

# A G E N D A

## Regulatory Committee

Date: **Tuesday, 19th July, 2005**

---

Time: **2.00 p.m.**

---

Place: **The Library, Shirehall, St.  
Owens Street, Hereford**

---

Notes: Please note the **time, date** and **venue** of the meeting.

*For any further information please contact:*

*Pete Martens, Members' Services, Tel:  
01432 260248, Fax: 01432 261809*

*e-mail: [pmartens@herefordshire.gov.uk](mailto:pmartens@herefordshire.gov.uk)*

---

**County of Herefordshire  
District Council**



# AGENDA

## for the Meeting of the Regulatory Committee

To: Councillor R.I. Matthews (Chairman)  
Councillor Brig. P. Jones CBE (Vice-Chairman)

Councillors Mrs. S.P.A. Daniels, G.W. Davis, D.J. Fleet, J.G.S. Guthrie,  
J.W. Hope MBE, T.W. Hunt, J.W. Newman, R. Preece, D.C. Taylor and  
P.G. Turpin

	Pages
1. <b>APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
2. <b>NAMED SUBSTITUTES (IF ANY)</b> To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3. <b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
4. <b>MINUTES</b> To approve and sign the Minutes of the meeting held on 24th May, 2005.	1 - 6
5. <b>PROCEDURAL ARRANGEMENTS</b> To note the procedural arrangements for the meeting.	7 - 8
6. <b>THE LICENSING POLICY SCHEME OF DELEGATED POWERS - LICENSING ACT 2003 AND GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003</b> To consider amending the licensing policy scheme of delegated powers for personal licence with relevant convictions where no police objections are received. It is proposed to give delegated powers to the Licensing Officers to issue personal licenses under these circumstances, in accordance with the Licensing Act 2003 and guidance issued under section 182 of the Licensing Act 2003	9 - 20
7. <b>KNOWLEDGE TEST - DUAL DRIVERS LICENCES - THE TOWN POLICE CLAUSES ACT 1847 AND LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</b> To consider adopting a knowledge test as part of the application process for dual drivers licence applications	21 - 32

## EXCLUSION OF THE PUBLIC AND PRESS

In the opinion of the Proper Officer, the following item will not be, or is likely not to be, open to the public and press at the time it is considered.

**RECOMMENDATION:** that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below

8. **APPLICATION FOR A DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976** 33 - 38

To consider an application for a dual hackney carriage/private hire drivers licence.

*This item discloses information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority.*

# **The Public's Rights to Information and Attendance at Meetings**

## **YOU HAVE A RIGHT TO: -**

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

## **Please Note:**

Agenda and individual reports can be made available in large print. Please contact the officer named on the front cover of this agenda **in advance** of the meeting who will be pleased to deal with your request.

The meeting venue is accessible for visitors in wheelchairs.

A public telephone is available in the reception area.

## **Public Transport Links**

- Public transport access can be gained to Brockington via the service runs approximately every half hour from the 'Hopper' bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

If you have any questions about this agenda, how the Council works or would like more information or wish to exercise your rights to access the information described above, you may do so either by telephoning the officer named on the front cover of this agenda or by visiting in person during office hours (8.45 a.m. - 5.00 p.m. Monday - Thursday and 8.45 a.m. - 4.45 p.m. Friday) at the Council Offices, Brockington, 35 Hafod Road, Hereford.



Where possible this agenda is printed on paper made from 100% Post-Consumer waste. De-inked without bleaching and free from optical brightening agents (OBA). Awarded the Nordic Swan for low emissions during production and the Blue Angel environmental label.

## **COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

### **FIRE AND EMERGENCY EVACUATION PROCEDURE**

In the event of a fire or emergency the alarm bell will ring continuously.

You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point J which is located at the southern entrance to the car park. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.





COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**MINUTES of the meeting of Regulatory Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday, 24th May, 2005 at 2.00 p.m.**

**Present:** Councillor R.I. Matthews (Chairman)

**Councillors:** Mrs. S.P.A. Daniels, G.W. Davis, J.W. Hope MBE, T.W. Hunt, J.W. Newman, R. Preece, D.C. Taylor and P.G. Turpin

**In attendance:** Councillors J.W. Edwards

**1. ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN**

It was noted that at Annual Council on 13th May Councillor R.I. Matthews was elected Chairman for the ensuing year and Councillor Brig. P. Jones C.B.E. was appointed Vice-Chairman.

**2. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors D.J. Fleet, Brig. P. Jones CBE, and G. Lucas.

**3. NAMED SUBSTITUTES (IF ANY)**

There were no substitutions made.

**4. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**5. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 12th April, 2005 be approved as a correct record and signed by the Chairman.

**6. PROCEDURAL ARRANGEMENTS**

The Committee noted the procedural arrangements for hearing appeals to ensure that the laws of natural justice were followed to give a fair hearing for applicants and to the Licensing Officers.

**7. PUBLIC ENTERTAINMENTS LICENSING REPORT TO DETERMINE THE OPERATING HOURS FOR AN APPLICATION FOR NOZSTOCK MUSIC FESTIVAL ON 23RD JULY 2005 AT ROWDEN PADDOCKS, BROMYARD - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

Consideration was given to a report in respect of an application from Mr. P. Nosworthy for an Occasional Public Entertainment Licence with a finishing time of later than 0300 hours, which was set out in the Council's policies. The Licensing Manager provided the Committee with details of the Council's policies for granting Public Entertainment Licenses and said that the finishing time of not later than 0300

hours was in place to protect the local community and individuals from disturbance by events involving music, singing and dancing. She also advised that the Committee would need to have regard to the implications of any decisions it made which would relate to the provision of the Crime and Disorder Act 1998. She added that the Police had no objections to the application; and that neither had the Fire Authority and Area Environmental Health Manager, subject to their respective conditions being met if the application was approved.

Mr. P. Nosworthy and Ms. L. Horseman presented the application for a finishing time of 5:00 am in respect of their music festival to be held on 23rd July 2005 at Rowden Paddocks, Bromyard. They explained the steps that would be put in place to minimise noise and disturbance and outlined the arrangements for car parking and security, and the likely number of those who would be attending.

At the conclusion of the application the Officers, Mr. Nosworthy, and Ms. Horseman withdrew from the meeting whilst consideration was given to the application. Having considered all the facts in relation to the application, the Committee whilst mindful of the Council's policies took the view that satisfactory evidence had been given to suggest that the event would be well supervised in a responsible manner. The Committee decided that the extension of hours should be granted. The applicant and the Officers were invited back to the meeting and were informed of the decision.

**RESOLVED:** That an Occasional Public Entertainment Licence be granted to Mr. P. Nosworthy in respect of his music festival on 23rd July, 2005 with a finishing time of 5.00 a.m. on 24th July, 2005 at Rowden Paddocks, Bromyard subject to:

- (a) the applicant fulfilling all of the conditions imposed by the Police, Fire Authority and the Head of Environmental Health and Trading Standards; and
- (b) the applicant first agreeing final details of the event with the Head of Environmental Health and Trading Standards, satisfying his requirements regarding car parking, stewarding, minimisation of noise nuisance and providing him with a responsible contact person for the event.

#### **EXCLUSION OF THE PUBLIC AND PRESS**

In the opinion of the Proper Officer, the following item will not be, or is likely not to be, open to the public and press at the time it is considered.

**RESOLVED:** that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below

This item discloses information relating to any particular applicant for or recipient of or former recipient of, any service provided by the authority.

**8. APPLICATION FOR A DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**  
(Pages 1 - 2)

The Licensing Manager presented a report about an application for a dual hackney carriage and private hire driver's license. She explained issues relating to the requirement to disclose any criminal convictions and police cautions. The applicant was given the opportunity to address the Committee in respect of his application.

Having considered all the facts put forward by the Licensing Manager and the applicant, the Committee decided that the application should be granted.

The meeting ended at 2.42 p.m.

**CHAIRMAN**



Document is Restricted



**REGULATORY COMMITTEE**  
**LICENSING APPEAL PROCEDURE**

1. Introduction by Clerk to the Panel.
2. Licensing Officer outlines the case.
3. Applicant (or his solicitor) sets out his case.
4. Questions asked by the Panel or Licensing Officer or Applicant.
5. Applicant (or his solicitor) asked if he would like to make further comment or representation, or if he requires time to comment or investigate (if so, Chairman defers application).
6. In dealing with each application, the applicant (and any representative) should also withdraw should be asked to withdraw when they have finished their presentation. All officers, other than the Clerk to the Panel, should also withdraw. It would be preferable for the applicant and officers to await the decision at different locations.
7. If either the applicant or the officer are needed to furnish additional information, they should all be invited back before the Panel. When the additional information has been furnished, they should all be asked to leave again.
8. The Panel can then reach a decision in the usual way, but in the absence of parties.
9. The applicant and officers will then be invited to return. The Chairman will announce the decision. The Chairman should also say that the decision will be communicated in writing in due course, and that the applicant will be informed of any right of appeal (if the decision is a refusal).
10. When the first applicant is finished, that applicant should leave. Deal with the second application the same way.





## **THE LICENSING POLICY SCHEME OF DELEGATED POWERS - LICENSING ACT 2003 AND GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003**

**Report By: Head of Environmental Health and Trading Standards**

### **Wards Affected:**

County-wide

### **Purpose**

1. To consider amending the licensing policy scheme of delegated powers for personal licence with relevant convictions where no police objections are received. It is proposed to give delegated powers to the Licensing Officers to issue personal licenses under these circumstances, in accordance with the Licensing Act 2003 and guidance issued under section 182 of the Licensing Act 2003

### **Policy legal background**

2. Section 5 of the Licensing Act 2003 requires the local authority to determine every three years its policy with respect to the exercise of its licensing functions and publish a statement of that policy before the beginning of the period. The first appointed date is 7 February 2005.
3. Section 182 of the Act requires the Secretary of state to issue guidance for licensing authorities on the discharge of their functions under the Act.
4. The licensing authority must have regard to the guidance issued by the Secretary of State under section 182 of the Act. The requirement is therefore binding on all licensing authorities to that extent.

However, it is recognised that the guidance cannot anticipate every scenario or set of circumstances that may arise and so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so.

When doing so, licensing Authorities will need to give full reasons for their actions. Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken. (*Guidance issued under section 182 of the licensing Act 2003 Para 2.3*)

### **Background**

5. The Licensing section has received a personal application made under section 117 of the Licensing Act 2003, which contains a relevant offence (Sec 15 Food Safety Act – Falsely describing food and drink).
6. In accordance with the Governments guidance notes (page 32) issued under section 182 of the Licensing Act 2003 by the Secretary of State; the Herefordshire Licensing Policy currently requires that an application for a personal licence with unspent relevant conviction shall in all cases be referred to the Licensing Sub Committee.
7. The application has been referred to the police for comment in accordance with section 120 (4); they have no comments to make.
8. Section 120(6) of the Act states that 'Where no objection is given within that period the authority must grant the licence'.
9. As a consequence of the government guidance and Herefordshire Council adopting this guidance within the policy, a Sub Committee would have to hear the case but would be unable to make any other decision than to grant the licence.
10. This would cost the Council unnecessary time and money to bring the report to the committee when the authority in this instance is legally bound to issue the licence.

### **Recommendation.**

**THAT the Licensing Policy be amended to allow Officers to determine personal applications that have unspent relevant convictions where there are no police objections in line with section 120(6) of the Licensing Act 2003.**

**THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**  
**LICENSING POLICY 2005-2008**

**1. Introduction and Overview**

- 1.1 The County of Herefordshire District Council (hereinafter “the Council”) is responsible for the licensing of licensable activities within Herefordshire. Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Licensing Act 2003 (hereinafter “the Act”). This policy document sets out the policies that the Council will apply when making decisions upon applications received for:
- a. the sale by retail of alcohol;
  - b. the supply of alcohol by or on behalf of a club to or to the order of a member of the club;
  - c. the provision of regulated entertainment; and
  - d. the provision of late night refreshment.
- 1.2 The Council will be issuing further guidance notes to support the Policy. These do not form part of the Policy but are intended as further guidance and information for the applicant.
- 1.3 The Policy takes into account Department of Culture, Media and Sport (DCMS) guidance to Local Authorities, Central Government’s alcohol harm reduction strategy and is consistent with Section 17 of the Crime and Disorder Act 1998 which requires the Local Authority to do all that it reasonably can to prevent crime and disorder within its locality. The policy is consistent with the Human Rights Act 1998, the Environmental Protection Act 1992, the Race Relations Act 1976, the Race Relations (Amendment) Act 2000, the Disability Discrimination Act 1995 and the Anti-social Behaviour Act 2003. The Licensing Authority will have due regard to other organisation’s policies and strategies which contribute to the four licensing objectives.
- 1.4 The Council has a duty under the Act to exercise its functions with a view to promoting the four licensing objectives, which are:
- a. the prevention of crime and disorder
  - b. public safety
  - c. the prevention of public nuisance; and
  - d. the protection of children from harm.

Without prejudice to other obligations imposed on it, it is the duty of the Authority to exercise it’s various functions with due regard to the likely affect of the exercise of those functions on, and the need to do all it reasonably can to prevent crime and disorder.

- 1.5 This policy is made after consultation with:
- a. The Chief Officer of Police;
  - b. The Hereford and Worcester Combined Fire Authority;
  - c. Bodies representing local holders of premises licences;
  - d. Bodies representing local holders of club premises certificates;
  - e. Bodies representing local holders of personal licences; and
  - f. Bodies representing bodies business and residents in the Council’s locality
  - g. The Primary Care Trust

- h. The Health Authority in Herefordshire
- i. The Ambulance Service
- j. The Herefordshire Community Safety Partnership
- k. Departments within the Herefordshire Council (e.g. Planning, Environmental Health, Public Health)

- 1.6 The purpose of this policy document is to assist both Officers and Members in arriving at decisions on particular applications, setting out those matters that will normally be taken into consideration. Additionally, the policy document seeks to provide clarity for applicants, residents and other persons interested in or occupying property to enable them to make plans to move, remain or invest in the communities of Herefordshire with some measure of certainty. Whilst the Council has produced this [to be adopted] policy, as the general approach to be taken in considering applications, the Council recognises that each application will always be considered on its individual merits and shall base this decision on the operating Schedule and Risk assessments provided by the applicant and consultation with interested parties.
- 1.7 The objective of the licensing process is to allow the carrying on of retail sales of alcohol and the provision of regulated entertainment in a way that ensures public safety and which is neither to the detriment of the residents, nor gives rise to loss of amenities. It is the Council's wish to facilitate well-run and well-managed premises with licence holders displaying sensitivity to the impact of their premises on local residents and the community.

## **2. Cumulative Impact**

- 2.1 The Council will assess the cumulative impact of licensed premises on the promotion of the licensing objectives set out in 1.4. It is important however that this issue is not confused with the perceived "need" for the premises which is a judgement relating to commercial demand for a particular public house, restaurant or similar venture. The issue of "need" is therefore a matter for planning consideration or for market forces to decide and does not form part of the licensing policy statement.
- 2.2 The Council may refuse individual licenses if representations are received from either a responsible authority or an interested party as defined in the Act. Licenses may also be refused if the cumulative impact of new licenses is leading to an area becoming saturated with premises of a particular type, making it a focal point for large groups of people to gather thus creating exceptional problems of disorder and/or nuisance which out weights the impact from the individual premises themselves. The Council cannot refuse correctly completed applications that meet legislative requirements unless relevant representations have been made. In all such cases the issue of cumulative impact can be taken into account when considering the individual merits of any application. See Annex One – Special Policy. The Council is currently considering representations from the West Mercia Police regarding Commercial Road. Should a cumulative impact policy be adopted, it is recognised that premises vary in style and nature and therefore, applications within the defined area will still be considered on their own merits.
- 2.3 Where representations are made by an interested party or responsible authority the Council will consider, inter alia:
- a. Identifying an area from which problems are arising and the boundaries of that area.

## LICENSING POLICY 2005-2008

- b. adopting a policy about future applications for premises within that area;
  - c. making an assessment of the causes; and
  - d. gathering evidence and identifying serious and chronic concern from a responsible authority or local residents about nuisance and disorder.
- 2.4 Where such representations are made, it shall be for the responsible authority or interested party making those representations to prove any assertion that the licensing of the premises concerned would cause the cumulative impact claimed.
- 2.5 The Council recognises the fact that licensing is not to be the sole or only means of addressing problems caused by unruly or anti-social behaviour. Other mechanisms include: -
- a. Planning controls;
  - b. powers of local authorities to designate areas prohibiting the consumption of alcohol in public places or through existing bylaws;
  - c. police powers to close premises or temporary events on grounds of disorder or likelihood of disorder or excessive noise;
  - d. the prosecution of personal licence holders who sell alcohol to customers who are drunk;
  - e. the powers of the police, local businesses or residents to demand a review of a licence
  - f. police enforcement of the law with regard to disorder and anti-social behaviour;
  - g. the powers of the Fire Service to close premises or temporary events in the interests of public safety; and
  - h. the powers of Environmental Health to close premises as a result of excess noise.
- 2.6 A special policy has been adopted for the Commercial Road area of Hereford City (see Appendix 1).

### **3. Relationship with the Planning Process**

- 3.1 All premises for which a licence is required must have a suitable authorised use under planning legislation. For example:
- a. "Use for the sale of food and drink for consumption on the premises or of hot food for consumption off the premises" (use Class A3);
  - b. Retail shop licensed for the sale liquor (use Class A1);
  - c. A hotel that has a restaurant or bar included in its authorised use (use Class C1).
  - d. Dance halls, bingo halls and casinos (use Class D2)
- 3.2 The Council's planning policies are set out in its Unitary Development Plan. Additionally, Government guidance in the form of planning policy guidance notes (PPG's), planning policy statements (PPS's) and regional planning policy guidance notes (RPG's) are relevant. The Council, as local planning authority, gives considerable weight to these policies in order to ensure consistency in decision-making.
- 3.3 Planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. This policy also states a commitment to avoid duplication with other regulatory schemes such as Health and Safety at Work.

## LICENSING POLICY 2005-2008

- 3.4 There is no legal basis for the Licensing Authority to refuse a licensing application because it does not have planning permission, however, the applicant would have to show compelling reasons why the premises should be considered for a licence.
- 3.5 Arrangements have been made for the Licensing Committee to receive, where appropriate, reports on the needs of the employment situation and local tourist economy for the area to ensure that these are reflected in their considerations
- 3.6 The Licensing Committee, where appropriate, will provide regular reports to the Planning Committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder. This is to ensure that the Planning Committee is fully informed whilst making decisions.

### **4. Licensing Hours**

- 4.1 The Council recognises that fixed licensing hours can lead to disturbance and disorder when large numbers of people leave licensed premises at or about the same time. Longer and more flexible licensing hours regarding the sale of alcohol may therefore be considered as an important factor in reducing the possibility of disorder and friction at late night fast food outlets, taxi ranks, bus stops and other areas where incidents of disorder and disturbance have historically occurred. With regard to shops, stores and supermarkets these will be free to provide the sale of alcohol for consumption off the premises only when the retail outlet is open for shopping unless a responsible authority or interested party can show cause why more stringent conditions should be imposed.
- 4.2 The Council in deciding whether to issue a licence will consider each application on its merit. However stricter conditions are likely to be imposed with regard to noise control in the case of premises situated in predominantly residential areas. The Council does not intend any form of "zoning" to be introduced. Research has shown this can lead to significant migration of people across zonal boundaries in search of premises, which remain open for longer hours.
- 4.3 When considering applications for premises licences, the Council will take into account applicant's requests for terminal hours in the light of:
- a. Environmental quality;
  - b. Residential impact and amenity;
  - c. The character and nature of a particular area;
  - d. The nature of the proposed activities to be provided at the premises.
- 4.4 The terminal hours will normally be approved where the applicant can show that the proposal would not adversely affect any of the above matters. The Council may set an earlier terminal hour where it considers this is appropriate to the nature of the activities and the amenity of the area and where appropriate representations are made.

### **5. Licensed Premises and Children**

- 5.1 The Council recognise that there are numerous and diverse premises for which licenses may be sought. Such premises may include cinemas, public houses, nightclubs, takeaway bars, community halls and restaurants. Access by children to all types of the premises will not be limited in any way unless it is considered necessary to do so in order to protect them from physical, moral or psychological harm. Whilst the Council will

## LICENSING POLICY 2005-2008

decide each application on its own individual merits, examples which might give rise to concern would include premises:

- a. Where alcohol sale and/or consumption is the primary or exclusive purpose;
- b. Where there has been a known association with drug taking or drug dealing;
- c. Where there is a strong element of gambling taking place;
- d. Where entertainment is provided of an adult or sexual nature;
- e. Where there have been convictions for the serving of alcohol to persons under the age of 18; and
- f. Where there is a reputation for under age drinking.

5.2 In the case of premises that are used for film exhibitions (such as cinemas) conditions will be imposed restricting access only to those who meet the required age limit in which any certificate granted by the British Board of Film Classification. Where a large number of children are likely to present on any licensed premises (e.g. for the showing of a film predominantly aimed at children or a pantomime) then conditions will be imposed requiring the presence of an appropriate number of adult staff to ensure public safety and the protection of children from harm. Suitable options for limiting access by children to licensed premises might include:

- a. A limit on the hours when children may be present;
- b. A limitation or exclusion when certain activities take place;
- c. The requirement to be accompanied by an adult;
- d. Access limited to parts of the premises, but not the whole; and
- e. An age limitation (for under 18).

5.3 The Council will not impose any condition to the effect that children must be admitted to any given premises. Admission, unless otherwise limited, will be at the discretion of those managing the premises.

5.4 The Council commends the Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks that seeks to ensure that drinks are packaged and promoted in a socially responsible manner.

5.5 The Council supports the Herefordshire Proof of Age Standards Scheme and other Proof of Age Standards Scheme (PASS) accredited systems.

### **6. Conditions of Licence**

6.1 The Council will enforce against Operation plans but recognises that it may be necessary for conditions to be imposed on any licence that is tailored to the individual style and characteristics of the premises and events concerned. Conditions attached to various licences will be focussed on matters that are within the control of individual licensees and others in possession of relevant authorisations. Accordingly, these matters will centre on the premises being used for licensable activities and the vicinity of those premises. The Council does not propose to implement standard conditions of licence uniformly across its area, but instead will draw upon a model pool of conditions issued by the DCMS and attach conditions as appropriate and following appropriate representations in accordance with the circumstances of each individual application. If no representations are made in connection with an application conditions cannot be imposed by the licensing authority that are over and above those tended by the applicant as contained within the operating schedule.

- 6.2 The Council will primarily focus on the direct impact of the activities taking place in the licenses premises. The model conditions will include, amongst other things, guidance issued surrounding crime and disorder; public safety; cinemas and fire safety; public nuisance and the protection of children from harm. Additional guidance notes detail which of the pool conditions may be imposed.

## **7. Enforcement**

- 7.1 The Council has already established joint inspections of premises together with the West Mercia Constabulary and the Hereford and Worcester Fire Authority. It is proposed to continue such inspections to ensure the prevention of crime and disorder and the safety of the public. Inspections will take place at the discretion of the Council and its partner agencies and resources will be concentrated on areas perceived as having the greatest need.
- 7.2 Protocols between the Police, the Fire Service and other licensing enforcement officers to deal with, amongst other things, enforcement issues, the visiting of licensed premises, and the sharing of information will be developed with West Mercia Police. All enforcement will be in line with the Environmental Health and Trading Standards Enforcement Policy and Enforcement Concordat.

## **8 Personal Licence**

- 8.1 The Licensing Act 2003 includes a regime for the granting of personal licences to individuals to supply, or to authorise the supply of alcohol. The personal licence is separate from the licence that authorises the premises to be used for the supply of alcohol. The licensing of individuals separately from the licensing of premises permits the movement of personal licence holders from one premise to another, allowing greater flexibility.
- 8.2 A personal licence does not authorise its holder to supply alcohol anywhere, but only from establishments or events with authorisation to supply alcohol in accordance with the premises licence or the temporary event notice. An individual may hold only one personal licence at any one time.
- 8.3 To qualify for a personal licence the applicant must fulfil certain criteria. The licensing authority must grant the licence if it appears that:
- a. the applicant is aged 18 or over;
  - b. no personal licence held by the applicant has been forfeited within the period of five years before making the application;
  - c. the applicant possesses an accredited licensing qualification, or is a person of prescribed description; and
  - d. the applicant has not been convicted of any relevant or foreign offence.
- 8.4 If the applicant fulfils all these criteria, the licence will be granted. If any of the first three criteria are not met, the licensing authority must reject the application. The licensing authority must notify the chief officer of police for its area if it appears that an applicant has been convicted of any relevant or foreign offence. If the police make no objections within a 14-day period, the licence must be granted.

## **9. Films**



- 9.1 No film shall be exhibited at any licensed premises, which is likely to:
- a. Lead to public disorder, or;
  - b. Stir up hatred or incite violence towards any section of the public on grounds of colour, race, ethnicity, or national origin, disability or religious beliefs, sexual orientation or gender.
- 9.2 If, in the opinion of the Council, a particular film in the opinion of the Council falls into any of the above categories, the Council may rule that it is not to be shown. The Council's decision is final in that respect.

**10. Live Music, Dancing and Theatre**

- 10.1 The Council recognises that in implementing its cultural strategy, proper account shall be taken of the need to encourage and promote live music, dancing and theatre for the cultural benefit of the wider community. Conditions imposed on relevant licences will not discourage the promotion of such entertainment, but will relate solely to the promotion of the licensing objectives.
- 10.2 The Council will monitor the impact of licensing on the provision of regulated entertainment, and particularly live music and dancing.

**11. Capacity**

- 11.1 The fire safety certificate should impose number restrictions for individual premises. The Council may impose conditions in relation to the maximum number of persons to attend premises where;
- a. It considers it to be necessary for the purpose of crime and disorder, and;
  - b. If the fire safety certificate was issued prior to any licence/activity taking place at the premises.
- 11.2 Should there be no fire certificate, the Council will impose a maximum number of persons to be on all premises where licensable activities are provided at any one time in order to promote the licensing objectives. The Council can only impose an occupancy figure following a relevant representation from a responsible authority.
- 11.3 Occupancy limits should be clearly stated in both Operating schedules and Risk assessments submitted as part of a licence application.

**12. Transport**

- 12.1 The Council will have regard to the policies and strategies as set out in the Local Transport Plan. Reporting arrangements to local authority transport committees will be made so that those committees may have regard to the need to disperse people from town and city centres swiftly and safely to avoid concentrations that produce disorder and disturbance.

**13. Complaints and Reviewing Licences**

- 13.1 In every case, the representations to review a licence must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives. Representations must be in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations that do not support or improve the case of the original representation may not be made at the hearing.
- 13.2 Representations may be made by a responsible authority such as the police or fire authority, or by an interested party such as a local resident's association, local business or trade association.
- 13.3 Where the request originates with an interested party, the Council will first consider whether the complaint made is not relevant, vexatious, frivolous or repetitious.
- (a) A representation is only relevant if it relates to the effect of the licence on the promotion of at least one of the licensing objectives. After a premises licence has been granted a complaint relating to general crime and disorder situations would generally not be considered unless it could be positively tied or linked by a casual connection to a particular premises.
  - (b) A vexatious bears its ordinary meaning in relation to representation. The Council will determine, on its merits, whether a representation by an interested party is vexatious.
  - (c) A frivolous representation are categorised by a lack of seriousness. A trivial complaint may not always be frivolous but it would have to be pertinent in order to be relevant. The Council will determine, on its merits, whether a representation by an interested party is frivolous.
  - (d) A repetitious representation is one that is identical or substantially similar to a ground for review specified in an earlier application for review, was considered when the premises licence was first applied for, has already been excluded by reason of an issue of a provisional statement or because a reasonable interval has not elapsed since the original application or previous review.
- 13.4 Reviews will be conducted in accordance with DCMS guidance. However, in accordance with the spirit of the act, the Council will seek to resolve issues.

**14. Applications**

- 14.1 Applications should be submitted in the prescribed manner. Full details required in applications will be covered by Government Regulations that are due to be issued in September 2004

**15. Fees**

15.1 The Council will not issue any licence until the appropriate prescribed fee in respect of the same has been paid to the Council.

**16. Scheme of Delegated Functions**

16.1 Committee Members can elect to go to full Committee at any time.

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		If a police objection	If no objections received
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated personal licence holder		If a police objection	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for Interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexations etc			All cases
Decision to object when local authority is a consultee and not the lead authority		All cases	
Determination of a police representation to a temporary event notice		All cases	

**17. Further Information**

For more information regarding licensing contact:

**Appendix One**

**Special Policy**

1. There is a concentration of licensed premises in the Commercial Road Area of Hereford City which are already causing a cumulative and detrimental impact on the following licensing objectives:
  - The prevention of crime and disorder
  - Public Safety
  - The prevention of public nuisance
2. The specific areas made the subject of this special policy are as follows:-
  - The full length of Commercial Road from its junction with Blueschool Street to its junction with Aylestone Hill.
  - 100 metres of Blueschool Street, West from its junction with Commercial Road.
  - 50 metres of Bath Street, East from its junction with Commercial Square.
  - 50 metres of Commercial Street, South from its junction with Commercial Square.
  - 50 metres of Union Street, South from its junction with Commercial Square.
3. The Council has a Special Policy of refusing new licences whenever it receives relevant representations about the cumulative impact that it concludes should lead to refusal.
4. These conclusions will be drawn from an evidential basis. Consideration of the adoption of a Special Policy include:
  - Identification of concern about crime and disorder and public nuisance;
  - Consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises, and if so identifying the area and the boundaries of the area from which the problems are arising; or that risk factors are such that the area is reaching a point where a cumulative impact is imminent.
5. The effect of this is to create a rebuttal presumption that applications for new premises or material variations will normally be refused if relevant representations to that effect are made unless it can be demonstrated that the operation of the premises will not add to the cumulative impact already being experienced. The Special policy does not relieve responsible authorities or interested parties of the need to make a relevant representation.
6. Special Policies will be reviewed regularly to assess if they are still needed or if they require expansion.

**KNOWLEDGE TEST - DUAL DRIVERS LICENCES -  
THE TOWN POLICE CLAUSES ACT 1847 AND LOCAL  
GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT  
1976**

**REPORT BY: Head of Environmental Health and  
Trading Standards**

### **Purpose**

1. To consider adopting a knowledge test as part of the application process for dual drivers licence applications.

### **Legislation**

2. Sections 51 & 59 of the Local Government (Miscellaneous Provisions) Act 1976 provide that a district council shall not grant a licence to drive a hackney carriage or private hire vehicle, unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence.
3. Section 57 of the 1976 Act provides that a district council may require any applicant for a licence to drive either a hackney carriage or private hire vehicle to supply such information as they may reasonably consider necessary to enable them to determine whether the licence be granted and whether conditions should be attached to any such licence.
4. Under the Town Police Clauses Act 1847 a district Council shall not grant a license to drive a Hackney Carriage or Private Hire Vehicle unless they are satisfied that the applicant is a "fit and proper" person to hold a drivers licence.

### **Background**

5. Currently there is no knowledge test for either new or existing drivers.
6. Herefordshire Council's Licensing Section has recently received more applications than in the past from applicants who live outside Herefordshire. Consequently there is some concern that the standard of service provided from the new dual drivers will fall during the period of familiarisation with the area.
7. The Licensing section has received four complaints from members of the public (three of which have been anonymous) who state that their journey has been prolonged due to the driver not knowing how to get to destinations by the shortest route.

8. A number of existing drivers have expressed concerns about new drivers not knowing the area, which they feel is affecting the reputation of their trade in Herefordshire.
9. Herefordshire's Taxi Steering Group have requested the introduction of a knowledge test for new and existing drivers.
10. Many District Councils now include a knowledge test as part of the application process. The neighbouring authorities to Herefordshire who run a knowledge test are: Wychavon, Gloucester, Worcester, Shropshire, Malvern Hills, Bromsgrove and Wyre Forest.
11. The proposed test has been based of the best examples of other authorities tests to suite the needs of this large Authority.
12. The introduction of the test will enhance the current level of service provided to residents and visitors, it is proposed that a knowledge test should apply to all existing and new drivers.
12. The Dual driver license is renewable annually therefore each year the local authority must determine whether the applicant is a fit and proper person and it is considered only fair and equitable to apply the test to all drivers. Existing drivers should already have a good appreciation of the area in which they work and the laws associated with their occupation and should not have any difficulty in passing the knowledge test.

### The Knowledge Test

13. The test itself will be divided into two parts, which will seek to establish the driver's knowledge of the area and locality and the laws concerned with licensed drivers, vehicles and operators. (Guidance notes for applicants – **Appendix 1**)
14. It is proposed the test will be in the following format and applied as follows:
  - (a) The test will comprise of a total of 20 questions, 10 for each part, each of which will have an individual pass mark of 80%. Both parts must be successfully completed at the same time to pass the test. (Examples of the questions are attached – **Appendix 2**).
  - (b) New drivers will not be granted a licence until they have successfully passed the test. A maximum of three attempts may be taken in any rolling 6 monthly period. Failure to pass the test within these terms will result in the application being referred to Regulatory for determination. (Score sheet - **Appendix 3**)
  - (c) Existing drivers will from the date of introduction of the test, be required within a period of two years to have undertaken and passed the test.
  - (d) The questions, which form the basis of the routes and road test, will be taken from a larger pool of questions, copies of which will be supplied to each candidate in advance of the test. Conditions and Byelaws will be supplied to the applicant at the time of application.
  - (e) Although not completely, the test will predominantly take the form of multiple choice.

- (f) There will be a charge of £10.00 for undertaking the test, although this will be waived for existing drivers at the point of the initial test. Thereafter, they will be required to pay.
- (g) The test will be held on a weekly basis at the Taxi Licensing Office, the day is yet to be determined but is proposed to be either a Tuesday or Thursday.
- (h) Arrangements and facilities will be put in place to assist any applicants with special needs in relation to literacy.
- (i) Officers will add and revise the questions when they consider it necessary.
- (j) Officers will revise the frequency of the test days as necessary.
- (k) Test results will be posted to avoid any possible conflict in the office.

## **Financial and Other Resources**

- 15. The Cost to the service in relation to printing and staff time will be covered by the £10 charge. The Local Government Miscellaneous Provisions Act 1976 s.53 allows the authority to charge such a fee as they consider it reasonable with a view to recovering the costs of issue and administration.
- 16. However the staff resources will have to be assessed to ensure the capability of the staff within the service is able to administer the tests.

## **Options**

It is for the Regulatory Committee to decide whether: -

- To allow the introduction of the knowledge test for new and existing drivers
- To allow the introduction of the knowledge test for new drivers only
- Not to allow the introduction of the knowledge test
- Reach some other decision

## Appendix 1

### GUIDANCE NOTES FOR DRIVERS

Applicants applying for the grant of a Dual Driver's Badge are required to sit and pass a knowledge and conditions test prior to a licence being granted. The fee to sit the test is £10.00, payable upon application.

Applicants applying for renewal of a Dual Driver's Badge are required to sit and pass a knowledge and conditions test within two years. The fee will be waived for the initial test, but thereafter, a £10.00 charge will be made.

The knowledge test consists of 20 questions from 3 categories (5 each from places of interest and roads and routes and 10 from the conditions/byelaws.

- A) Places of interest
- B) Roads and routes
- C) Conditions

You will be given the places of interest and roads and routes before the test. We recommend you obtain a detailed recent street map of Herefordshire. Maps can be purchased for under £5 in either WH Smith or the Hereford Map shop in Church Street. The majority of the test will pertain to the city centre itself; however, you may be tested on some of the local towns within the county (Leominster, Ross-On-Wye, Kington, Ledbury and Bromyard). The test will be done orally with the aid of a special street map which does not show the street names, an example of the map used is on display at the Taxi Licensing Office.

The conditions test consists of 10 multiple-choice questions, taken from a pool of 50. You will be given a copy of the conditions and byelaws before the test, when your application is made.

The test will take place at the Taxi Licensing Office in Blackfriars St. Hereford. Both the knowledge test and the conditions test should take no longer than 10 minutes each.

The pass mark is set at 80% and you will be allowed 3 attempts to pass the test. In the event of failure on the third attempt your application will be referred to the Regulatory Committee for determination. The results of your test will be posted to you within 3 working days of the test date.

You will be invited to attend your knowledge/conditions test by letter once your application has been lodged, alternatively if the application is made in person you can book your test in person. You may wish to specify your preferred time to sit the test when lodging your application. If you receive a letter advising you of a date and time, which is not convenient for you, you may contact the Taxi office to arrange a more suitable appointment.

There is paid parking available either side of the building at Merton Meadow car park and the rear of the multi-storey car park on Widemarsh Street, Hereford.

Here are some example questions from the knowledge test: -

- Either demonstrate on the map or describe how you would get from Hereford Train Station to Hereford Sixth Form College.



- Either demonstrate on the map or describe where Hinton Road is.

Here is an example question from the conditions test: -

- The second driver photo badge issued by the council should be: -
  - a) On the rear bumper of the vehicle
  - b) In the glove compartment of the vehicle
  - c) On the bonnet of the car
  - d) Visible to those being conveyed in the vehicle

Opening hours for personal callers is: Monday to Friday 9.30am – 4.30pm

Taxi Licensing Office  
14/15 Blackfriars Street  
Hereford  
HR4 9HS

Telephone (01432) 260973

## Appendix 2

### PLACES OF INTEREST

***Q: EITHER DEMONSTRATE ON THE MAP OR DESCRIBE HOW YOU WOULD GET FROM .....  
TO .....***

- |                                |                                   |
|--------------------------------|-----------------------------------|
| 1 HEREFORD LEISURE CENTRE      | 21 HEREFORD TRAIN STATION         |
| 2 TIME NIGHTCLUB               | 22 BUNCH OF CARROTS PUB           |
| 3 EDGAR STREET FOOTBALL GROUND | 23 QUEENSWOOD                     |
| 4 HEREFORD MARKS & SPENCERS    | 24 BISHOPS OF HEREFORD SCHOOL     |
| 5 HEREFORD SWIMMING BATHS      | 25 BROADLEYS PUB                  |
| 6 HEREFORD PC WORLD/CURRYS     | 26 WYVALE GARDEN CENTRE           |
| 7 BELMONT TESCO                | 27 ROTHERWAS INDUSTRIAL ESTATE    |
| 8 BROADLANDS PRIMARY SCHOOL    | 28 NATIONAL COLLEGE FOR THE BLIND |
| 9 FOXHUNTER PUB                | 29 SOUTH HEREFORD GARAGES         |
| 10 HEREFORD SAINSBURYS         | 30 HEREFORD CO-OP (LEOS)          |
| 11 HEREFORD ART COLLEGE        | 31 BELMONT ABBEY                  |
| 12 THREE COUNTIES HOTEL        | 32 HEREFORD CITY SPORTS CENTRE    |
| 13 HEREFORD POLICE STATION     | 33 AYLESTONE COURT HOTEL          |
| 14 HEREFORD LIBRARY            | 34 LEFTBANK VILLAGE               |
| 15 ST MICHAELS HOSPICE         | 35 HEREFORD COUNTY HOSPITAL       |
| 16 BROMYARD HOP POLE PUB       | 36 KINGTON CO OP                  |
| 17 ROSS COMMUNITY HOSPITAL     | 37 LEOMINSTER SOMMERFIELD         |
| 18 KINGTON LADY HAWKINS SCHOOL | 38 LEDBURY FEATHERS HOTEL         |
| 19 BROMYARD LEISURE CENTRE     | 39 ROSS-ON-WYE SOMMERFIELD        |
| 20 LEOMINSTER RAILWAY STATION  | 40 LEDBURY RUGBY CLUB             |

### **ROADS**

***Q: EITHER DEMONSTRATE ON THE MAP OR DESCRIBE WHERE.....IS.***

- |                   |                       |
|-------------------|-----------------------|
| 1 SEATON AVE      | 16 HOLME LACY RD      |
| 2 HAMPTON PARK RD | 17 HUNDERTON RD       |
| 3 KINGS ACRE RD   | 18 BRAMPTON RD        |
| 4 VENNS LANE      | 19 ABBOTSMEAD RD      |
| 5 NEWTOWN RD      | 20 HINTON RD          |
| 6 ROMAN RD        | 21 WALNUT TREE AVENUE |
| 7 LEDBURY RD      | 22 BULLINGHAM LANE    |
| 8 YAZOR RD        | 23 DORCHESTER WAY     |
| 9 COLLEGE RD      | 24 ST. MARTINS ST     |
| 10 GAOL ST        | 25 HOARWITHY RD       |
| 11 GRANDSTAND RD  | 26 NETHERWOOD RD      |
| 12 WESTFALING ST  | 27 STANBERROW RD      |
| 13 KINGSWAY       | 28 SOUTHOLME RD       |
| 14 WHITTERN WAY   | 29 WESTHOLME RD       |
| 15 BODENHAM RD    | 30 BLACKMARSTON RD    |

CONDITIONS TEST QUESTIONS**SECTION A - DRIVER CONDITIONS**

1. Which of the following is not permitted in the vehicle?
  - a) Guide dog
  - b) Smoking
  - c) Seatbelt
  - d) Radio
  
2. At all times, the driver should be: -
  - a) Talking
  - b) Lost
  - c) Clean and respectable in their dress
  - d) Wearing a uniform
  
3. Whilst on duty, the driver's badge should be: -
  - a) Worn in a visible place
  - b) In the glove box
  - c) In the boot
  - d) Kept in a safe place at home
  
4. If lost property is left in the vehicle, the driver should: -
  - a) Keep it
  - b) Leave it in the vehicle
  - c) Sell it
  - d) Return item(s) to a Taxi officer at the Council
  
5. Which of the following mobile phone accessories IS permitted under the Road Vehicles Regulation 2003?
  - a) Handset
  - b) Hands-free kit with wire
  - c) Bluetooth headset
  - d) Videophone
  
6. The second driver badge issued by the council should be: -
  - a) On the rear bumper of the vehicle
  - b) On the mantelpiece at home
  - c) On the bonnet of the car
  - d) Visible to those being conveyed in the vehicle
  
7. Which of the following should be kept in the vehicle at all times?
  - a) Evidence of insurance cover
  - b) First Aid kit
  - c) Fire extinguisher
  - d) All of the above
  
8. The maximum number of passengers to be carried is determined by: -
  - a) The passengers
  - b) The driver
  - c) The number specified in the licence/on the plate
  - d) The type of tyres on the vehicle
  
9. If customers have luggage, all drivers should: -

- a) Refuse to take the luggage
  - b) Carry a reasonable quantity of luggage
  - c) Afford reasonable assistance in loading and unloading
  - d) Options b) + c)
10. When transporting from A to B, the driver should: -
- a) Go as fast as they can
  - b) Take as many passengers as they can
  - c) Take the longest route possible
  - d) Not unnecessarily prolong the journey in time or distance
11. The driver shall notify the council in writing of: -
- a) Any conviction, motoring or criminal
  - b) Any change of contact details/address
  - c) Any serious illness or injury affecting their fitness to drive
  - d) All of the above
12. The plate must not be: -
- a) Concealed from the public view
  - b) Defaced
  - c) Illegible
  - d) All of the above
13. If the car is damaged and/or involved in an accident, the driver must: -
- a) Continue driving as normal
  - b) Not use the vehicle
  - c) Inform Licensing section and present vehicle for inspection if requested
  - d) Fix the car themselves
14. Who is responsible for children under 3 years of age to wear a seatbelt?
- a) Driver
  - b) Passenger
  - c) Parent
  - d) Police officer
15. Who is responsible for children aged 3-11 (and under 1.5m) to wear a seatbelt?
- a) Driver
  - b) Passenger
  - c) Parent
  - d) Police officer
16. Who is responsible for adult passengers wearing a seatbelt?
- a) Driver
  - b) Passenger
  - c) Parent
  - d) Police officer
17. If a customer wishes to make a complaint: -
- a) Listen to them but don't do anything about it
  - b) Advise them to refer their complaint to the Licensing section
  - c) Ignore them
  - d) Advise them to refer their complaint to trading standards
18. The issue of the Driver's badge is subject to: -

- a) DVLA check
  - b) Medical
  - c) CRB check
  - d) All of the above
19. Which of the following DOES NOT have the power to inspect a driver/vehicle?
- a) An officer nominated by the council
  - b) Police constable
  - c) An authorised officer
  - d) Parking attendant
20. Unless prior agreement has been made, when does the fare for each journey begin?
- a) When the hirer enquires with the driver
  - b) When the hirer enters the vehicle
  - c) When the engine starts
  - d) When the vehicle is in motion
21. Who decides whether animals (belonging to or in custody of the passenger) can be carried in a licensed vehicle?
- a) Passenger
  - b) Driver
  - c) Police
  - d) Council Officer
22. Which of the following are allowed to call out or influence a person (in any way which might reasonably be considered as an invitation) to travel in the vehicle for gain?
- a) Private hire driver
  - b) Hackney carriage drivers
  - c) Both hackney and private hire drivers
  - d) Neither hackney or private hire drivers
23. Which of the following are allowed to ply for hire on the designated ranks?
- a) Only private hire vehicles
  - b) Only hackney carriage vehicles
  - c) Both hackney and private hire vehicles
  - d) Neither hackney or private hire vehicles
24. Without the consent of the hirer, the driver shall not: -
- a) Carry any other person in the vehicle
  - b) Smoke in the vehicle
  - c) Tamper with the taximeter
  - d) Alter the specification of the vehicle from it's original form
25. When should the proprietor/driver of a licensed vehicle search the vehicle for any property, which may have been left therein?
- a) Never
  - b) Immediately or as soon as practicable after journey
  - c) Every week
  - d) Every month

**SECTION B – VEHICLE CONDITIONS**

1. Where should the licence plate be displayed?
- a) Securely fixed to the rear bumper
  - b) To the rear of the roof sign

- c) In the back window of the vehicle
  - d) Over the car licence plate
2. All vehicles must contain: -
- a) Spare tyre, jack and wheel brace
  - b) Fire extinguisher
  - c) First Aid kit
  - d) All of the above
3. Which of this ARE NOT required for the on-board First Aid kit?
- a) Swiss army knife
  - b) 10 x antiseptic wipes
  - c) 24 x sterile adhesive dressings (plasters)
  - d) Tuff-cut scissors
4. Authorised trailers can be used: -
- a) By any vehicle
  - b) By hackney carriages on the ranks
  - c) Only for private hire bookings
  - d) By people carriers only
5. Which frequency should all radio equipment be used on?
- a) 80 MHz
  - b) 140 MHz
  - c) 400 MHz
  - d) The frequency stipulated in the DTI licence
6. All drivers must maintain a reasonable standard of behaviour in their dealings with: -
- a) Council officers
  - b) Other drivers
  - c) General public
  - d) All of the above
7. What is the minimum number of doors a licensed vehicle can have?
- a) 2
  - b) 4
  - c) 5
  - d) 6
8. What colour should the front of the roof sign be on hackney carriages?
- a) Yellow
  - b) Red
  - c) Green
  - d) Blue
9. What colour should the rear of the roof sign be on a hackney carriage?
- a) Yellow
  - b) Red
  - c) Green
  - d) Blue

10. What is the minimum width of the roof sign?
- a) 600 mm
  - b) 800 mm
  - c) 1000 mm
  - d) 1200 mm
11. Which one of the following is compulsory for private hire vehicles?
- a) Sign showing operator details
  - b) Roof signs
  - c) Door signs
  - d) No-smoking notices
12. Which of the following IS NOT needed in or on the vehicle at all times?
- a) Certificate of compliance
  - b) Copy of current insurance
  - c) Taxi licence plate
  - d) Driver badge
13. Which of the following conditions DO NOT apply to mini buses or 8-seater private hire vehicles?
- a) All emergency doors must be clearly identifiable and marked "Emergency Exit"
  - b) All steps at entrances and exits must be illuminated or have clearly visible floor markings
  - c) The vehicle must have at least 3 doors to the rear of the driver for exclusive use of passengers
  - d) All doors must be capable of being opened from the inside when locked from the outside

**SECTION C – BYELAWS**

1. Who is able to alter the meters?
- a) Driver
  - b) Vehicle proprietor
  - c) An engineer
  - d) Authorised agent for meter company
2. What must the driver do when arriving at a rank that is full?
- a) Park behind the queue and wait for a space
  - b) Park on double yellow lines until a space is available
  - c) Pull in opposite the rank and wait for a space
  - d) Proceed to another rank

**Appendix 3**

**SCORESHEET**

NAME..... DATE.....

DRIVER # (IF APPLICABLE).....

OFFICERS PRESENT .....

.....

PLACES OF INTEREST (FROM...TO.....)	CORRECT	INCORRECT
1.		
2.		
3.		
4.		
5.		

ROADS	CORRECT	INCORRECT
1.		
2.		
3.		
4.		
5.		

CONDITIONS	CORRECT	INCORRECT
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

SCORE.....

PASS / FAIL



Document is Restricted



Document is Restricted

