also inform the customer of how they can request footage of themselves.
- 4) The data must be securely stored (in an encrypted form) and destroyed in line with the ICO guidance
- 5) Any driver operating BWV or CCTV must inform the council in writing, and provide evidence that they have registered with the ICO as a data controller.

Environmental considerations

70 The councils encourage drivers and operators to adopt more efficient licensed vehicles, which reduce the levels of CO₂ and NO_x emitted. The use of alternative fuels and improved technology such as fully electric vehicles will further reduce local emissions.

71 The councils may offer reduced licence fees for vehicles that produce lower carbon dioxide or nitrous oxide emissions. Such fees are reviewed on an annual basis and may vary.

Stretched limousines and special vehicles

72 Stretched limousines are elongated saloon cars or multi-purpose vehicles (MPVs). The vehicles are usually imported from the United States of America. They are generally used for private hire work and special occasions.

73 Councils are sometimes asked to license stretched limousines as private hire vehicles. The council will assess licence applications for these vehicles in accordance with the 'special vehicles policy' set out in appendix B.

74 Where a vehicle has been imported from another country, the council may require VOSA approved certification prior to licensing approval. Due to the individual nature of stretched limousines or special vehicles, it will inevitably give rise to issues that would not apply to conventional private hire vehicles and therefore it will be necessary for the council to consider whether to include special conditions on any licence. The council will take into consideration the guidance issued by the Government.

Funeral and wedding vehicles

75 There is currently no requirement for a vehicle to be licensed where it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a funeral director for the purpose of funerals.

76 A vehicle does not need to be licensed to be used in connection with a wedding. Written certification from the council of the relevant exemption claimed is not currently required and it is not proposed to change this arrangement. However, if a licensed hackney carriage vehicle is used for a wedding the licence plate and roof sign must be displayed.

Livery

77 The council does not require that licensed vehicles are finished in a special livery or appearance.

78 From 30 June 2020 all hackney carriage vehicles licensed by the council must display a fully illuminated roof-mounted sign to the specifications below:

The requirements for the roof sign are:

- the minimum dimensions are: length 45 cm (18 inches), width 15 cm (six inches) and the height 15 cm (six inches)
- the roof sign must be connected to the taximeter (or equivalent) and it must be automatically controlled.
- the roof sign must be lit when the taximeter is not active or when the vehicle is plying for hire and not lit when the taximeter is in use or the vehicle is not available for hire

Transfers

79 A 'transfer' is the sale of a licensed vehicle (including the paper licence and licence plate) from one person to another as opposed to when a proprietor wishes to license a vehicle as a hackney carriage or private hire vehicle which is not currently licensed as such, which is an application for a 'new vehicle licence'.

80 The licence fee payable for a transfer is subject to annual review and will be published together with other council licensing fees.

Accidents

81 Where damage that requires repair arises from an accident the driver is required to report the accident to the relevant council within three days. The council's primary concern is to ensure that the vehicle is in a safe and suitable condition to be used as a licensed vehicle.

82 A licensing officer or approved testing station may examine the extent of the damage and determine whether or not the vehicle must be repaired to allow it to continue as a licensed vehicle. Officers will advise drivers and operators of the outcome of the inspection within a maximum of three working days.

Public liability insurance

83 The licensing authority recognises that licensed drivers often perform duties other than driving passengers from A to B as part of their daily business e.g. carriage and loading of luggage, assistance of passengers (including the elderly and wheelchair passengers) etc.

84 For this reason, the licensing authority will require applicants to provide and maintain a suitable policy of public liability insurance of not less than £5 million covering any damage, loss or injury to any third party (e.g. customers and other members of the public) or property that may arise during the course of a driver's day to day activities.

Application procedure

85 Applications for a hackney carriage or private hire vehicle licence must be made on the prescribed application form which is available on the relevant council's

website or the online application procedure. Guidance is available on the website to assist in the completion of the application.

85 Vehicle proprietors will be subject to a basic disclosure from the DBS, and this should be renewed annually. Any convictions disclosed on the basic disclosure would be subject to the assessment previous convictions guidance contained in this policy. There is no 'fit and proper' measure for vehicle licensing, but vehicle owners may have access to passenger details which could leave to safeguarding concerns. Any vehicle proprietor who is also a licensed a driver would not require a basic DBS as they will be covered by the 6 monthly enhanced DBS check.

86 The licence fees payable are subject to annual review and will be published together with other council licensing fees.

Consideration of applications

87 The council will consider all applications on their own merits once they are satisfied that the application is complete. An applicant should not be given the benefit of the doubt, and all decisions on the suitability of an applicant or licensee should be made on the balance of probability. Conduct that have not resulted in a criminal conviction can also be taken into account.

Grant and renewal of licences

88 Legislation limits hackney carriage or private hire vehicle licences to a maximum period of 12 months

89 The council will only accept complete applications comprising all the necessary evidence as set out on the council's websites. Incomplete or missing evidence may result in the application being rejected. If an application is received late, the licence may expire before a new one can be issued. The vehicle will then be unlicensed and must not be used as a hackney carriage or private hire vehicle. Applications received after a licence has expired will be considered as new application.

Change of details

90 The proprietor must notify the relevant council in writing of any change of address, email or telephone number during the period of the licence within seven days of the change taking place. There may be a fee payable for the reprint of licenses, plates or badges.

HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

Parallel procedures

91 The statutory and practical criteria and qualifications for a private hire driver are broadly similar to those for a hackney carriage driver. The sections below apply equally to private hire and hackney carriage drivers.

92 'Fit and proper person' is not defined in any of the legislation but is key when determining a driver application or renewal. The following statement is commonly used as a guide to clarify the meaning. 'Would you allow your son, daughter, mother, spouse or other person you care about get into this vehicle with this person alone?'

This statement was confirmed in discussion by Silber J. in the case of Leeds City Council v Hussain (2002) which surrounds the suspension of a driver:

'... the purpose of the power of suspension is to protect the users of licensed vehicles and those who are driven by them and members of the public. Its purpose is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to abuse or assault people'

93 Officers and licensing sub committees will bear the above statements in mind when determining applications, renewals and when making enforcement decisions. Other factors will also be considered on a case-by-case basis.

Age and experience

94 The DfT guidance recommends against setting a maximum age limit for drivers provided that regular medical checks are made on them. It also considers that minimum age limits, beyond the statutory requirement of holding a full driver's licence for 12 months are unnecessary, advising that applicants should be assessed on their merits.

Knowledge test

95 Hackney carriage and private hire drivers need a good working knowledge of the area for which they are licensed. The law requires that members of the public are transported by the most direct and therefore cheapest route. Hackney carriages can be hired immediately, directly with the driver, at hackney carriage stands or hailed on the street, whereas private hire vehicle drivers will normally have time to check the shortest or quickest route on a map and discuss the options with the hirer prior to the hire commencing. The ability to find destinations and read maps is seen as a fundamental skill in providing a quality service for passengers.

96 In order to maintain the high standards expected of drivers, the council will not grant a licence to drive a hackney carriage or private hire vehicle until they have passed the relevant knowledge test.

97 In order to determine their fitness, applicants will be required to undertake a test as to their knowledge of:

- local geography
- the Highway Code
- hackney carriage and private hire licensing law and the council's policy.

- basic mathematics for handling money

98 The knowledge test will be in a form and structure determined by the council and may be administered by a third party.

99 Applicants will be given their result as soon as possible and always within one week.

100 There is a fee to sit and re-sit the test and this is published separately together with the other council licensing fees. No applicant may sit the test more than five times in any 6-month period commencing on the date of their first test. At the end of the 6-month period the applicant must wait for 3 months before applying for another test.

Spoken English test

101 There has been an increase in the number of applications for hackney carriage and private hire drivers' licences from people whose first language is not English. Sitting the knowledge test is a reasonable test of English language proficiency. Most communication between drivers and passengers is spoken so it is essential that all candidates have a reasonable standard of spoken English. The licensing officer may decide to undertake additional testing of the applicant's spoken English. Applicants who have difficulties with spoken English will be required to demonstrate their ability to converse in English in an independently administered test. Candidates will be responsible for all the costs associated with this additional testing.

Driving proficiency, qualifications and giving assistance

102 In addition holding a full driving licence for 12 months all applicants must pass an additional driving assessment approved by the Council. This is currently provided by the Blue Lamp Trust. The cost of this assessment must be paid by the applicant.

103 Applicants who have held a full driving licence issued by an EEA country for at least 12 months can apply for a hackney carriage or private hire vehicle driver's licence. Upon application, applicants have to apply to convert their existing driver's licence to a DVLA driver's licence. The councils will not grant or renew a licence to drive a hackney carriage or private hire vehicle unless the applicant holds a DVLA driver's licence.

104 Applicants from EEA Accession States are eligible to acquire a hackney carriage/private hire driver's licence if they have held an ordinary driving licence for 12 months, which was issued by an Accession State.

105 Those applicants whose driving licences were not issued by an EEA state, an Accession State or Northern Ireland will be required to hold a full DVLA licence for 12 months prior to being issued with a hackney carriage/private hire vehicle driver's licence.

106 New applicants who have lost their DVLA licence due to driving offences must have held a clean licence for 12 months before they can apply to become a licensed driver.

107 Before the grant or renewal of a driver's licence, all applicants will be required to submit to a DVLA licence check. The authority may undertake random checks of licensed drivers DVLA licences to identify un-disclosed offences.

108 A driver who has been suspended by the council because of justified complaints about the standard of their driving or has been suspended because they have accumulated nine penalty points on their DVLA driving licence may be required to pass an additional driving standards assessment before their licence will be reinstated.

Safeguarding, human trafficking and child sexual exploitation

109 All applicants for a hackney carriage or private hire driver's licence will be required to pass approved safeguarding and disability awareness training before their application is accepted. The applicant or their employer shall meet the cost of the training.

110 Criminals may use licensed vehicles and drivers to move vulnerable people. Licensed drivers are the eyes and ears of their communities through the work they do and the contacts they have. The ability to spot the signs of human trafficking and having the knowledge of how to report their concerns can be a major help in preventing this crime.

111 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for the licensing authorities to make referrals to the DBS service, which may lead to drivers being added to the barred list. This may be under circumstances where an individual has harmed or possesses a risk to a child or vulnerable adult, received a relevant caution or conviction and might work in a regulated role.

Medical examination

112 The DfT recognises that it is good practice for medical checks to be made on each driver as a condition for the initial grant of a licence and for each renewal. Adopting 'Group 2' medical standards as applied by DVLA to the licensing of lorry and bus drivers and applying standards to hackney carriage and private hire drivers is considered to be best practice by DfT guidance.

113 A request form for a medical examination must be downloaded from the council's website. The expectation is that the medical will be undertaken by a GP at the practice where the driver is registered. If the driver's GP is unable to undertake a Group 2 medical then the authority will allow drivers to approach a different GP to undertake the medical. Seeking a medical from an alternative GP in the grounds of cost alone is not permitted. The applicant will be responsible for paying the fee for the examination to their GP surgery. On completion of the examination, a confidential report will be submitted to the council. The GP completing the medical

examination will be required to certify that they have checked the applicant's personal medical records before completing the medical examination.

114 All medical reports will be submitted to the Council's independent medical advisor for consideration prior to the issue of a driver's licence. The fee for this check will be paid by the applicant and will be shown on the Council's fees and charges.

115 The DVLA Group 2 medical standard stipulates that over the age of 45 drivers will require a medical every five years. Drivers aged 65 and over, or those with relevant medical conditions, will require an annual examination. More frequent checks will be required if the medical practitioner thinks it is necessary.

116 Licence holders must advise the licensing team within three days, in writing, of any change in their health that may affect their driving capabilities. If there is any doubt as to the medical fitness of the applicant, the councils may require the applicant to produce a letter or report from their own GP or consultant confirming their fitness to drive. This will be done at the expense of the applicant.

Criminal record checks

117 A criminal record check on a driver is an important safety measure. The DfT considers that such checks should be at the level of enhanced disclosure through the Disclosure and Barring Service as these disclosures include details of spent convictions and police cautions.

118 The Rehabilitation of Offenders Act 1974 and associated amendments sets out the period after which a conviction/caution/warning would be regarded as 'spent' and not normally require disclosure of that conviction. However, in 2002 the Rehabilitation of Offenders Act 1974 was amended so as to exclude hackney carriage and private hire drivers from the 1974 Act. This was because the driving of hackney carriages and private hire vehicles was listed as a 'Regulated Occupation' in relation to which questions may be asked as to the suitability of individuals to be granted a licence.

119 Applicants for such licences must therefore disclose all convictions, warnings, reprimands, ASBOs, cautions, community service orders, restraining orders, traffic offences and fixed penalty notices, including those that would previously have been regarded as spent under the 1974 Act.

120 The council will not accept portability of DBS checks except through the DBS Update service. All drivers are expected to sign up for the DBS Update service. The driver will pay the on-going cost of this service. Random Enhanced DBS checks on drivers may be carried out using the Update service. Drivers without a valid link to the Update service may have their licence suspended or revoked.

121 The licensing team will now check the DBS status of drivers every six months using the DBS Multiple Status Check Facility (MSCF). Should the MSCF advise that there has been a change to the DBS status of the driver, then a new DBS certificate will need to be requested.

120 No driver's licences will be issued or renewed without a current Enhanced DBS certificate or one checked through the Update service.

121 The council is bound by rules of confidentiality and will not divulge any information to third parties. The applicant for a DBS disclosure is sent a disclosure report to their home address, this must then be shown to the licensing team. The council will manage information arising from disclosures in accordance with the DBS's codes of practice and the GDPR.

122 Currently the DBS only has details of offences committed in England, Scotland, Wales, Northern Ireland, Jersey, Guernsey, the Isle of Man and Gibraltar, therefore if an applicant has lived in countries other than these an authenticated certificate of good conduct from the relevant embassy/ies will be required. All certificates of good conduct must be submitted in English or accompanied by a translation by a certified translator.

123 The Home office has provided further guidance on applying for a certificate of good character <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>.

Relevance of convictions and cautions

124 The DfT guidance recommends that, when considering an individual's criminal record, authorities must consider each case on its merits, but to take a particularly cautious view of any offences involving violence, and sexual attack. It recommends that authorities have a clear policy for the consideration of criminal records that must address:

- the type of offence
- the number of offences
- the number of elapsed years since the offence.

125 When assessing whether an applicant is a 'fit and proper person' to hold a licence, or whether an existing licence holder is still a 'fit and proper person' to continue to hold a licence, the council will consider each case on its merits. It will take account of convictions, warnings, reprimands, ASBOs, cautions, community service orders, restraining orders, and fixed penalties (including traffic offences) whether spent or unspent, but only in so far as they are relevant to an application for a licence. The licensing officer will assess the information provided, in accordance with the licensing policy, and decide whether the applicant is a 'fit and proper person' to hold a licence or whether the existing licence holder is still a 'fit and proper person' to continue to hold a licence.

126 Where the licensing officer cannot be satisfied that either the applicant or an existing licence holder is a 'fit and proper person' the matter may be referred to a Licensing sub-committee.

127 When dealing with convictions, warnings, reprimands, ASBOs, cautions, community service orders, restraining orders, and fixed penalties (including traffic offences), the council will take into account:

- whether convictions are spent or unspent
- the nature of the offences
- the age of the offences
- whether the offences are relevant
- the number of offences and any other relevant information.

128 Guidance about specific offences is given in Appendix F. In general terms, if the offence is recent and relevant to public safety, the council is:

- less likely to approve the application for a new licence, and
- more likely to revoke an existing licence.

129 The licensing officer will initially consider either an application for a new licence or the suspension of an existing licence in those cases where any convictions, warnings, reprimands, ASBOs, cautions, community service orders, restraining orders, and fixed penalties (including traffic offences) are relevant and unspent, as stated in the Rehabilitation of Offenders Act 1974. The licensing officer may then make a recommendation to the Shared Licensing Team Leader who has delegated authority under the scheme of delegation to officers, to issue a refusal or suspend or revoke an existing licence. If the licensing officer having considered the applicant's or existing licence holder's previous history of behaviour or taken any other relevant matter into account considers that, based on all this information the applicant is not 'fit and proper' or that an existing licence holder no longer is a 'fit and proper person', the licensing officer may submit a report for consideration by the Licensing sub-committee. Applicants can appeal to the magistrate court against a refusal to grant or decision to suspend or revoke the licence under the Public Health Act 1936.

130 The council will require all applicants to provide information allowing access to the DVLA Licence Check system.

131 New applicants will be required to disclose if they have been licensed as a driver with a previous authority. Hart District Council will reserve the right to check the details of the new applicant with any previous licensing authorities, in accordance with the relevant data protection legislation to aid the determination of the application.

Proof of right to work in the UK.

132 All applicants for licensed driver badges must prove that they have a right to work in the UK. The councils will follow the guidance published by UK Borders and Immigration (or their successor bodies) on establishing proof of right to work. The right to work will normally only need to be proved once.

133 If an applicant is unable to provide satisfactory proof of their right to work in the UK, there will be no option other than to refuse to grant or refuse to renew the licence, or if circumstances came to light during the duration of a licence, to revoke it. To issue the licence may be regarded as condoning the offence and assisting the applicant to gain employment to which they are not entitled.

134 Applicants who cannot provide evidence of indefinite right to work will only have their licence granted for the period of their right to work. Licences may be extended if the period of right to work is extended. There is no discounted fee for licences of less than three years.

135 If after referring to UK Borders and Immigration (or their successor bodies) guidance, licensing officers are still unsure about an applicant's right to work in the UK, they will undertake further enquires with UK Borders and Immigration (or their successor bodies). If it transpires the applicant is illegally in the UK (due to illegally entering or overstaying for example) council officers will assist UK Borders and Immigration (or their successor bodies) or the Police in their enquiries as necessary.

Behaviour and conduct of drivers

136 Adopting a Code of Good Conduct for hackney carriage and private hire drivers serves to promote the councils' licensing objectives.

137 The council considers that to assist drivers and the public it would be useful to set down the standards that must be adopted in maintaining a safe, professional and efficient approach to the transport of members of the public. It is considered that drivers must be aware of the law and minimum standards of behaviour, should adopt safe and non-aggressive driving techniques and set a good example to other road users. The Code of Good Conduct forms part of the conditions attached to a private hire driver's licence.

138 Failure to comply with any aspect of the Code of Good Conduct will result in enforcement action dependent upon the breach. This may result in warnings or penalty points being given by licensing officers or if necessary, by the relevant panel. Repeated breaches following such education or warnings may lead to more serious consequences including if necessary, refusal to renew, suspension or revocation of licences.

Sexual activity

139 In order to protect both passengers and drivers there must be no sexual activity, including consensual activity, between drivers and passengers either in a licensed vehicle or when a licensed driver is on shift.

Application procedure

140 The council requires that applications for a hackney carriage or private hire driver's licence must be made on the prescribed application form which is available on the council's website or using the council's electronic application procedure. The council website will provide guidance to assist in the completion of the application.

141 The licence fees payable to the council are subject to annual review and will be published together with other council licensing fees on the council's website.

Grant and renewal of licences

142 The licensing of hackney carriage and private hire drivers is governed by Section 53 of the Local Government (Miscellaneous Provisions) Act 1976. This provides that these licences shall remain in force for up to three years or for such lesser period as may be determined. The council offers a three-year driver's licence only.

143 Applicants must allow adequate time for the processing of their renewal applications. The council is not responsible for delays due to the actions of external bodies such as DBS and DVLA. Applicants who need a full DBS check must allow 8 weeks for their disclosure document to be returned. All applicants must sign up for the DBS Update service and maintain their annual payments to the DBS. Applicants whose Update check reveals new information will have to complete a new, full application that may take several weeks to be returned.

144 The council will aim to send a reminder letter to drivers twelve weeks before their existing badge expires in order to assist applicants in their prompt submission of renewal applications. Drivers are reminded that the council is not obliged to do this and the responsibility of ensuring licences and DBS disclosures do not expire remains with the licence holder.

145 The council may refuse to grant licences where the application is missing any of the necessary information. Incomplete or missing evidence may result in the application being rejected. If an application is received late, the licence may expire before a new one can be issued, therefore the driver will be unlicensed during which time it will be illegal for them to drive a licensed hackney carriage or private hire vehicle or to use an unlicensed vehicle for the carriage of passengers for hire or reward.

Change of details

146 Drivers must notify the council in writing within seven days of any change of address, email address or telephone number during the period of the licence. There will be a fee to pay if the change requires a reprint of a licence, badge or plate.

Sharing of information

147 The council will share all information with other enforcement bodies including other councils, the police, UK Borders and Immigration, HMRC and the Department for Work and Pensions (or their successor bodies) on enforcement related issues involving licensed drivers, operators and vehicle owners.

PRIVATE HIRE OPERATORS

Requirements and obligations

148 Any person who operates a private hire service (who is not a hackney carriage proprietor who permits hackney carriages to be used for private hire) must apply to the council for a private hire operator's licence. The objective in licensing private hire operators is the safety of the public who will be using operators' premises, and vehicles and drivers arranged through them.

149 A private hire vehicle may only be dispatched to a customer by a licensed private hire operator. Such a licence permits the operator to invite or accept bookings for a vehicle. Private hire operators must ensure that every private hire vehicle that they operate is licensed by the same council who issued them with the operator's licence and that it is driven by a person who holds a private hire driver's licence issued by the same council.

150 Applicants for new or renewal operator's licences must apply using the prescribed form or electronic application, available on the council's website, and submit the correct fee. Applicants must also provide a current (less than 1 month old) Basic DBS disclosure, the operator basic DBS check should be repeated annually. This does not apply to any operator who is already a vehicle proprietor or licensed driver. The council will then decide whether the applicant is a 'fit and proper person' to hold such a licence. Where the private hire operator is trading as a limited company the council may also require the directors and company secretary to undertake a Basic DBS check. All applicants must provide the relevant council with proof that they are entitled to work within the UK.

151 If an applicant is unable to provide satisfactory proof of their right to work in the UK, there will be no option other than to refuse to grant or refuse to renew the licence, or if circumstances came to light during the duration of a licence, to revoke it. To issue the licence may be regarded as condoning the offence.

152 The licence fees payable are subject to annual review and will be published together with other council licensing fees.

Knowledge Test

153 Private hire operators need a good working knowledge of the area for which they are licensed. The law requires that members of the public are transported by the most direct and therefore cheapest route.

154 In order to maintain the high standards expected of operators, the council will not grant an operator's licence until the applicant has passed the knowledge test. This requirement will be waived for licensed drivers and all operators licensed before 1 January 2020.

155 In order to determine their suitability, applicants will be required to undertake a test as to their knowledge of:

- local geography

- the Highway Code
- hackney carriage and private hire licensing law and the council's policy.
- basic mathematics for handling money

155 The knowledge test will be in a form and structure determined by the council and may be administered by a third party.

156 There is a fee to sit and re-sit the test and this is published separately together with the other council licensing fees. No applicant may sit the test more than five times in any 6-month period commencing on the date of their first test.

Conditions

157 The council has the power to impose such conditions on an operator's licence as it considers reasonably necessary.

Record keeping

158 Section 56(2) and (3) of the Local Government (Miscellaneous Provisions) Act 1976 requires operators to record specific information. The information shall be kept in a suitable book or on a computer or any other similar device. If using a book the pages must be numbered consecutively and the operator shall enter or cause to be entered before commencement of each journey, the following particulars of every booking accepted:

- the time and date of the booking
- the name of the hirer
- the fare quoted
- how the booking was made, e.g. telephone or email and the time
- the time of the proposed pick up
- the point of pick up and drop off
- the registration or plate number of the vehicle allocated for the booking and the name of the driver.

159 Operators are legally required to keep records in respect of all bookings, vehicles and drivers, for a period of one year as set out in the private hire operator's conditions in Appendix B.

160 An additional condition of the private hire operator's licence should include a register of staff, updated regularly to reflect changes in staffing. The operator should obtain a basic DBS check on all staff and record that they have seen the check.

161 Operators who maintain computerised records will be required to give access to these records to licensing officers upon request in order that the licensing officers can carry out their enforcement duties.

162 Any data held by the PHO should be held and disposed of in accordance with the data protection legislation. Guidance is available through the Information Commission Office (ICO) website.

163 Operators will also be required to provide adequate instruction to licensing officers in order to enable them to interrogate the computerised records to gather the information they require to carry out their enforcement duties.

Insurance

164 If premises are open to the public applicants must produce evidence that they have taken out a minimum of £5 million of public liability insurance for the premises to be licensed, before the council will approve an application for a private hire operator's licence.

Address from which an operator may operate

165 The address used on the operator's application must be the one where the invitation and acceptance of bookings take place. This will be the premises where the records referred to above are kept and at which they may be inspected by licensing officers without notice. The base must be in the council's licensing district.

166 It will be the responsibility of the operator to ensure that necessary planning consent exists for the operational address to be used for that purpose.

Sub-contracting

167 A private hire operator may sub-contract a booking to another licensed operator or hackney carriage driver. A record of whom the booking was sub-contracted to and when must be kept.

Grant and renewal of licences

168 All private hire operator licences will be issued for five years. Licences of a shorter duration may be issued in exceptional circumstances.

169 The council will aim to send a reminder letter to operators twelve weeks before their existing licence expires. Operators are reminded that the council is not obliged to do this and the responsibility of ensuring licences and DBS disclosures do not expire remains with the licence holder. Random DBS checks on operators may be carried out. If an operator is given notice to undertake a random DBS check by the council, they must do so within 28 days of the request.

170 The council will refuse to grant licences where the application is missing any of the necessary information. Applications will be deemed as incomplete if the applicant does not have a valid DBS check. If an application is received late, the licence may expire before a new one can be issued, resulting in it being illegal to operate as no operator's licence would be in force.

Change of details

171 The operator must notify the council in writing within seven days of any change of address, (whether this is a home address or the operating address) or change of telephone number or any other details during the period of the licence.

APPENDIX A

HACKNEY CARRIAGE VEHICLE SPECIFICATION AND SCHEDULE OF CONDITIONS

Hackney carriage vehicle conditions

1. A hackney carriage proprietor is an owner or part owner of a vehicle, or where a vehicle is subject to leasing contract, hiring agreement or hire purchase, a proprietor is the person in possession of the vehicle under the agreement. In both cases the proprietor requires a hackney carriage proprietor's licence from the council, before they are legally entitled to use the vehicle for plying for hire.
2. Licences can be obtained by making an application to the council. Each applicant must submit an application in respect of every vehicle for which a licence is required. The following details specify the standard minimum requirements for vehicles licensed for hire or reward by the council. They have been set down for the purposes of indicating to any prospective licence holder what will be acceptable, under delegated powers, to licensing officers and this should be borne in mind BEFORE a vehicle is purchased. Any vehicle presented for licensing which does not comply may only be accepted after consideration of the merits of the application by a Licensing sub-committee.

Specification

3. The vehicle must meet the following specification:
 - a. the vehicle must be capable of carrying not fewer than four passengers and no more than eight.
 - b. each passenger seat shall be fitted with a seat belt. No seats may be side facing.
 - c. the seat provided for each passenger will have a minimum width of 16 inches (40.6 cm) measured across its narrowest part.
 - d. each passenger shall have direct access to a door without the need to remove or completely fold flat any other seating in order that passengers may access their seat easily and escape without delay in case of emergency. The council will consider vehicles that have seats that 'tilt' forward by a single operation. If this type of seat is fitted the driver must inform the passengers of the operation of the seats before a journey commences.
 - e. the vehicle, in addition to the driver's door, will have three doors each of which must be fitted with an efficient handle, lock and window operation to allow access and egress for passengers.
 - f. the vehicle will be right hand drive.
 - g. the vehicle will have four road wheels.
 - h. the vehicle will have an engine with a capacity of at least 900cc. including vehicles badged by the manufacturer as '1.0' models. Hybrid and electric vehicles fitted with 'range extender' technology may be exempt from this restriction.
 - i. fully electric, fuel cell and hydrogen vehicles must have a minimum stated range of 130 miles on a full charge/tank using WLTP methodology.

- j. the vehicle must have a boot or luggage compartment which provides sufficient space to carry a reasonable amount of luggage for the total capacity of the vehicle.
- k. estate cars must have a guard/cover fitted to prevent luggage entering the passenger compartment.
- l. no alteration to the manufacturer's specification for the vehicle, including a change of or additional fuel type, shall be carried out except with the prior written approval of the council.
- m. the rear windows must have a visible light transmission (VLT) of not less than 35 per cent (+/- 2%) so that the passengers can be seen from the outside of the vehicle.

Vehicle testing requirements

4. Vehicles less than 1 month old and with less than 1500 recorded miles will be exempt from the requirement for a full compliance check. All vehicles fitted with a meter must have it checked for consistency with the displayed tariff card and the operation of the roof sign (if appropriate). This check must be carried out at an approved compliance testing centre.

5. Vehicles up to the fifth anniversary of their date of registration will require an annual compliance check.

6. Vehicles older than the fifth anniversary of their registration will require compliance checks every six months.

7. The test must take place in accordance with the council's testing procedures. Vehicles will be required to meet the required MoT and certificate of compliance standard for their age and construction and the council's standards as laid out in this policy. In addition the accuracy of the meter will be checked over a measured mile for two of the displayed tariffs and for waiting time.

Equipment

8. The vehicle must carry the following equipment:
- a. a spare wheel suitable for immediate use and properly maintained; if the spare wheel is of the temporary space saver type, it may only be used to complete the particular journey or hiring the vehicle is engaged on when the wheel change is necessary. Or;
Original manufacturer's tyre inflation kit with all fittings and un-used. Or Runflat tyres to the original manufacturer's specification.
 - b. a jack and tools for changing the wheels including a locking wheel nut tool if security bolts are fitted to the vehicle (not required for vehicles with runflat tyres or original manufacturers inflation kit).
 - c. a warning triangle (not for use on motorways)
 - d. a working torch
 - e. a first aid kit (all contents in date at time of inspection).
 - f. Five hi-vis sashes (for passenger safety if vehicle breaks down)

All the above equipment must be clearly marked with the plate number of the vehicle.

Condition of vehicle

9. The interior and exterior of the vehicle shall be kept clean at all times. The exterior of the vehicle shall be free of large dents, rust or un-repaired accident damage and shall at all times have uniform paintwork equivalent to that applied by the manufacturer. The interior shall be free of stains, spills, tears and the seats must function in accordance with the original manufacturer's specification. All handles and internal trim must be present, safely attached and in working order. The vehicle will comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to the Motor Vehicle (Construction and Use) Regulations.

Insurance and other documentation

10. The proprietor shall not use the vehicle, nor permit it to be used, as a hackney carriage vehicle if it does not have a policy of insurance, or such security as complies with the requirements of Part VI of the Road Traffic Act 1988, covering the use of the vehicle to carry passengers for hire or reward/ public hire. The proprietor must produce when requested a valid certificate of insurance. On renewal of the insurance a copy of the new certificate (paper or electronic) must be provided to the council. The council will only accept insurance from UK insurance bodies that are registered with the Motor Insurance Bureau.

11. The proprietor must produce when requested the vehicle registration document, evidence that the vehicle has a valid compliance certificate and evidence that the vehicle has a valid vehicle excise licence. Only original documents are acceptable.

Licence plates

12. The external licence plate supplied by the council shall be securely fixed to the outside rear of the vehicle either by direct fixing, e.g. adhesive, screw, bolt or rivet or on a secure bracket. The licence plate remains the property of the council at all times. If required to do so at any time the licence holder must return the plate to the council within seven days.

Taxi signs, livery and advertising

13. Hackney carriages must meet the requirements as set out below:

- the roof sign must be connected to the taximeter and it must be automatically controlled.
- the roof sign must be lit when the taximeter is not active or when the vehicle is plying for hire and not lit when the taximeter is in use or the vehicle is not available for hire
- the roof sign must be permanently affixed to the vehicle at all times. The roof sign can be removed when the vehicle is parked off the road at a proprietor's home or in a taxi office car park for security reasons. The roof sign can also

be removed when the vehicle is undergoing maintenance work or is being cleaned. In both cases the roof sign must be put back on the vehicle before the vehicle is used on the highway.

- there is no exception to the roof sign unless the vehicle is a London style cab or other similar vehicle which has a built-in taxi roof sign.
- the roof sign must clearly display the word 'TAXI' on its front face

Interior of the vehicle

14. Advertisements are not permitted on the interior of licensed vehicles.

Exterior of the vehicle

15. Advertisements are permitted on the exterior of hackney carriage vehicles subject to approval by a Licensing Officer. Advertisement content of a controversial nature shall not be permitted (for example, gambling, alcohol, politics, religion etc).

16. Operators are also permitted to display the following on the vehicle:

- a sign indicating membership of the AA, RAC or other similar motoring organisation
- a first aid kit sticker
- any other material supplied by government or a government organisation or corporation with the permission of the council.

Audio, video or surveillance systems

17. No audio, video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied to the council.

Smoking

18. No smoking is permitted in the vehicle by either the driver or passengers. The use of electronic cigarettes and other vapour inhaling equipment by drivers and passengers is prohibited.

Signage

19. A 'No Smoking' sign must be clearly displayed. Details of how to make a complaint to the council and what payment types are accepted must also be displayed.

Meters/fare card

20. All hackney carriage vehicles shall be fitted with a taximeter compliant with the Measuring Instruments (Taximeters) Regulations 2006 (S.I. 2006/2304). The taximeter shall be maintained in a sound working condition at all times. All meters must be of the 'calendar' type to automatically adjust for bank holidays. The taximeter shall be set for the current maximum tariff agreed by the council (or can be set at a lower tariff) and shall be sealed with a tamper evident seal to prevent unauthorised adjustment of that meter. Hackney carriage proprietors and drivers shall ensure the 'For Hire' sign or other illuminated sign is extinguished when the fare commences and the taximeter is brought into operation.

21. The taximeter must:

- be of the clock calendar type and change according to the wording of the council's agreed current maximum fare tariff or a lower tariff set by the operator
- not be altered or tampered with except with the approval of the council and must be retested by one of the council's approved testing stations if it is altered
- show the fare recorded on the taxi meter in plainly legible figures and the word 'FARE' shall be clearly displayed so as to apply to such figures
- be securely fixed in such a position so that the fare recorded is visible to all passengers within the vehicle at all times and the figures shall be illuminated for this purpose whenever necessary.

22. The tariff card must be readily available within the vehicle at all times. The fare card shall clearly display the vehicle's licence number.

23. The authority will permit the use of GPS based fare calculating devices where the tariff is stored centrally and journey and cost data is transmitted to a portable device. The use of these devices will be subject to the following constraints:

- The device must be clearly visible from the rear seat of the vehicle
- The authority will undertake random checks at operator bases to ensure the council set tariff is not exceeded
- Any operator found to have set a tariff that exceeds the council tariff will be deemed to be no longer a fit and proper person. They will be subject to immediate enforcement including the revocation of their operator licence.
- The position and accuracy of portable devices will be routinely checked as part of the compliance testing procedure.

Wheelchair access

24. If the vehicle is designed or adapted to carry a wheelchair, the owner of the vehicle must ensure that the driver has received sufficient training to load and convey wheelchair bound passengers.

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

Trailers

26. Trailers may only be used with the prior written approval of the relevant council. The trailer can only be used in connection with pre booked bookings and cannot be used for plying for hire on a rank or the street.

- the trailer must at all times comply with all requirements of Road Traffic legislation in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986 (S.I. 1986/1078)
- the vehicle insurance must include cover for towing a trailer
- a suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.

Lost property

27. In the first instance drivers and operators are expected to take all reasonable steps to ensure property is returned to its rightful owner within 48 hours of discovery. Drivers must check their vehicle after each hiring to identify any lost property. Driver's wishing to leave lost property with the Council must ensure that it is handed in at the Hart District Council reception and labelled in accordance conditions 28 and 29 below. Items not correctly labelled or tagged will not be accepted.

28. Where drivers working for companies or operators cannot return items directly to the passenger, they must present the item to the booking company within 48 hours of discovery. Small items must be placed in a clear, sealed bag. Larger items may have a separate label tied to them. Care must be taken to ensure that all items are kept in the same condition as they were found.

29. Every item must be labelled with the following information:

- Date and time found
- Where in the vehicle it was found
- Driver's name and badge number
- Vehicle plate number

30. The company or operator shall maintain a separate record sheet with the above information plus a brief description of the item. This sheet must be available to contact handling/ reception staff to deal with customer enquiries.

31. All lost property must be retained for at least 28 days from the date of discovery. Items must be kept in a secure location to which only named staff have access. This space must be large enough to accommodate larger items such as luggage and pushchairs. There cannot be a lost property 'bin' in a public space or driver rest area.

32. After 28 days all items can be disposed of via a suitable route (not given to staff or drivers). This may be to charity for items in good condition and with resale value. Electronic items must be disposed of in accordance with the WEE directive. This route is available at council run recycling centres. The disposal route of items must be shown against the original entry on the recording sheet.

Convictions/ change in particulars of proprietor

33 Licence holders are required to notify the issuing authority within 24 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence or any motoring offence. Under Common Law Police Disclosure, where there is a public protection risk the police will pass on information at arrest or charge to any employer or regulatory body.

34 The proprietor shall give notice in writing to the council within seven days of any conviction, warnings, reprimands, ASBOs, cautions, community service order, restraining orders, and fixed penalties or change of their registered particulars e.g. address or change of name.

APPENDIX B

PRIVATE HIRE VEHICLE LICENCE AND PRIVATE HIRE OPERATOR'S CONDITIONS

1. A private hire vehicle proprietor is an owner or part-owner of a vehicle, or where a vehicle is subject to a hiring agreement or hire purchase, the person in possession of the vehicle under the agreement. A private hire vehicle proprietor must obtain a private hire vehicle licence from the council within whose area he or she wishes to trade for each vehicle used for private hire. The vehicle can only be operated under a relevant operator's licence.
2. Licences can be obtained by making an application to the council. Each applicant must submit an application in respect of every vehicle for which a licence is required. The following details specify the standard minimum requirements for vehicles licensed for hire or reward by the council. They have been set down for the purposes of indicating to any prospective licence holder what will be acceptable, under delegated powers, by licensing officers and this should be borne in mind before a vehicle is purchased. Any vehicle presented for licensing which does not comply may only be accepted after consideration of the merits of the application by a Licensing sub-committee.

Specification

3. The vehicle must meet the following specification:
 - a. the vehicle must be capable of carrying not fewer than four passengers and no more than eight.
 - b. each passenger seat shall be fitted with a seat belt. No seats may be side facing.
 - c. the seat provided for each passenger will have a minimum width of 16 inches (40.6 cm) measured across its narrowest part.
 - d. each passenger shall have direct access to a door without the need to remove or completely fold flat any other seating in order that passengers may access their seat easily and escape without delay in case of emergency. The council will consider vehicles that have seats that 'tilt' forward by a single operation. If this type of seat is fitted the driver must inform the passengers of the operation of the seats before a journey commences.
 - e. the vehicle in addition to the driver's door, will have three doors each of which must be fitted with an efficient handle, lock and window operation to allow access and egress for passengers.
 - f. the vehicle will be right hand drive.
 - g. the vehicle will have four road wheels.
 - h. the vehicle will have an engine with a capacity of at least 900cc. including vehicles badged by the manufacturer as '1.0' models. Hybrid and electric vehicles fitted with 'range extender' technology may be exempt from this restriction.
 - i. fully electric, fuel cell and hydrogen vehicles must have a minimum stated range of 130 miles on a full charge/tank.

- j. the vehicle must have a boot or luggage compartment which provides sufficient space to carry a reasonable amount of luggage for the total capacity of the vehicle.
- k. estate cars must have a guard/cover fitted to prevent luggage entering the passenger compartment.
- l. no alteration to the manufacturer's specification for the vehicle, including a change of or additional fuel type, shall be carried out except with the prior written approval of the council.
- m. the rear windows must have a visible light transmission (VLT) of not less than 35 per cent (+/- 2%) so that the passengers can be seen from the outside of the vehicle.

Vehicle testing requirements

4. Vehicles less than 1 month old and with less than 1500 recorded miles will be exempt from the requirement for a full compliance check. All vehicles fitted with a meter must have it checked for consistency with the displayed tariff card and the operation of the roof sign (if appropriate). This check must be carried out at an approved compliance testing centre.

5. Vehicles up to the fifth anniversary of their date of registration will require an annual compliance check.

6. Vehicles older than the fifth anniversary of their registration will require compliance checks every six months.

7. The test must take place in accordance with the council's testing procedures. Vehicles will be required to meet the required MoT and certificate of compliance standard for their age and construction and the council's standards as laid out in this policy. In addition the accuracy of the meter (if fitted) will be checked over a measured mile for two of the displayed tariffs and for waiting time.

Equipment

8. The vehicle must carry the following equipment:

- a. a spare wheel suitable for immediate use and properly maintained; if the spare wheel is of the temporary space saver type, it may only be used to complete the particular journey or hiring the vehicle is engaged on when the wheel change is necessary. Or;
Original manufacturer's tyre inflation kit with all fittings and un-used. Or Runflat tyres to the original manufacturer's specification.
- b. a jack and tools for changing the wheels including a locking wheel nut tool if security bolts are fitted to the vehicle (not required for vehicles with runflat tyres or original manufacturers inflation kit).
- c. a warning triangle (not for use on motorways)
- d. a working torch
- e. a first aid kit (all contents in date at time of inspection).
- f. Five hi-vis sashes (for passenger safety if vehicle breaks down)

All the above equipment must be clearly marked with the plate number of the vehicle.

Condition of vehicle

9. The interior and exterior of the vehicle shall be kept clean at all times. The exterior of the vehicle shall be free of large dents, rust or un-repaired accident damage and shall at all times have uniform paintwork equivalent to that applied by the manufacturer. The interior shall be free of stains, spills, tears and the seats must function in accordance with the original manufacturer's specification. All handles and internal trim must be present, safely attached and in working order. The vehicle will comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to the Motor Vehicle (Construction and Use) Regulations.

Insurance and other documentation

10. The proprietor shall not use the vehicle, nor permit it to be used, as a hackney carriage vehicle if it does not have a policy of insurance, or such security as complies with the requirements of Part VI of the Road Traffic Act 1988, covering the use of the vehicle to carry passengers for hire or reward/ public hire. The proprietor must produce when requested a valid certificate of insurance. On renewal of the insurance a copy of the new certificate (paper or electronic) must be provided to the council. The council will only accept insurance from UK insurance bodies that are registered with the Motor Insurance Bureau.

11. The proprietor must produce when requested the vehicle registration document, evidence that the vehicle has a valid compliance certificate and evidence that the vehicle has a valid vehicle excise licence. Only original documents are acceptable.

Licence plates

12. The external licence plate supplied by the council shall be securely fixed to the outside rear of the vehicle either by direct fixing, e.g. adhesive, screw, bolt or rivet or on a secure bracket. The licence plate remains the property of the council at all times. If required to do so at any time the licence holder must return the plate to the council within seven days.

Interior of the vehicle

13. Advertisements are not permitted on the interior of private hire vehicles.

Exterior of the vehicle

14. Advertisements are not permitted on the exterior of private hire vehicles.

15. Operators are permitted to display the following on the vehicle:

- a sign indicating membership of the AA, RAC or other similar motoring organisation
- a first aid kit sticker

- any other material supplied by government or a government organisation or corporation with the permission of the council.

Audio, video or surveillance systems

16. No audio, video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied to the council.

Smoking

17. No smoking is permitted in the vehicle by either the driver or passengers. The use of electronic cigarettes and other vapour inhaling equipment by drivers and passengers is prohibited.

Signage

18. A 'No Smoking' sign must be clearly displayed. Details of how to make a complaint to the council and what payment types are accepted must also be displayed.

Meters/fare card

19. A private hire vehicle may be fitted with taximeter. All taximeters must be compliant with the Measuring Instruments (Taximeters) Regulations 2006 (S.I. 2006/2304). All meters must be of the 'calendar' type to automatically adjust for bank holidays. The taximeter shall be maintained in a sound working condition at all times. All meters must be sealed with a tamper evident seal. The taximeter shall be set at the tariff displayed in the vehicle.

20. The taximeter must:

- be of the clock calendar type and change according to the wording of the displayed fare tariff;
- show the fare recorded on the taxi meter in plainly legible figures and the word 'FARE' shall be clearly displayed so as to apply to such figures;
- be kept securely fixed in such a position so that the fare recorded is visible to all passengers within the vehicle at all times and the figures shall be illuminated for this purpose whenever necessary.

Wheelchair access

21. If the vehicle is designed or adapted to carry a wheelchair, the owner of the vehicle must ensure that the driver has received sufficient training to load and convey wheelchair bound passengers.

22. Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307). Any such

equipment must be maintained in good working order and be available for use at all times.

Trailers

23. Trailers may only be used with the prior written approval of the council and subject to the following requirements:

- trailers can only be used in connection with private hire bookings
- the trailer must at all times comply with all requirements of Road Traffic legislation in particular those laid down in the Road Vehicles (Construction and Use) Regulations 1986 (S.I. 1986/1078).
- the vehicle insurance must include cover for towing a trailer
- a suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.

Lost property

24. In the first instance drivers and operators are expected to take all reasonable steps to ensure property is returned to its rightful owner within 48 hours of discovery. Drivers must check their vehicle after each hiring to identify any lost property.

25. Where drivers working for companies or operators cannot return items directly to the passenger, they must present the item to the booking company within 48 hours of discovery. Small items must be placed in a clear, sealed bag. Larger items may have a separate label tied to them. Care must be taken to ensure that all items are kept in the same condition as they were found.

26. Every item must be labelled with the following information:

- Date and time found
- Where in the vehicle it was found
- Driver's name and badge number
- Vehicle plate number

27. The company or operator shall maintain a separate record sheet with the above information plus a brief description of the item. This sheet must be available to contact handling/ reception staff to deal with customer enquiries.

28. All lost property must be retained for at least 28 days from the date of discovery. Items must be kept in a secure location to which only named staff have access. This space must be large enough to accommodate larger items such as luggage and pushchairs. There cannot be a lost property 'bin' in a public space or driver rest area.

29. After 28 days all items can be disposed of via a suitable route (not given to staff or drivers). This may be to charity for items in good condition and with resale value. Electronic items must be disposed of in accordance with the WEE directive.

This route is available at council run recycling centres. The disposal route of items must be shown against the original entry on the recording sheet.

Special vehicles

30. This element of the policy only applies to private hire vehicles.

31. For the purpose of this policy, a special vehicle shall mean a vehicle that is used for a particular occasion or occasions of a restricted nature, e.g. transport to parties or an 'executive vehicle' and is not a conventional vehicle used for standard private hire work. Examples of vehicles that may fall within the 'special event' category are stretch limousines, classic cars, executive vehicles or a vehicle that has fewer than four seats.

32. This element of the policy does not apply in relation to vehicles used solely in connection with weddings and funerals, as these are exempt from private hire licensing.

33. The general licence conditions for private hire vehicles will not normally allow for special vehicles to be licensed for a number of reasons including the style and design of the vehicle.

34. Any special vehicle that has not been type approved, which does not meet the requirements of the Construction and Use Regulations or which otherwise would not meet the standard private hire vehicle conditions, the proprietor may apply to be licensed by seeking variation or exemption from some of the standard conditions.

35. Each vehicle will be considered and assessed on merit taking account of:

- the overall condition of the vehicle
- the number of passengers for which it is required to be licensed
- the specific criteria for which exemption is sought.

36. The primary consideration will always be the safety and comfort of the travelling public.

37. This policy sets out the general considerations the council will take into account when considering an application for the licensing of a special vehicle.

Specification

38. Vehicles may be right- or left-hand drive provided that left hand drive vehicles have vehicle type approval from the Vehicle Certification Agency, Department for Transport, of which the council requires proof.

- the vehicle must not have fewer than four road wheels
- the number of doors must be sufficient to allow safe access and egress for the number of passengers for which approval is sought
- the vehicle must comply with Construction and Use Regulations.

39. Vehicles must carry:
- a. a spare wheel suitable for immediate use and properly maintained; if the spare wheel is of the temporary space saver type, it may only be used to complete the particular journey or hiring the vehicle is engaged on when the wheel change is necessary. Or;
Original manufacturer's tyre inflation kit with all fittings and un-used. Or Runflat tyres to the original manufacturer's specification.
 - b. a jack and tools for changing the wheels including a locking wheel nut tool if security bolts are fitted to the vehicle (not required for vehicles with runflat tyres or original manufacturers inflation kit).
 - c. a warning triangle (not for use on motorways)
 - d. a working torch
 - e. a first aid kit (all contents in date at time of inspection).
 - f. no audio, video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied to the council.
40. The licensing officer will consider applications for vehicles older than ten years. The interior and exterior of the vehicle shall be kept clean. In particular, the exterior of the vehicle shall be free of large dents, rust or un-repaired accident damage and shall at all times have uniform paintwork equivalent to that applied by the manufacturer. The interior shall be free of stains, spills and tears and the seats must function in accordance with the original manufacturer's specification.
41. No age limit will be set for special vehicles but they are required to be tested as per private hire vehicles.
42. Vehicles less than 1 month old and with less than 1500 recorded miles will be exempt from the requirement for a full compliance check.
43. Vehicles up to the fifth anniversary of their date of registration will require an annual compliance check.
44. Vehicles older than the fifth anniversary of their registration will require compliance checks every six months.
45. The test must take place in accordance with the council's testing procedures. Vehicles will be required to meet the required MoT and certificate of compliance standard for their age and construction and the council's standards as laid out in this policy.
46. The individual nature of a special vehicle will inevitably give rise to issues that would not apply to conventional private hire vehicles and therefore it will be necessary to consider whether additional conditions should be included on any licence.

Plate exemption

47. Vehicles which are used for corporate/executive style contract work for at least 75 per cent of the time may be exempted from displaying a plate. The operator's

records for these vehicles must prove that the required amount of contract work is being carried out and the council will require evidence as to why plate exemption is required. Such vehicles must display front and rear windscreen badges, which will be provided by the council. These badges will show the details of the vehicle as they appear on the plate. The licence plate will be provided and must be carried in the boot of the vehicle at all times. Vehicles given this exemption will normally be executive type cars. The council will determine applications for exemption on a case-by-case basis. The plate exemption must be applied for on an annual basis on the anniversary of the renewal of the vehicle licence. Operators/drivers should not automatically assume that when licensing a new vehicle to replace an existing plate exempted vehicle or renewing an existing plate that the plate exemption will continue.

APPENDIX C

HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS CONDITIONS AND CODE OF CONDUCT

1 All drivers are required to be familiar with all parts of the council's policy and comply with the requirements of the policy and the conditions that form a part of their licence.

2 Any hackney carriage or private hire driver's badge that is supplied by the council will cease to be valid on the expiry of the licence or upon suspension, surrender or revocation of the licence. Any badge supplied remains the property of the council and must be returned to the council if suspended, revoked or expired. If demanded the licence holder must return their licence and badge to the council within 7 days.

3 Whilst in control of a hackney carriage or private hire vehicle, the driver shall, if required to do so by any person, give his or her name and badge number and also the name and address of the owner/proprietor and the identification marks of the vehicle.

4 The driver shall give notice in writing to the council within seven working days of any convictions, warnings, reprimands, ASBOs, cautions, community service orders, restraining orders and fixed penalties (including traffic offences) or change of their registered particulars, e.g. address or change of name.

5 If a driver is given notice to undertake a random DBS check by the council, they must do so within 28 days of the request.

6 The driver 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. Drivers must ensure their appearance is smart and professional when working.

7 Any driver of a hackney carriage or private hire vehicle acting in a disorderly, abusive, aggressive, or violent manner towards any member of the public, other driver or officer of the council may be deemed not to be a 'fit and proper person' to hold a licence.

8 No driver of a hackney carriage/private hire vehicle shall at any time engage in any sexual activity in a licensed vehicle, whether consensual or otherwise, with a passenger. Any driver who contravenes this condition may be deemed not to be a 'fit and proper person' to hold a licence.

9 Vehicle proprietors and drivers shall ensure that licensed vehicles do not cause an obstruction or nuisance to other traffic or pedestrians when parked or collecting passengers.

10 To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:-

- not sound the vehicle's horn.
- keep the volume of audio and communications equipment to a reasonable level.
- switch off the engine if required to wait.
- take all reasonable additional action as is necessary to avoid disturbance to residents in the neighbourhood.

11 Every driver shall at all times when in charge of a licensed vehicle wear their driver's badge supplied by the council and the badge should be clearly visible on their outer clothing.

12 Under the Equalities Act 2010 Section 168 (Assistance Dogs), drivers will be required to carry an assistance dog accompanying a disabled person without any additional charge unless the driver has a medical exemption certificate that allows him/her not to carry dogs for medical reasons. This certificate must be displayed or readily available within the vehicle at all times.

13 Under Equalities Act 2010 Sections 165 and 167 drivers will be required to carry a standard wheelchair using person and their wheelchair without any additional charge unless the driver has a medical exemption certificate that allows him/her not to carry or assist wheelchair users for medical reasons. This certificate must be displayed or readily available within the vehicle at all times.

14 A driver shall give notice in writing to the council within seven working days of any change in their medical condition. If required by the council a new medical may be required to determine if the driver is a 'fit and proper person'.

15 At hackney carriage ranks drivers shall:-

- queue in an orderly manner and proceed along the rank in order and promptly.
- if approached by a potential customer, direct them to the hackney carriage at the front of the rank unless the passengers specifically ask for a particular driver or company.
- assist in improving air quality by switching off vehicle engines when parked, unless there are reasonable safety or comfort grounds for not doing so, for example keeping warm in very low temperatures.
- remain in or within 10 metres of the vehicle.
- not park on the rank when not working.

16 Every driver of a licensed vehicle when requested by any person hiring or seeking to hire the vehicle shall:

- convey a reasonable quantity of luggage.
- afford reasonable assistance in loading and unloading.
- be polite, helpful and fair to passengers, particularly those whose mobility may be restricted.

Legislation

17 The holder of every hackney carriage and private hire vehicle and drivers' licence shall comply with the provisions relating to hackney carriage and private hire drivers and vehicles contained in the following legislation:

- Town Police Clauses Act 1847
- Part II Local Government (Miscellaneous Provisions) Act 1976
- Road Traffic Act 1988 Part 11 (a) Construction and Use of Vehicles and Equipment
- Equalities Act 2010

18 Notwithstanding the relevant legislation, the council's conditions, the council's hackney carriage and private hire driver, vehicle and operator policy and the council's byelaws, drivers, proprietors and operators should be aware of the following criminal offences:

- failure to give assistance to wheelchair users or failure to carry them safely
- charging an additional fee/fare for carrying a passenger needing assistance or for carrying an assistance dog
- refusal to carry an assistance dog/wheelchair user without a medical exemption
- driving whilst using a handheld mobile telephone or device
- smoking in a hackney carriage or private hire vehicle
- driving whilst under the influence of alcohol, illegal or prescription drugs. Any amount of alcohol or illegal drug can affect a driver's capability to drive safely.
- exceeding the safe permitted number of working hours
- claiming benefits for which there is no entitlement
- and should always be aware of and obey traffic regulations and The Highway Code. This list is not exhaustive and the relevant enforcement agency (Police, local authority etc.) may take action as it sees fit. This may include prosecution.

Safeguarding

19 Human Trafficking is a crime relating to the moving a vulnerable person from one place to another against their will. Child Sexual Exploitation is the sexual abuse

of young people under 18 and usually involves relationships where young people receive something (food, accommodation, drugs, alcohol, affection, gifts, money) as a result of performing sexual acts.

20 There are various signs to look for. One sign on its own may not be significant, but several signs together should give you cause for concern:

- does not know their home or work address
- allows others to speak for them when addressed directly
- live or travel in a group, sometimes with other persons who do not speak the same language
- they are collected very early and/or returned late at night on a regular basis
- may have poor clothing for the work they are doing, and/or a lack of safety equipment
- they may look thin, ill or depressed
- have no cash of their own
- be known to work at a brothel and be frequently moved from one site to another.

21 If you think that you are carrying passengers who may be trafficked or sexually exploited then contact:

i) Hampshire Police: 101 (or if an emergency 999)

ii) Crimestoppers: 0800 555 111

APPENDIX D

CONSIDERATION OF APPLICATIONS FOR THE GRANT, RENEWAL, SUSPENSION OR REVOCATION OF LICENCES

1. Upon receipt of a completed application, the licensing team will consider the application on its individual merits taking into account the person's previous history of behaviour to determine whether they meet the 'fit and proper person' criteria. Where the consideration is a review of an existing licence holder this will be to determine whether that person continues to meet the 'fit and proper person' criteria. Where the application is incomplete, it will not be considered until the missing details or evidence are supplied and may be returned along with any fee provided. Any application that is not completed within 6 months will be rejected and all papers and un-used fees returned to the applicant.
2. If, after having considered the application or review against the criteria of the council's policy the licensing team considers that the person meets the criteria of a 'fit and proper person' the application may be approved under the relevant scheme of delegation.
3. Successful applicants will be issued with a badge and a paper licence, which will remain the property of the council and must be surrendered if the driver's licence is suspended or revoked. If a licence is suspended the driver must return the badge and licence to the council within 7 days. If that suspension is subsequently lifted the badge will be made available to the driver within two working days.
4. Where having taken into account the applicant's history of behaviour including convictions, warnings, reprimands, ASBOs, cautions, community service orders, restraining orders and fixed penalties (including traffic offences) the licensing officer is not satisfied that the person meets the criteria of a 'fit and proper person' and should therefore not be granted a licence, the officer will make a recommendation to the Shared Licensing Team Leader. An applicant should not be given the benefit of the doubt, and all decisions on the suitability of an applicant or licensee should be made on the balance of probability. Conduct that has not result in a criminal conviction can also be taken into account.
5. Where the Shared Licensing Team Leader concludes that the person is not a 'fit and proper person' they may refuse the application or revoke or suspend the existing licence in accordance with the scheme of delegation.
6. If the Shared Licensing Team Leader, is required to do so by the council's policy, or for other reasons considers it necessary, they will refer the matter to a Licensing sub-committee for consideration. The applicant or licence holder will be advised of the date, time and venue of the sub-committee.
7. The proceedings and terms of reference of the licensing sub-committee are set out on the council's website.

APPENDIX E

TESTING APPLICANTS – THE KNOWLEDGE TEST

Introduction

1. In order to maintain the high standards that the council expects of its drivers, new applicants will be required to undertake an assessment of competence. This will take the form of a test and will contribute to satisfying the requirement to be a 'fit and proper person'. The test is a test of the candidate's command of written English as well as their knowledge of local geography and legislation. Candidates may also be tested on their understanding and use of spoken English. Candidates must demonstrate an adequate level of spoken English before they will be assessed as competent. This assessment may be in the form of an independent qualification or certification.

2. Candidates with a disability that may affect their ability to undertake a written test, such as dyslexia, must provide written confirmation from a suitably qualified professional such as a doctor or consultant. Based on the recommendation of the professional the applicant will be given appropriate support such as additional time or a spoken test. The need for such support must be identified at the point of the original application.

Local geography

3. Applicants will be tested on their knowledge of the district's geography. For example; the location of public buildings, recreation destinations and the shortest routes between locations in the area or primary destinations such as airports.

Highway code

4. Applicants will be asked to answer a number of questions as to road safety, road information and etiquette as set out in the Highway Code.

The hackney carriage and private hire licensing legislation and council rules and policy

5. Applicants will be tested on their knowledge and understanding of the law as it applies to hackney carriage and/or private hire licensing and the council's licensing policy.

Mathematics

6. Applicants may be tested on their ability to undertake basic calculation for the taking of money and calculating change.

Disability and safeguarding issues

7. In view of the special considerations to be made when dealing with passengers with differing abilities and vulnerabilities, all drivers will be expected to

undertake and pass training in safeguarding and disability awareness before their badge is issued or renewed.

Safeguarding issues

8 All drivers must be familiar with issues surrounding child sexual exploitation and human trafficking. All drivers must undertake and pass training in safeguarding before they are issued with their licence.

Test re-takes

9. Applicants who fail to achieve the pass mark in the written test will be invited to take a different test on another occasion. They will not be considered to be 'fit and proper' to hold a licence until they have achieved the required pass mark. No candidate will be allowed to take the test more than five times within a six-month period starting on the date of the original application.

10. A non-returnable fee will be charged for each test taken. Any cancellations must be made at least 48 hours before the test date and time. Tests cancelled with less than 48 hours' notice will not be refunded.

Procedures and guidelines for tests

11. The procedures and guidance to applicants concerning the test, fees and dates of test are available on the council website.

APPENDIX F

Guidelines relating to relevance of previous convictions

1 Drivers and operators cannot be granted a licence unless the council is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).

2 There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor’s licence.

3 “Fit and proper” means that the individual (or in the case of a private hire operator’s licence, the limited company together with its directors and secretary, or all members of a partnership) is “safe and suitable” to hold the licence.

4 In determining safety and suitability the council is entitled to take into account all matters concerning that applicant or licensee. The council is not simply concerned with that person’s behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament. 38 Section 57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows the council to consider the character of a company director or secretary, or any partner.

5 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as a conviction.

6 Matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the council. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to “conviction” will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.

7 In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the council to decide what action to take in the light of this policy.

8 In all cases, the council will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of this policy.

9 Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.

10 'Fit and proper' will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.

11 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.

12 Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

13 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their 'fit and proper' status. The council has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.

14 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.

15 As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.

16 Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking

for 'fit and proper' individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.

17 Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the council will take that conviction into account and use this policy as an indication of the approach that should be taken.

18 This policy does not replace the duty of the council to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

Drivers

19 As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.

20 A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

21 As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a 'fit and proper' person.

22 In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

Crimes resulting in death

23 Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

24 Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes: slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence

25 Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

26 Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Sex and indecency offences

27 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.

28 In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

Dishonesty

29 Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Drugs

30 Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

31 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

32 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Motoring convictions

33 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a

lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a 'fit and proper' person to be granted or retain a licence.

Drink driving/driving under the influence of drugs/using a hand-held telephone or handheld device whilst driving

34 Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

35 Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Other motoring offences

36 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

37 A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance, or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Hackney carriage and private hire offences

38 Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Vehicle use offences

39 Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Private Hire Operators

40 A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.

41 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a ‘fit and proper’ person.

42 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be affected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the council’s overall criteria, that will lead to the operator’s licence being revoked.

43 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

Vehicle proprietors

44 Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.

45 Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.

46 Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

47 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a ‘fit and proper’ person to be granted or retain a vehicle licence.

48 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

Information

49 The date of the court conviction is to be taken as the start date of the rehabilitation period, unless a sentence of imprisonment or corrective training exceeding 48 months was imposed, in which case the offence is never rehabilitated.

50. The following examples are for guidance only. Each application will be considered on its individual merits taking into account the person's previous history of behaviour to determine if they meet the 'fit and proper person' criteria, and it may be that, having regard to the particular circumstances of any application, it would be right to depart from the policy. Initial consideration of applications will be undertaken by the licensing officer.

51. A decision to refuse, revoke or suspend the licence can be appealed under the Public Health Act 1936 to the Magistrates' Court within 21 days of the date on which the council's decision was served.

Summary of rehabilitation periods applicable to certain sentences

(Rehabilitation of Offenders Act 1974 as amended by the Legal Aid, Sentencing and Punishment Act 2012)

| Sentence/disposal | Buffer period for adults (18 and over at the time of conviction or the time the disposal is administered). This applies from the end date of the sentence (including the licence period). | Buffer period for young people (under 18 at the time of conviction or the time the disposal is administered). This applies from the end date of the sentence (including the licence period). |
|--|--|---|
| Custodial sentence* of over 4 years, or a public protection sentence | Never spent | Never spent |
| Custodial sentence of over 30 months (2 5 years) and up to and including 48 months (4 years) | 7 Years | 3.5 years |
| Custodial sentence of over 6 months and up to and including 30 months (2 5 years) | 4 Years | 2 years |
| Custodial sentence of 6 months or less | 2 Years | 18 months |
| Community order or youth rehabilitation order** | 1 Year | 6 months |

*Custodial sentence includes a sentence of imprisonment (both an immediate custodial sentence and a suspended sentence), a sentence of detention in a young offender institution, a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000, a detention and training order, a sentence of youth custody, a sentence of corrective training and a sentence of Borstal training.

**In relation to any community or youth rehabilitation order which has no specified end date, the rehabilitation period is 2 years from the date of conviction.

The following table sets out the rehabilitation period for sentences which do not have “buffer periods” and for which the rehabilitation period runs from the date of conviction.

| Sentence/disposal | Rehabilitation period for adults (18 and over at the time of conviction or the time the disposal is administered). | Rehabilitation period for young people (under 18 at the time of conviction or the time the disposal is administered). |
|--|---|--|
| Fine | 1 Year | 6 months |
| Conditional discharge, | Period of the order | Period of the order |
| Absolute discharge | None | None |
| Conditional caution and youth conditional caution | 3 months or when the caution ceases to have effect if earlier | 3 months |
| Simple caution, youth caution | Spent immediately | Spent immediately |
| Compensation order | On the discharge of the order (i.e. when it is paid in full) | On the discharge of the order (i.e. when it is paid in full) |
| Binding over order | Period of the order | Period of the order |
| Attendance centre order | Period of the order | Period of the order |
| Hospital order (with or without a restriction order) | Period of the order | Period of the order |
| Referral order | Not available for adults | Period of the order |
| Reparation order | Not available for adults | None |

Sex Offenders Register

52. Those given a jail sentence of more than 30 months for sexual offending are placed on the register indefinitely. Those imprisoned for between six and 30 months remain on the register for 10 years, or five years if they are under 18. Those sentenced to six months or less are placed on the register for seven years, or three-and-a-half years if under 18. Those cautioned for a sexual offence are put on the register for two years, or one year if under 18.

Major traffic offences

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

- BA10 Driving while disqualified by order of court
- BA30 Attempting to drive while disqualified by order of court

- CD10 Driving without due care and attention
- CD20 Driving without reasonable consideration for other road users
- CD30 Driving without due care and attention or without reasonable consideration for other road users
- CD40 Causing death through careless driving when unfit through drink
- CD50 Causing death by careless driving when unfit through drugs
- CD60 Causing death by careless driving with alcohol level above the limit
- CD70 Causing death by careless driving then failing to supply a specimen for analysis
- CD80 Causing death by careless or inconsiderate driving
- CD90 Causing death by driving: unlicensed, disqualified or uninsured drivers

- DD40 Dangerous driving
- DD60 Manslaughter or culpable homicide while driving a vehicle
- DD80 Causing death by dangerous driving
- DD90 Furious driving

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

- IN 10 Using a vehicle uninsured against third party risks

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

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

- UT50 Aggravated taking of a vehicle

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. LC20 becomes LC22)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. LC20 becomes LC24)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. DD40 becomes DD46)

Minor traffic offences

(Appendix G Paragraph 8 refers)

MS10 Leaving a vehicle in a dangerous position

MS20 Unlawful pillion riding

MS30 Play street Offences

MS40 Driving with uncorrected defective eyesight or refusing to submit to a test

MS70 Driving with uncorrected defective eyesight

MS80 Refusing to submit to an eyesight test

MS90 Failure to give information as to identity of driver etc.

MW10 Contravention of Special Road Regulations (excluding speed limits)

PC10 Undefined contravention of Pedestrian Crossing Regulations

PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle

PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle

TS10 Failing to comply with traffic light signals

TS20 Failing to comply with double white lines

TS30 Failing to comply with a 'Stop' sign

TS40 Failing to comply with direction of a constable or traffic warden

TS50 Failing to comply with traffic sign (excluding 'Stop' sign, traffic lights or double white lines)

TS60 Failing to comply with school crossing patrol sign

TS70 Undefined failure to comply with a traffic direction sign

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)

Causing or permitting

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

Inciting

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

Hybrid traffic offences

(Appendix G Paragraph 10 refers)

CU10 Using vehicle with defective brakes

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

CU30 Using a vehicle with defective tyre(s)

CU40 Using a vehicle with defective steering

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

CU80 Breach of requirements as to control of the vehicle, mobile telephones etc.

SP10 Exceeding goods vehicle speed limit

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

SP30 Exceeding statutory speed limit on a public road

SP40 Exceeding passenger vehicle speed limit

SP50 Exceeding speed limit on a motorway

SP60 Undefined speed limit offence

Aiding, abetting, counselling or procuring

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

Causing or permitting

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

Inciting

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

53 This list is not exhaustive and codes may be changed or added during the duration of this policy. If an applicant or current licence holder has been disqualified or given points that are not listed here, they will still be taken into account.

APPENDIX G

Enforcement

1 As part of the council's aim to offer fair and transparent enforcement of its statutory functions the council will operate a penalty points scheme.

2 Enforcement is viewed as part of the overall licensing control process exercised by the council and is seen as an important way of maintaining and improving the standards within the trade and the quality of service delivered to the general public.

3 Enforcement action will be taken to:

- ensure public safety
- support the policies of the council
- respond to individual public and trade complaints
- support partnerships with other agencies like the Police and Vehicle Inspectorate
- complement the council's corporate enforcement policy.

4 Authorised officers are empowered to give and recommend any of the following disciplinary measures:

- verbal warning
- written warning
- penalty points
- suspension or revocation of licences
- appearance before a Licensing sub-committee
- prosecution

5 Licence holders have a clear legal duty to offer assistance and information to any authorised officer and must not wilfully obstruct or give false information. Any action taken by the licensing authority as a result of information received from the police should be fed back to the police. Information may also be shared with other licensing authorities to help them determine 'fit and proper' status, should it be requested.

PENALTY POINTS SCHEME

6 The council operates a penalty points scheme under which points can be issued to licence holders for breaches of licensing conditions or non-compliance with the law as an alternative to prosecution.

7 Patterns of complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over their suitability to hold a licence. Ways for customers to make a complaint to the licensing authority will be details in vehicles.

8 The main features of the scheme are as follows:

- points are issued to licence holders for breaches of licensing conditions or legislation;
- a total of 12 points credited to an individual licence in any 12-month period will result in a review of the licence by a Licensing sub-committee
- points against a licence holder will be automatically removed after 12 months have elapsed from the date the points were issued; and
- licence holders have a written right of appeal to the Regulatory Services Manager within seven days of the points being issued.

9 There is no financial penalty associated with this scheme and drivers or operators may continue to work if points are awarded.

10 A list of breaches covered by the scheme, together with the points that can be awarded for each breach is shown below.

For breaches by hackney carriage or private hire drivers and operators

Scale of penalty points

| No | Breach | Points |
|----|---|--------|
| 1 | Hackney carriage or private hire vehicle not displaying licence plate and/or internal sticker | 6 |
| 2 | Hackney carriage or private hire vehicle plate not fixed or displayed in accordance with the condition for fixing and display of the plate | 4 |
| 3 | Hackney carriage vehicle not displaying 'TAXI' roof sign | 4 |
| 4 | Hackney carriage vehicle roof sign not connected or functioning correctly | 4 |
| 5 | Failing to comply with vehicle licence conditions e.g. not carrying equipment, general condition of the vehicle. Points per defect. | 4 |
| 6 | Using a licensed vehicle without a valid compliance certificate | 6 |
| 7 | Failing to produce a photographic driving licence or insurance certificate, which is valid on the day of request, within the prescribed time limit. | 6 |
| 8 | Failing to notify the council of details of road traffic collision within the prescribed time limit. | 4 |

| | | |
|----|--|----|
| 9 | Failing to notify the council of details of a conviction or offence within the prescribed time limit. | 6 |
| 10 | Failure to present vehicle for inspection when requested. | 6 |
| 11 | Failure to clearly display driver licence badge on outer clothing. | 4 |
| 12 | Making false statement or withholding information to obtain or retain a licence. | 6 |
| 13 | Charging more than the displayed fare | 4 |
| 14 | Charging more than the meter fare when hackney carriage used as for private hire within the district. | 4 |
| 15 | Unnecessarily prolonging a journey. | 4 |
| 16 | Obstruction of an authorised officer or constable or failure to comply with requirement of an authorised officer or constable. | 6 |
| 17 | Failure by private hire operator to keep records of bookings. | 6 |
| 18 | Failure by operator to keep records of vehicles. | 6 |
| 19 | Parking in contravention of parking restrictions | 4 |
| 20 | Parking in designated taxi rank outside of licensing district | 6 |
| 21 | Failing to notify change of address, contact details or change of medical circumstances within prescribed time limit | 6 |
| 22 | Failing to display a permanent hackney carriage fare card in vehicle | 4 |
| 23 | Leaving a hackney carriage unattended whilst on a designated rank. | 4 |
| 25 | Abusive or un-cooperative behaviour | 6 |
| 25 | Driving in a manner to cause complaint | 6 |
| 26 | Hackney carriage plying for hire outside the council's area. | 12 |
| 27 | Private hire driver plying for hire | 12 |

Appendix 3: Policy Implementation Plan

| DATE | ACTION | SUB-ACTION | COUNCIL | COMMENTS/RESOURCE |
|--------------------|--|--|---------|--|
| May 2021 | Compliance testing/Certificate of Compliance | Develop testing requirements | HDC | Based on current BDBC protocols |
| | | Procurement exercise | | Contact HDC procurement |
| | | Identify centres | | |
| | | Team Training | | Mailshot |
| | | Communicate with drivers | | |
| | | Go Live | | |
| May 2021 | Six monthly DBS checks for drivers | Update access reports to identify drivers | BOTH | Dependant on data transfer as HDC access reports not working |
| | | Update internal procedures | | |
| | | Team training on MSCF | | |
| | | Communicate with drivers | | |
| | | Update webpages and driver guidance | | |
| | | GO LIVE | | |
| April 2021 | Penalty Points system | Internal procedures finalised | BOTH | |
| | | FAQs developed for drivers/webpages updated | | |
| | | Comms to drivers | | |
| | | GO LIVE | | |
| April 2021 | Taxi E-Forms | Finalise internal procedures | BDBC | |
| | | Team training | | |
| | | Comms to drivers | | |
| | | GO LIVE | | |
| March – April 2021 | External plate/badge printing | IT security check | BOTH | Awaiting IT to finalise |
| | | Confirm data transfer method | | |
| | | DPA finalised | | Ongoing |
| | | Finalise graphics requirements | | |
| | | Update driver guidance | | |
| | | Comms to drivers | | |
| | | GO LIVE | | |
| April 2021 | PHO updated conditions/basic DBS checks | Update PHO application guidance | BOTH | |
| | | Comms with PHO to confirm when we expect them to start complying with the conditions | | |

Appendix 3: Policy Implementation Plan

| | | | | |
|------------------|------------------------------|--|------|------------------------|
| 2 March 2021 | Fees and Charges update | Consultation | HDC | Sally Driver to assist |
| | | Comms with drivers | | |
| 1 April 2021 | | GO LIVE | | |
| March 2021 | Safeguarding training | New Drivers | BOTH | COMPLETED |
| | | Webpages and driver guidance updates | | ONGOING |
| | | Existing drivers to be contacted to arrange training | | |
| | | Blue lamp bespoke training (COVID ID dependant) | | ONGOING |
| 31 March 2021 | AGE LIMIT EXTENSION END | | HDC | ONGOING |
| 1 JULY 2021 | SPLIT FEES END | Approval to extend split fees | BOTH | ONGOING |
| April 2021 | NR3 | Query annual fee and single access | HDC | ONGOING |
| | | Team training | BOTH | |
| August 2021 | Updated Knowledge test | New questions developed | BOTH | ONGOING |
| | | Updated quote from Diamond Knowledge | | |
| | | Update DAT computer/facility | | |
| April – May 2021 | Data Transfer | See relevant plan ..\..\shared services\SLS 2019\Data transfer\HDC IDOX TRANSFORM\data transfer Planning .docx | BOTH | ONGOING |
| May 2021 | Improved complaint recording | See relevant plan ..\..\shared services\SLS 2019\Data transfer\HDC IDOX TRANSFORM\data transfer Planning .docx | BOTH | ONGOING |

LICENSING COMMITTEE

DATE OF MEETING: 2 MARCH 2021

TITLE OF REPORT: Approval of Gambling Policy

Report of: Head of Place

Cabinet member: Cllr Sara Kinnell, Regulatory

1 PURPOSE OF REPORT

1.1 To adopt the Gambling Policy.

2 OFFICER RECOMMENDATION

2.1 Adopt the Council's Gambling Policy (Statement of Principles Gambling Act 2005 Joint Statement of Licensing Policy);

2.2 Authorise the Head of Place in consultation with the Portfolio Holder for Regulation to make minor alterations and typographical corrections to the document before it is published.

3 BACKGROUND

3.1 The Licensing Committee on the 5 November 2019 considered the revised Statement of Principles Gambling Act 2005 - Joint Statement of Licensing Policy, and agreed it should go out to consultation.

3.2 Due to an oversight, the Gambling Policy was not consulted on following approval in November 2019. It was, however, consulted on following the Licensing Committee meeting on the 10 November 2020 for a 12 week period which ended on 1 February 2021.

3.3 The following people and organisations were consulted:

- Current relevant licence holders
- Gambling Commission
- HDC Planning
- HDC Environmental Health
- HCC Child Protection
- HCC Adult Services
- Public Health England
- Hampshire Constabulary Licensing

4 CONSULTATION RESPONSE

4.1 No responses were received for this consultation.

5 POLICY IMPLICATIONS

- 5.1** No amendments have been suggested to the policy, as such the draft policy as previously proposed can be adopted.

6 FINANCIAL IMPLICATIONS

- 6.1** There are no anticipated costs associated with the adoption of this policy.

7 MANAGEMENT OF RISK

There are no anticipated risks associated with the adoption of this policy.

Contact Details: Sophy Brough sophy.brough@basingstoke.gov.uk

APPENDICES

Appendix 1 - Gambling Policy (Statement of Principles Gambling Act 2005 Joint Statement of Licensing Policy)



Statement of Principles

Gambling Act 2005

Joint statement of licensing policy

This policy was adopted by the Hart District Council at the meeting of Council on 2 March 2021 comes into force from 1 April 2021 and will be reviewed by April 2026

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GLOSSARY

Adult gaming centres

Adult gaming centres (AGCs) are a category of gambling premises contained within the Act. Persons operating an AGC must hold a gaming machines general operating licence from the Gaming Commission and must seek a premises licence from the licensing authority. The holder of an adult gaming centre premises licence may make available for use up to four category B3 or B4 machines, any number of category C or D machines.

Amusement arcades

These are not referred to as such in the Act. See adult gaming centres and licensed and unlicensed family entertainment centres.

Betting

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 true.

Bingo

Bingo has no statutory definition in the Act. It has its ordinary and natural meaning. The distinction between cash bingo, where cash prizes are derived from the stakes, and prize bingo, where prizes were not directly related to the stakes paid, under the previous legislation has been removed for commercial operators, and the holder of a bingo operating licence will be able to offer any type of bingo game, whether cash or prize. That means that premises with a bingo premises licence, or a casino premises licence (where the operator holds a bingo as well as a casino operating licence), will be able to offer bingo in all its forms. So too will alcohol-licensed premises, club and miners' welfare institutes (up to a total weekly prize value of less than £2,000). Prize bingo is traditionally played in arcades, or travelling funfairs. For these operators, prize bingo is subsumed within the allowances for prize gaming in the Act. This means that adult gaming centres, both licensed and unlicensed family entertainment centres, travelling fairs, and any premises with a prize gaming permit will be able to offer prize gaming, which includes prize bingo.

Casino

A location where people can participate in one or more casino games.

Casino games

Games of chance not being equal chance gaming. i.e. games in which players stake against a "bank".

Councils

The licensing authorities. Hart District Council in its capacity as the licensing authority for the area of Hart and Basingstoke and Deane Borough Council in its capacity as the licensing authority for the area of Basingstoke and Deane.

Equal chance gaming

This is a game where the chances of winning are equally favourable to all participants, and which does not involve playing or staking against a “bank”. It is immaterial how the “bank” is described and whether or not it is controlled by a player.

Exempt activities

Private betting is betting which takes place between inhabitants of the same premises or between employees of the same employer.

Private gaming (which is gaming that takes place in private dwellings and on domestic occasions) is exempt from licensing or registration providing that no charge is made for participating; only equal chance gaming takes place; and it does not occur in a place to which the public have access.

Non commercial gambling is when no part of the proceeds/profits will be for private gain. The proceeds/profits are the sums raised by the organisers, for example, by way of fees for entrance or participation, or by way of stakes, minus an amount deducted by the organiser in respect of costs reasonably incurred in organising the event including the provision of a prize. The following conditions would also have to apply:

- the profits will be for a purpose other than that for private gain
- the players are informed that the purpose of the gaming is to raise money for a specified purpose other than that of private gain
- the event must not take place in premises which either have a premises licence or on premises relying on a temporary use notice under the Act
- the gaming must not be remote.

Any regulations made by the Secretary of State will need to be complied with and will include for example regulations limiting the amounts staked and limiting participation fees. If the profits from the activity are used for a purpose other than that which was specified, an offence would be committed.

Gambling

Gambling is defined as: gaming, betting or participating in a lottery.

Games of chance

This covers games that involve both chance and skill. This includes games in which skill can eliminate an element of chance and includes games that are presented as involving an element of chance. It does not include a sport. Playing a game of chance need not involve other participants.

Gaming

Gaming means playing a game of chance for a prize.

Guidance

The Gambling Commission under section 25 of the Act is required to issue guidance on the manner in which local authorities are to exercise their functions under the Act, in particular, the principles to be applied by local authorities in exercising their functions under the Act.

Interested parties

Interested parties are defined under section 158 of the Act. To accept a representation from an interested party, the council must take the view that the person:

- lives sufficiently close to the premises to be likely to be affected by the authorised activities
- has business interests that might be affected by the authorised activities
- represents persons in either of these groups.

Interested parties can also be a councillor or an MP.

Licensed family entertainment centres

These premises require operating licences from the Gambling Commission. They will be able to offer gaming machines in categories C and D. Gaming machines are a form of gambling which is attractive to children and Licensed Family Entertainment Centres may contain machines of the Category D machines on which they are allowed to play as well as category C which they are not permitted to play on.

Lottery

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.

Operators

Individuals or companies who provide facilities for gambling

Operating licence

The Act requires that individuals or companies who intend to provide facilities for certain types of gambling must obtain an operating licence from the Gambling Commission. In general, these licences cover the principal commercial forms of gambling operation. Operating licences may be issued for the following forms of gambling a:

- casino operating licence
- bingo operating licence
- general betting operating licence
- pool betting operating licence
- betting intermediary operating licence
- gaming machine general operating licence (for an adult gaming centre)
- gaming machine general operating licence (for a family entertainment centre)
- gaming machine technical operating licence (to manufacture, supply, install, adapt, maintain or repair a gaming machine or part of a gaming machine)
- gambling software operating licence (to manufacture, supply, install or adapt gambling software)
- lottery operating licence.

Premises licence

A premises licence issued by a licensing authority authorises the provision of facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres.

Representations

In dealing with applications the council is obliged to consider representations from two categories of person, referred to in the Act as interested parties and responsible authorities.

Tracks

A track is any premises where a race or sporting event may take place. Facilities for betting on tracks may be permitted by a track premises licence, a temporary use notice or an occasional use notice.

Unlicensed family entertainment centres

These premises can provide category D machines providing prizes of up to £5 cash or £8 in goods. Stakes are limited to 10p (or 30p for a goods prize). They can also offer prize bingo.

1.0 INTRODUCTION

1.1 Scope

1.1.1 Gambling activities are regulated by the Gambling Act 2005 ('the Act'). Hart and Basingstoke and Deane Borough Councils are licensing authorities for the purposes of the Act. This 'Statement of Principles' ('policy') covers the areas of Hart District Council and Basingstoke and Deane Borough Council ('the councils'). The Act requires the councils to produce a statement of principles concerning their duties under the Act every three years.

1.1.2 The Act gives the councils various regulatory functions in relation to gambling. The councils' main functions under the Act are:

- licensing premises for gambling activities
- considering notices given for the temporary use of premises for gambling
- granting permits for gaming and gaming machines in clubs and miners' welfare institutes
- regulating gaming and gaming machines in alcohol licensed premises
- granting permits to family entertainment centres (FECs) for the use of certain lower stake gaming machines
- granting permits for prize gaming
- considering occasional use notices for betting at tracks
- registering small societies' lotteries
- maintaining a register of premises licences (for casinos, bingo halls, adult gaming centres, family entertainment centres, betting shops and race tracks).

There is an obligation on the councils to provide information annually to the Gambling Commission to include details of licences, permits and registrations issued.

The councils maintain statutory registers of premises licensed under the Act. The registers can be viewed on the relevant council's website or by prior request at the relevant council office.

2.0 BACKGROUND

2.1 Purpose of policy

It is expected that the councils regulate gambling in the public interest. The purpose of this policy is to ensure the councils' compliance with the Act, to protect the health and welfare of the general public and to assist businesses

by ensuring they are aware of the councils' requirements and the way in which the councils carry out their regulatory functions.

2.2 Persons consulted

The following bodies/persons were consulted on this policy and their views taken into consideration:

- the Chief Constable of Hampshire Constabulary
- businesses and individuals in the councils' areas who held a premises licence granted under the Act at the time consultation commenced
- one or more persons who appeared 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. A full list of consultees is attached at Annex 2.

2.3 Declaration

This policy has been produced with due regard to the licensing objectives, the Gambling Commission's 'Guidance to Licensing Authorities 4th edition' and the responses received as part of the consultation process. The consultation will run from a four week period from 18 November 2019 to 16 December 2019. The policy will be in force for no longer than three years and it may be reviewed and amended at any time within the three year period. The policy does not override the right of any person to make an application, make representations about an application or apply for a review of a licence. Each application and representation will be considered on its own merits and in accordance with the Act. The policy has been agreed taking into account the Human Rights Act 1998 and the councils will consider the need to balance the legislation and the principles contained within the policy with the human rights of all parties, be they licence holders, applicants or interested parties.

2.4 Responsible authorities

2.4.1 Under the Act responsible authorities are public bodies who must be notified of applications and who are entitled to make representations to the licensing authority in relation to applications for and in relation to, premises licences. The responsible authorities for both councils are:

- the licensing authority
- the Gambling Commission
- the Chief Constable of Hampshire Constabulary
- Hampshire Fire and Rescue Service
- the planning authority (within the relevant council)

- the local town council, parish council or parish meeting
- the environmental protection team (of the relevant council)
- a body designated in writing by the licensing authority as competent to advise about the protection of children from harm (see 2.4.3)
- HM Revenue & Customs
- any other persons prescribed in regulations by the Secretary of State.

Contact details for the above authorities are included at Annex 2

2.4.2 In the event that the premises are a vessel, the following bodies are also responsible authorities:

- the Environment Agency
- the British Waterways Board
- the Secretary of State for Transport (who acts through the Maritime and Coastguard Agency)

2.4.3 In exercising the councils' powers under section 157(h) of the Act to designate a body competent to advise them about the protection of children from harm the following principles have been applied:

- the need for the body to be responsible for an area covering the whole of a licensing authority's area
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group

Having regard to the above principles, the councils have designated the Hampshire Safeguarding Children Board at Hampshire County Council for this purpose.

2.5 Interested Parties

2.5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. The Act defines interested parties as persons or bodies who, in the opinion of the licensing authority:

- (a) live sufficiently close to the premises to be likely to be affected by the authorised activities;
- (b) have business interests that might be affected by the authorised activities; or
- (c) represent persons who satisfy (a) or (b) (see 2.5.4)

2.5.2 Whether or not a person is an interested party is a decision that will be taken by the relevant council on a case-by-case basis, judging each case on its merits. However, the following factors will be taken into account:

- the size of the premises (for example, larger premises may affect people over a wider geographical area)
- the nature of the activities planned or already taking place
- the distance of the premises from the location of the person making the representation
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment)
- the circumstances of the complainant (which may be relevant to the distance from the premises, for example, it could be reasonable for an authority to conclude that 'sufficiently close to be likely to be affected' could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults
- the catchment area of the premises (i.e. how far people travel to visit); and whether the person making the representation has business interests in that catchment area, that might be affected (this is particularly relevant when representations are made by another gambling business who state their business interests may be affected, however whether or not there is demand for the premises shall not be taken into account).

2.5.3 This list is not exhaustive and other factors may be taken into consideration if the councils deem it necessary.

2.5.4 The councils considers the following people / bodies to fall within the category of those who represent persons living close to premises, or having business interests that might be affected by the authorised activities:-

- trade associations
- residents' and tenants' associations
- district, county, town and parish councillors
- MPs
- school head-teachers
- community groups
- charities
- faith groups
- medical practices
- bodies that exist to help people with gambling addictions such as GamCare or Gamblers Anonymous.

2.5.5 In other cases, the councils shall require written evidence that the person / association / body represent an interested party.

2.6 Licensing objectives

In exercising their functions under the Act, the councils must 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
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

The councils will aim to permit the use of premises for gambling as required by section 153 of the Act.

2.6.1 The councils can only make decisions based on the licensing objectives and not for unrelated moral, ethical or business reasons, for example, a general dislike of gambling, nuisance or expected demand.

2.7 Local area profile and operator risk assessments

2.7.1 The Councils will maintain a local area profile (LAP) containing information on the makeup of their area and any actual or potential risks from gambling premises that the councils have identified by observation, data or consultation.

2.7.2 The local area profiles will be made available to operators to develop their risk assessments as required under the code of practice published by the Gambling Commission.

2.7.3 Operators will be required to submit their risk assessments along with any applications for new premises licences, variations to existing licences or on request for any existing premises.

2.7.4 Operators will be made aware of any significant changes in the local area profile during the life of this policy so that their risk assessments can be updated.

2.8 Decision making and delegation of powers

2.8.1 All applications for the grant or review of a licence or permit will be considered on their own merits. The Act makes it clear that neither issues of demand for a premises nor compliance with planning or building regulations are to be considered when councils make decisions about applications. With regard to

premises licences, the councils will consider all applications in accordance with the principles contained in section 153 of the Act. Responsible Authorities and Interested Parties may only make representations relevant to the licensing objectives listed at paragraph 2.6. For clarification, these are different to the licensing objectives of the Licensing Act 2003.

2.8.2 The councils expect applicants to show that they have policies and procedures in place to support the licensing objectives, for example; exactly how they intend to ensure that children cannot gamble in their premises. Applicants are required to consider the following steps in promoting all three objectives:

- proof of age schemes
- Closed Circuit Television (CCTV)
- supervision of entrances / gambling areas
- physical separation of areas (for example when gaming machines are provided in pubs where children are permitted or in gaming centres where children may be permitted to play on some but not all of the machines)
- location of and entry to premises
- notices / signage
- training for staff on challenging persons suspected of being under-age
- training for staff on how to recognise someone with or developing a gambling addiction and what action to take
- training for staff on the types of crime that may occur as part of gambling and what action to take
- specific opening hours (for example if the premises are sited near a school or job centre)
- self-barring schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare.

2.8.3 All new applicants will be required to submit a risk assessment for their premises

2.8.4 The councils will not automatically refuse an application for the grant of a licence because a responsible authority or interested party has concerns relating to one of the licensing objectives, they will take into account any measures the applicant may offer to put into place to overcome the concerns.

2.8.5 The Act defines at what level decisions may be made within councils – see Annex 3. Where representations have been received and remain un-resolved to the satisfaction of all parties, a Licensing Acts Panel will hold a hearing to decide whether a licence, statement or club gaming permit will be granted.

2.8.6 Guidance on making applications for licences or permits, to make representations regarding application or to request a review can be found on the relevant council website or by contacting the licensing team.

2.9 Reviews of Premises Licences

- 2.9.1 Section 197 of the Act provides that an application for a review of a premises licence may be made by a responsible authority or interested party. There are regulations governing reviews (The Gambling Act 2005 (Premises Licences) (Review) Regulations 2007) which state that the person applying for the licence to be reviewed must do so in writing using a prescribed form, stating the reasons why a review is being requested and submitting it to the relevant council with any supporting documents. They must then send the same information to all (other) responsible authorities within seven days. Failure to do this will mean that the review process is halted until the documents are received by all parties.
- 2.9.2 The relevant council must grant the application for a review unless it thinks the grounds on which it is sought:
- are not relevant to this policy, or any guidance or codes of practice issued by the Gambling Commission, or the licensing objectives
 - are frivolous
 - are vexatious
 - 'will certainly not' cause the council to revoke or suspend a licence or to remove, amend or attach conditions to the premises licence
 - are substantially the same as the grounds cited in a previous application or substantially the same as representations made at the time the licence was granted, depending on how much time has passed (the licence should not be reviewed based on the same arguments that have already been considered by the relevant council).
- 2.9.3 Within seven days of receiving the application to review a premises licence, the relevant council will publish notice of the application in accordance with the regulations mentioned in paragraph 2.9.1.
- 2.9.4 Representations in response to the application must be made within the 28 days which follow publication of the notice and the relevant council must carry out the review as soon as possible after the 28 days has ended.
- 2.9.5 If the relevant council deems action is justified, its options are to:
- add, remove or amend a licence condition imposed by the relevant council
 - exclude a default condition imposed by the Secretary of State (relating to for example, opening hours) or remove or amend such an exclusion
 - suspend the premises licence for a period not exceeding three months

- revoke the premises licence.

2.9.6 The relevant council will notify the licence holder, the applicant for the review, any person who made representations, the Gambling Commission, the Chief Constable of Hampshire Constabulary and HM Revenue and Customs of the outcome of the review as soon as possible.

2.10 Appeals against a decision of the councils

2.10.1 The Act details the process for appeals against the councils' decisions in regards to licences, permits, provisional statements and temporary use notices. In all cases appeals are to the local Magistrates' Court within 21 days of the appellant's receipt of the councils' decision.

2.10.2 Any party may apply for a judicial review if they believe that a decision taken by the relevant council is:

- beyond the powers available to it
- subject to procedural impropriety or unfairness
- irrational (a decision so unreasonable no sensible person could have reached it).

2.11 Enforcement

2.11.1 The councils seek to secure compliance with the law in a variety of ways. Most contact with individuals and businesses is informal; providing advice and assistance over the telephone, during visits and in writing. Formal measures will include warnings, licence reviews and prosecution. The objective of these measures will be to ensure compliance with the licensing objectives including any general or specific licence conditions.

2.11.2 Part 15 of the Act details inspections that may be made to check for compliance with the Act. The councils will adopt a risk-based approach to the inspection of gambling premises which will be operated in conjunction with the councils' current enforcement policy. This will allow for the targeting of high-risk premises or those where a breach would have serious consequences. Premises that are low risk and / or well run will be subject to a less frequent inspection regime.

2.11.3 Section 346 of the Act gives the councils the power to instigate criminal proceedings in respect of the offences specified in that section. The councils will ensure that enforcement is carried out in a fair and consistent manner in accordance the councils' enforcement policy.

- 2.11.4 The councils will endeavour to work with, and avoid duplication with, other regulatory regimes so far as possible.
- 2.11.5 Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the councils but will be referred to the Gambling Commission.

2.12 Exchange of information

- 2.12.1 The councils regard the lawful and correct treatment of information as important to the successful and efficient performance of their functions, and to maintain the confidence of the people / bodies they deal with. The councils will ensure that information is kept and shared lawfully and correctly.
- 2.12.2 The councils may share information in accordance with the following provisions of the Act:-
- sections 29 and 30 (with respect to information shared between the councils and the Gambling Commission)
 - section 350 (with respect to information shared between the councils and the other persons listed in Schedule 6 to the Act)
- 2.12.3 The purpose of information exchange is not only to fulfil the requirements under the Act, but also to enable both the Gambling Commission and the councils to carry out work related to their regulatory functions in a risk-based manner, using the best available information.
- 2.12.4 In the exercise of the above functions, consideration shall also be given to the common law duty of confidence, the law relating to defamation, the guidance issued by the Gambling Commission and to the councils' policies in relation to data protection and freedom of information.
- 2.12.5 Any information sharing between the councils and Hampshire Constabulary must also be carried out in accordance with the information sharing protocol under the Oxfordshire memorandum of understanding.
- 2.12.6 Any person wishing to obtain further information about their rights under the Data Protection Act 1998 or the Freedom of Information Act 2000 may view the councils' policies at www.basingstoke.gov.uk or www.hart.gov.uk or alternatively members of the public and businesses can also access information and advice regarding licensing by obtaining independent legal advice or contacting the following bodies:
- Local Government Association (LGA)
www.local.gov.uk
 - DCMS (Department for Digital, Culture, Media and Sport)

www.culture.gov.uk

- Citizens Advice Bureau
www.citizensadvice.org.uk

2.13 Application procedure

Applications for family entertainment centres, prize gaming and licensed premises gaming machine permits are to be made on the relevant council's forms available from their websites.

For all other types of licences and permits, the standard forms are available from the Gambling Commission website.

Applicants must ensure that they are aware of what should accompany each application (for example a plan of the premises). Each of the websites mentioned details these requirements.

2.14 Fees

Maximum licence fees are set by the government; however each council sets its own fees up to these maximums. Fees set by the councils are subject to annual review. A list of current fees to accompany the different licence / permit applications can be found by accessing the councils' websites at either:

<https://www.basingstoke.gov.uk/finance>

or

https://www.hart.gov.uk/sites/default/files/2_Businesses/Licensing_and_permits/Gambling_gaming_and_lottery/Gambling%20Fees%202019-20.pdf

3. PERMITS

Please refer to www.gamblingcommission.gov.uk for the latest details on machine categories including maximum stakes and pay-outs permitted and the entitlement of certain premises to certain categories and numbers of machines. A list of entitlements as at October 2019 is included at Annex 4.

The councils will expect applicants to be able to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permitted in their premises and that staff are trained to have a full understanding of them also.

The holder of a permit must comply with any code of practice issued by the Gambling Commission about the location and operation of any machine(s).

3.1 Unlicensed family entertainment centre gaming machine permits (FECs)

- 3.1.1 Unlicensed FECs are able to offer category D machines if granted a permit by the relevant council. If an operator of a family entertainment centre wishes to make category C machines available in addition to category D machines, they will need to apply for an operating licence from the Gambling Commission and a premises licence from the relevant council.
- 3.1.2 The councils can grant or refuse an application for an FEC permit, but cannot attach conditions.
- 3.1.3 As unlicensed family entertainment centres appeal to children and young persons, the councils expect applicants to pay particular attention to the example measures detailed in paragraph 2.8.2.
- 3.1.4 In considering the protection of children, the councils will expect the applicant to show not only how they intend to protect children from gambling but also that they have taken into account wider child protection considerations in their policies and procedures. The efficacy of such policies and procedures will each be considered on their merits.
- 3.1.5 The councils will not grant a permit for unlicensed family entertainment centres if the applicant has a relevant conviction (as set out in Schedule 7 to the Act). Applicants will be required to undergo an enhanced Disclosure and Barring Service (DBS) check.

3.2 (Alcohol) licensed premises gaming machine permits

The Gambling Commission has published a number of useful leaflets and guidance about gaming machines and other types of gambling specifically to provide information to premises authorised to sell alcohol. These can be found on the Gambling Commission website.

- 3.2.1 Premises licensed to sell alcohol for consumption on the premises are automatically entitled to two gaming machine permits, of categories C and/or D. The holder of the premises licence authorising the sale of alcohol will simply need to notify the council and pay the prescribed fee.
- 3.2.2 The councils can 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

- the premises are mainly used for gaming; or
- an offence under the Act has been committed on the premises.

3.2.3 If the holder of the premises licence wishes to have more than two machines in the premises, they will need to apply for a permit.

3.2.4 As there may be children in some alcohol licensed premises, the councils expect applicants to pay particular attention to the example measures detailed in paragraph 2.8.2. in order to protect the children.

3.2.5 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 under the Gambling Act, not the Licensing Act.

3.2.6 The councils can decide to grant the application with a smaller number of machines and / or a different category of machines than that applied for, however conditions cannot be attached to the permit.

3.3 Club gaming and club machine permits

3.3.1 The numbers and categories of machine permitted are different to non-clubs. Please refer to www.gamblingcommission.gov.uk for the latest maximum stakes and pay-outs permitted for each machine category and numbers of machine(s) permitted.

3.3.2 The councils may grant members' clubs and miners' welfare institutes (but not commercial clubs) club gaming permits which authorise the establishments to provide gaming machines, equal chance gaming and games of chance.

3.3.3 If a members' club or a miners' welfare institute does not wish to have the full range of facilities permitted by a club gaming permit, they may apply to the councils for a club machine permit under section 273 of the Act.

3.3.4 To qualify, members clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. Bridge and whist clubs will be permitted, replicating the previous position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit and controlled by its members equally. Examples include working men's clubs, branches of the Royal British Legion, sports and social clubs and clubs with political affiliations.

3.3.5 The councils must satisfy themselves that the club genuinely meets the requirements of the Act to obtain a club gaming permit and therefore may ask for supporting documents. The following is a list of matters that will be considered:

- the procedures for guests accepted into the club

- how the club is advertised
- the running of the club, for example committee meetings, financial accounts and election of committee members.

This list is not exhaustive and the councils may ask for any documents they feel are necessary in determining whether or not a club is genuine, even if it has already been granted a club premises certificate under the Licensing Act 2003.

3.3.6 An application may only be refused on one or more of the following grounds:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
- the applicant's premises are used wholly or mainly by children and / or young persons
- an offence under the Act or a breach of condition of a permit has been committed by the applicant while providing gaming facilities
- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Gambling Commission or the police.

3.3.7 Under section 72 of the Act, there is a 'fast-track' procedure available for clubs which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the police and the grounds upon which a council can refuse a permit are reduced.

3.3.8 The grounds on which an application under the fast track procedure may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12 of the Act
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club gaming machine permit issued to the applicant in the last ten years has been cancelled

3.3.9 The councils may grant or refuse an application for a club gaming or club machine permit but cannot attach any conditions to it. However there are a number of conditions in the Act that the holder must comply with. These are contained in the Gaming Machine Permits Code of Practice issued by the

Gambling Commission. This can be found on the Gambling Commission's website www.gamblingcommission.gov.uk

3.4 Prize gaming permits

- 3.4.1 Section 288 of the Act defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for, or raised by the gaming.
- 3.4.2 Casinos, bingo premises, adult gaming centres and licensed family entertainment centres do not require a permit in order to offer prize gaming.
- 3.4.3 Travelling fairs do not require a permit in order to offer equal chance prize gaming, provided that taken together, the facilities for gambling are ancillary to the fair.
- 3.4.4 Children and young persons may participate in equal chance prize gaming only.
- 3.4.5 Applicants for a prize gaming permit should set out the types of gaming that they are intending to offer. The applicant should be able to demonstrate:
- that they understand the limits on stakes and prizes that are set out in regulations; and
 - that the gaming offered is lawful.
- 3.4.6 The councils can grant or refuse an application for a permit, but cannot attach any conditions to it. However, there are four conditions in the Act that permit holders must comply with. These 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 on 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.

3.4.7 Councils can only grant a permit if they have consulted the chief officer of police about the application. Applicants must disclose any relevant convictions they may have to the council and the council will consider any objections that the police make about the suitability of person or the premises, including its location and the potential for disorder.

4. PREMISES LICENCES

4.1 Primary gambling activity

4.1.1 Premises licences authorise the provision of gambling activities in:

- casinos
- bingo premises
- betting premises (including tracks and premises used by betting intermediaries)
- adult gaming centres and
- family entertainment centres.

4.1.2 Premises licences will be considered in accordance with the principles set out in paragraph 2.8.

4.2 Premises

4.2.1 In the Act a premises is defined as 'any place'. No more than one premises licence can apply to any place, however one premises may hold more than one premises licence so long as the building can be genuinely separated. In determining whether or not the separation is genuine, the councils will base their decisions on the following:

- are the premises registered separately for business rates?
- are the premises owned by the same person?
- can each of the premises be accessed from the street or is access to one only via the other or another gambling premises?

4.2.2 Roping off and different coloured carpets are examples of methods used by some proprietors to artificially sub-divide premises and the councils will not consider premises 'divided' as such as two separate premises.

4.2.3 Where two or more licences are applied for within the same building and the council does consider separation genuine, the applicant(s) must still demonstrate how they will uphold the licensing objectives, with particular reference to how they plan to control the access from one part of the building into the other, in order to protect children from accidentally or otherwise accessing types of gambling to which they are not authorised.

4.3 Location

4.3.1 The location of premises may be relevant to the promotion of the licensing objectives. In particular, premises located in close proximity to the following may give rise to concern

- schools
- vulnerable adult centres
- residential areas with a high concentration of children.

4.3.2 Much will depend upon the type of gambling that is proposed will be offered on the premises. The councils will consider the location on a case-by-case basis. If the proposed location does pose a risk to the promotion of the licensing objectives, the applicant must demonstrate how they propose to overcome such concerns.

4.4 Conditions

4.4.1 Conditions may be imposed upon a premises licence in a number of ways. These are:

- (a) mandatory – set by the Secretary of State, some set out in the Act and some to be prescribed in regulations, for all, or classes of licence
- (b) default – to be prescribed in regulations made by the Secretary of State, to be attached to all or classes of licences unless excluded by the licensing authority
- (c) specific – conditions that can be attached to an individual licence by the licensing authority

4.4.2 Conditions will only be imposed to address specific risks under the licensing objectives. Any conditions imposed by the councils will only be considered where there is evidence of a risk to the licensing objectives and be proportionate to the circumstances that they are seeking to address. In particular, the councils will ensure that premises licence conditions:

- are relevant to the need to make the proposed building suitable as a gambling facility
- are directly related to the premises and the type of licence applied for
- are fairly and reasonably related to the scale of premises and
- are reasonable in all other respects.

4.4.3 Certain matters may not be the subject of conditions. 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 Gambling Act 2005 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.

4.5 Door supervisors

4.5.1 It is not a mandatory requirement of the Act to impose a condition relating to door supervision. However, if the councils consider it necessary to impose a condition on a premises licence requiring the presence of door supervisors they shall be licensed by the Security Industry Authority (SIA).

4.5.2 There is an exemption for 'in house' employees working as door supervisors at licensed casino or bingo premises, however 'contract' staff employed as door supervisors will need to be licensed by the SIA. The councils may still impose specific requirements on these unlicensed door supervisors if they considered it necessary at particular premises.

4.6 Adult gaming centres

4.6.1 Operators of an adult gaming centre must obtain an operating licence from the Gambling Commission and a premises licence from the relevant council. This will allow the operator to make category B, C & D machines available to their customers.

4.6.2 In considering licence applications for adult gaming centres, consideration will be given to the need to protect children and vulnerable persons from harm or being exploited by gambling. The councils will therefore expect applicants to

demonstrate that there will be sufficient measures in place to promote this objective.

4.7 Licensed family entertainment centres

- 4.7.1 Operators of a licensed family entertainment centre will require an operating licence from the Gambling Commission and a premises licence from the relevant council. This will allow the operator to make category C & D machines available to their customers.
- 4.7.2 Children and young persons will be able to enter licensed family entertainment centres and play on the category D machines. They will not be permitted to play category C machines.
- 4.7.3 As family entertainment centres will particularly appeal to children and young persons, consideration shall be given to child protection issues. Where category C machines are available in licensed family entertainment centres the councils will require 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 category C machines are located
 - access to the area where the category C machines are located is supervised
 - the area where the category C 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.

4.8 Tracks

- 4.8.1 Tracks are sites (including racecourses and dog tracks) where races or sporting events take place. Operators of tracks will require a premises licence from the relevant council, but they do not need to obtain an operating licence from the Gambling Commission (although they may have one).
- 4.8.2 Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track.

- 4.8.3 It is a mandatory condition of all track licences that children and young persons are excluded from any areas where facilities for betting are provided and any area where a gaming machine, other than a category D machine, is situated. In relation to the areas used for betting, special dispensation from this rule is provided for dog tracks and horse racecourses on days when racing takes place. On these days families will be entitled to attend a track or racecourse and children may enter the areas where facilities for betting are provided. This race day dispensation does not apply to the areas where gaming machines of category B & C are provided and the councils will therefore expect that suitable measures are in place to prevent children from entering such areas.
- 4.8.4 Holders of betting premises licences in respect of tracks who also hold a pool betting operating licence may make available up to four gaming machines (categories B2 to D) on the track. The councils will therefore expect the applicant to demonstrate that suitable measures are in place to ensure that children are prevented from entering areas where machines (other than category D machines) are made available.
- 4.8.5 The councils will attach 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.
- 4.8.6 The councils will require the following information from applicants for premises licences in respect of tracks:
- detailed plans for the racetrack itself and the area that will be used for temporary 'on-course' betting facilities (often known as the 'betting ring')
 - in the case of dog tracks and horse racecourses, details of the fixed and mobile pool betting facilities operated as well as any other proposed gambling facilities.
- 4.8.7 Plans submitted with the application should be clearly marked to show what licensable activities will take place where and how children will be separated from category C machines.
- 4.8.8 The councils will accept occasional use notices for tracks in accordance with section 39 of the Act.

4.9 Casinos

- 4.9.1 The Act states that operators of a casino must obtain an operating licence from the Gambling Commission and a premises licence from the relevant council.

4.9.2 In July 2012 a Culture, Media and Sport Select Committee reviewed the Act and recommended that any local authority should be able to make its own decision about whether or not to have a casino in its district. The Committee also recommended that the licences for casinos that were licensed under the pre-existing Gaming Act of 1968 be made portable, allowing operators to relocate to any local authority (with the authority's consent).

4.9.3 Policy to allow applications for a casino

Section 166 of the Act gives the council the power to pass a 'no casino' resolution, meaning that applications for a casino would not be considered. The councils have not adopted a 'no casino' policy. As such, all applications received for a premises licence to operate a casino in the council area would be judged on their own merits, in accordance with paragraph 2.8 and the requirements set out in paragraph 4.9.4.

4.9.4 Applicants for casino licences are required to:

- submit a procedure with their application for the reporting of any suspicious activity
- follow a policy of requiring proof of identification to be shown on entering the casino in order to act as a deterrent to those considering using the casino for criminal activities (such as money laundering) and to effectively support gambling self-exclusion schemes
- detail any entertainment to be provided
- submit details of employee training to promote the licensing objectives
- submit a policy to promote the protection of children and vulnerable persons
- submit a policy regarding the identification of and interventions in force to aid problem gamblers
- set aside at least one 'training room' where customers can learn how to play the various games offered in a non-threatening environment. The room shall clearly display information on how and where help for problem gambling can be sought
- set aside a quiet area as a refuge from gambling. The room shall clearly display information on how and where help for problem gambling can be sought.

4.10 Betting premises

4.10.1 Betting premises are those premises which take bets other than at a track (commonly known as a licensed betting office). Operators of betting premises will require an operating licence from the Gambling Commission and a premises licence from the relevant council.

4.10.2 It is unlawful for anyone under the age of 18 to place a bet. Persons under the age of 18 shall not be permitted to enter a premises licensed for betting.

- 4.10.3 The councils expect applicants to demonstrate how they will ensure that neither children nor vulnerable persons are able to place a bet, for example by detailing proof of identification and self-barring schemes and staff training.
- 4.10.4 At the time of writing, the holder of a betting premises licence may make available for use up to four gaming machines of category B (B2, B3 or B4), C or D.
- 4.10.5 The councils may, in accordance with section 181 of the Act, enforce the number of betting machines, their nature and the circumstances in which those machines are made available for use. When considering whether to impose such conditions, the councils will take into account the following:
- the size of the premises
 - the number of counter positions available for person-to-person transactions and
 - the ability of staff to monitor that machines are not used by children and young persons or by vulnerable people.

4.11 Bingo

- 4.11.1 Operators of premises offering bingo (cash or prize bingo) will require a bingo operating licence from the Gambling Commission and a premises licence from the relevant council.
- 4.11.2 The council will need to be satisfied that bingo can be played in any premises for which it grants a bingo premises licence. This is a relevant consideration where the operator of an existing bingo premises applied to vary their licence to exclude an area of the existing premises from its ambit and then applied for a new premises licence, or multiple licences for that or those excluded areas.
- 4.11.3 The councils note the unusual circumstances in which the splitting of a pre-existing premise into two adjacent premises might be permitted and in particular that it is not permissible to exceed 20 per cent of the total number of B3 machines available for use in the premises.
- 4.11.4 Children and young people are allowed into bingo premises, however they are not permitted to participate in the bingo and if category B or C machines are present, these must be separated from areas where children and young people are allowed. Where category C or above machines are available in premises to which children are admitted the councils will require 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
 - 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.

4.12 Temporary use notices

- 4.12.1 Temporary use notices allow the use of premises for gambling where there is no premises licence but where a person or company holding a relevant operators licence wishes to use the premises temporarily for providing facilities for gambling.
- 4.12.2 There are a number of statutory limits concerning the use of temporary use notices. Please refer to www.gamblingcommission.gov.uk for details of the maximum numbers of days premises may be used and for other restrictions.
- 4.12.3 If objections are received to a temporary use notice (from the police, Gambling Commission, HM Revenue & Customs or any other licensing authority in whose area the premises are situated), the council must hold a hearing to consider the representation (unless all the participants agree that a hearing is unnecessary).
- 4.12.4 If the council, after a hearing has taken place or been dispensed with, considers that the temporary use notice should not have effect, it must issue a counter-notice which may:
- prevent the temporary use notice from taking effect
 - limit the activities that are permitted
 - limit the time period of the gambling or
 - allow the activities to take place subject to a specified condition.
- 4.12.5 The councils will apply the principles set out in paragraph 2.6 of this statement to any consideration as to whether to issue a counter-notice.

4.13 Provisional statements

- 4.13.1 Section 204 of the Act provides for a person to make an application for a provisional statement in respect of premises they expect to be constructed, altered or expect to acquire the right to occupy. For example, a developer may wish to apply for a provisional statement to see whether or not a premises licence would be issued prior to entering into a contract to buy or lease the

premises. Equally, a provisional statement may be applied for where there is already a premises licence in force but the application is for a different type of gambling.

- 4.13.2 An applicant need not hold an operating licence from the Gambling Commission before applying for a provisional statement and the councils shall not take into account the likelihood of an operating licence being granted in determining whether or not to grant the provisional statement.
- 4.13.3 If a provisional statement has been granted, the fee for the subsequent premises licence application will be less and the councils are constrained in considering matters; no further representations from responsible authorities or Interested Parties may 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.
- 4.13.4 The councils may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by way of representations at the provisional statement stage
 - which, in the council's opinion, reflect a change in the operator's circumstances
 - where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. (There must be a substantial change to the plan and the council shall discuss any concerns with the operator before coming to a final decision).

4.14 Travelling fairs

- 4.14.1 The Act defines a travelling fair as, 'wholly or principally' providing amusements.
- 4.14.2 To be exempt from requiring a permit for gaming machines, the fair must be on a site that is not used for a fair for more than 27 days per calendar year (regardless of whether it is the same or different travelling fairs which occupy the land).
- 4.14.3 Fairs may provide an unlimited number of category D machines provided the facilities for gambling amount to no more than ancillary amusement to the fair.
- 4.14.3 Whilst the gaming machine providers may be exempt from the requirement to hold a permit, they must comply with the legal requirements about how the machines operate.
- 4.14.4 The councils will liaise with neighbouring authorities to ensure that land used for fairs which crosses local authority boundaries is monitored.

ANNEX 1

List of persons / bodies responding to the consultation on this policy

| Organisation Details | Responding as: |
|-----------------------------|-----------------------|
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| | |
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| | |
| | |

ANNEX 2

List of responsible authorities

The Responsible Authorities for the council areas under the Act, and their contact details are as follows.

Contact details may change, and other responsible authorities may be designated by regulations by the Secretary of State. For latest information, please check with the relevant council's licensing team.

| | | Contact details for preliminary discussions or follow-up enquiries |
|---------------------------|---|---|
| Responsible Authority | Address | Telephone, e-mail and website |
| The licensing authorities | <p>Licensing Team Hart District Council Basingstoke and Deane Borough Council London Road Basingstoke RG21 4AH</p> <p>Licensing Team Basingstoke and Deane Borough Council London Road Basingstoke RG21 4AH</p> | <p>01252 622122</p> <p>licence@hart.gov.uk</p> <p>www.hart.gov.uk</p> <p>01256 844844</p> <p>licensing@basingstoke.gov.uk</p> <p>www.basingstoke.gov.uk</p> |
| The planning authorities | <p>Planning Hart District Council Harlington Way Fleet GU51 4AE</p> <p>Planning Basingstoke and Deane Borough Council London Road Basingstoke RG21 4AH</p> | <p>01252 774419</p> <p>planningadmin@hart.gov.uk</p> <p>www.hart.gov.uk</p> <p>01256 844844</p> <p>planning.comments@basingstoke.gov.uk</p> <p>www.basingstoke.gov.uk</p> |

| | | |
|---|--|---|
| Environmental Health | <p>Environmental Protection Hart District Council Harlington Way Fleet GU51 4AE</p> <p>Environmental Protection Basingstoke and Deane Borough Council London Road Basingstoke RG21 4AH</p> | <p>01252 622122 eh@hart.gov.uk www.hart.gov.uk</p> <p>01256 844844 eht@basingstoke.gov.uk www.basingstoke.gov.uk</p> |
| Gambling Commission | Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP | <p>0121 230 6666 info@gamblingcommission.gov.uk www.gamblingcommission.gov.uk</p> |
| Hampshire Constabulary | Chief Constable, Hampshire Constabulary Headquarters 18-24 Leigh Road Eastleigh Hampshire SO50 9SJ | <p>101 postmaster@hampshire.pnn.police.uk www.hampshire.police.uk</p> |
| Hampshire Fire and Rescue Service | Hampshire Fire and Rescue Service 18-24 Leigh Road Eastleigh Hampshire SO50 9SJ | <p>023 80644000 support.hub@hantsfire.gov.uk www.hantsfire.gov.uk</p> |
| Hampshire Safeguarding Children Partnership | Hampshire Safeguarding Children Partnership Falcon House Monarch Way Winchester SO22 5PL | <p>01962 876355 hscp@hants.gov.uk www.hampshirescp.org.uk</p> |
| Revenue and Customs | Her Majesty's Revenue and Customs | https://www.gov.uk/contact-hmrc |

ANNEX 3

Licensing authority delegations

| Matter to be dealt with | Full Council | Licensing Sub-Committee | Officers |
|---|--------------|--|--|
| Final approval of three year licensing policy statement | X | | |
| Policy not to permit casinos | X | | |
| Fee setting (when appropriate) | X | | |
| Application for premises licence | | Where representations have been received and not withdrawn | Where no representations received or all have been withdrawn |
| Application for a variation to a licence | | Where representations have been received and not withdrawn | Where no representations received or all 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 or all have been withdrawn |
| Review of a premises licence | | X | |
| Application for club gaming/ club machine permits | | Where objections have been made and not withdrawn | Where no representations received or all have been withdrawn |
| Cancellation of club gaming/ club machine permits | | X | |
| Applications for other permits | | | X |
| Cancellation of licensed premises gaming machine permits | | | X |
| Consideration of temporary use notice | | | X |
| Decision to give a counter notice to a temporary use notice | | X | |

X indicates the lowest level to which decisions can be delegated

ANNEX 4

Summary of gaming machine categories

| Category of Machine | Maximum stake (from April 2019)* | Maximum prize (from January 2014)* |
|--|----------------------------------|--|
| A | Unlimited | Unlimited |
| B1 | £5 | £10,000 |
| B2 | £2 | £500 |
| B3A | £2 | £500 |
| B3 | £2 | £500 |
| B4 | £2 | £400 |
| C | £1 | £100 |
| D – non-money prize (other than a crane grab, coin pusher, penny fall machines) | 30p | £8 |
| D – non-money prize (crane grab machine) | £1 | £50 |
| D money prize (other than coin pusher or penny falls machines) | 10p | £5 |
| D – combined money and non-money prize (other than a coin pusher or penny falls machines) | 10p | £8 (of which no more than £5 may be a money prize) |
| D – combined money and non-money prize (coin pusher or penny falls machine) | 20p | £20 (of which no more than £10 may be a money prize) |

ANNEX 5

Summary of machine provisions by premises

| | Machine Category | | | | | | | |
|--|------------------|---|-----------|-----------|--|--------------------------------------|--|---------------------------------|
| | A | B1 | B2 | B3 | B4 | C | D | |
| Large casino (machine/table ratio of 5-1 up to maximum) | | Maximum of 150 machines: Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio) | | | | | | |
| Small casino (machine/table ratio of 2-1 up to maximum) | | Maximum of 80 machines: Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio) | | | | | | |
| Pre-2005 Act casinos (no machine/table ratio) | | Maximum of 20 machines categories B to D (except B3A machines) or any number of C or D machines instead | | | | | | |
| Betting premises and tracks occupied by Pool Betting | | Maximum of 4 machines categories B2 to D (except B3A machines) | | | | | | |
| Bingo Premises | | | | | Maximum of 20% of the total number of machines available for use on the premises category B3 or B4 | No limit on category C or D machines | | |
| Adult gaming centre | | | | | Maximum of 20% of the total number of machines available for use on the premises category B3 or B4 | No limit on category C or D machines | | |
| Family entertainment centre (with premises licence) | | | | | | | No limit on category C or D machines | |
| Family entertainment centre (with permit) | | | | | | | | No limit on Category D machines |
| Clubs or miners' welfare institute (with permit) | | | | | Maximum of 3 machines in categories B3A or B4 to D* | | | |
| Qualifying alcohol licensed premises | | | | | | | 1 or 2 machines of category C or D automatic upon notification | |
| Qualifying alcohol licensed premises (with gaming machine permit) | | | | | | | Number as category C or D machines on permit | |
| Travelling Fair | | | | | | | | No limit on category D machines |
| | | A | B1 | B2 | B3 | B4 | C | D |

*It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.