

A G E N D A

Regulatory Committee

Date: **Tuesday, 20th March, 2007**

Time: **2.00 p.m.**

Place: **The Council Chamber,
Brockington, 35 Hafod Road,
Hereford**

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

For any further information please contact:

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**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 H. Bramer, Mrs. S.P.A. Daniels, G.W. Davis, D.J. Fleet,
J.W. Hope MBE, T.W. Hunt, G. Lucas, J.W. Newman, R. Preece and P.G. Turpin

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY) To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4. MINUTES To approve and sign the Minutes of the meeting held on 30th January, 2007.	1 - 6
5. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH MM3 (PART) IN THE PARISH OF MUCH MARCLE To consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of footpath MM3 in the parish of Much Marcle. Ward: Old Gore	7 - 10
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| 10. | DELEGATION OF SMALL LOTTERIES REGISTRATION SCHEDULE 11, PART 5 - GAMBLING ACT 2005. | 29 - 30 |
| | To consider whether to delegate the Committee's function under Schedule 11, Part 5, Paragraph 44 of the Gambling Act 2005 in respect of Small Society Lotteries. | |
| 11. | REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE, DRIVER AND OPERATOR CONDITIONS. IMPLEMENTATION OF A TAXI LICENSING POLICY AND PENALTY POINT SCHEME. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, TOWN POLICE CLAUSES ACT 1847 | 31 - 86 |
| | To consider implementing revised licence conditions. | |
| 12. | PROCEDURAL ARRANGEMENTS | 87 - 88 |
| | To note the procedural arrangements for the meeting. | |
| 13. | VEHICLE CONDITIONS ATTACHED TO A SPECIALIST HACKNEY CARRIAGE VEHICLE (PEDI CAB) TOWN POLICE CLAUSES ACT 1847 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 | 89 - 102 |
| | To consider the conditions to be attached to a specialist Hackney Carriage Vehicle in respect of two Pedi Cabs. | |

EXCLUSION OF THE PUBLIC AND PRESS

In the opinion of the Proper Officer, the following items will not be, or are likely not to be, open to the public and press at the time they are considered.

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

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|---|-----------|
| 14. APPLICATION FOR DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 | 103 - 106 |
| <p>To determine whether an applicant is a 'fit and proper person' to hold a dual drivers licence.</p> | |
| 15. APPLICATION FOR DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 | 107 - 110 |
| <p>To determine whether an applicant is a 'fit and proper person' to hold a dual drivers licence.</p> | |
| 16. APPLICATION FOR DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 | 111 - 114 |
| <p>To determine whether an applicant is a 'fit and proper person' to hold a dual drivers licence.</p> | |
| 17. APPLICATION FOR DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 | 115 - 118 |
| <p>To determine whether an applicant is a 'fit and proper person' to hold a dual drivers licence.</p> | |
| 18. ADDITIONAL MEETING | |
| <p>To note that an additional meeting of the Committee has been arranged for Tuesday 10th April, 2007</p> | |

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Regulatory Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday, 30th January, 2007 at 2.00 p.m.

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

Councillors: H. Bramer, Mrs. S.P.A. Daniels, G.W. Davis, D.J. Fleet, J.W. Hope MBE, T.W. Hunt, G. Lucas and R. Preece

In attendance: Councillor J Stone

76. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors JW Newman and PG Turpin.

77. NAMED SUBSTITUTES (IF ANY)

There were no substitutions present at the meeting

78. DECLARATIONS OF INTEREST

Councillor R Preece declared a personal interest in Agenda item 12 – Application for dual hackney carriage & private hire drivers licence – Local Government (Miscellaneous Provisions) Act 1976

79. MINUTES

The Licensing Officer referred to minute No 66 – Alcohol consumption in public places, designation of Public Places in Hereford and said that two locations had been inadvertently omitted from the schedule in the report in respect of Ledbury. The Committee decided that these should be added to the Order

RESOLVED: That

- (i) **the Minutes of the meeting held on 28th November, 2006 be approved as a correct record and signed by the Chairman; and**
- (ii) **New Street (from its junction with Woodleigh Road to its junction with High Street; and The Southend (from its junction with High Street to its junction with Mabels Furlong be added to the Order designating those areas as public places for the purposes of section 13 of the Criminal Justice and Police Act 2001**

80. HIGHWAYS ACT 1980, SECTION 119, PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH LW4 (PART) IN THE PARISH OF LLANWARNE

A report was presented by the Public Rights of Way Manager about an application under the Highways Act 1980, Section 119, to make a Public Path Diversion Order to divert part of footpath LW4 in the parish of Llanwarne. He explained the events which had given rise to the application and the legal requirements which the applicants needed to fulfil in respect of land ownership before an Order could be

made. He reminded the Committee that at its meeting on 31st January, 2006 it had been decided to defer a decision on the application for a period of six months to allow the applicants further time to resolve the outstanding issues. Despite some attempts by the applicants to resolve the matter, no further progress had been made in obtaining landowner consent for the diversion. He also said that the applicants had failed to confirm that they would indemnify the Council against any possible claim for compensation in respect of land ownership if an Order was made. Because neither requirement had been fulfilled, the applicants had been informed that it would be recommended to the Committee that it be rejected.

Councillor GW Davis, the Local Ward Member, said that he had discussed the matter with the applicants who had said that the diversion route had been in existence and used regularly since the latter half of the 1980s. He said that a 3m strip had been retained for the diverted route when the land had been sold at that time. He had enquired about the possibility of a Modification Order being made regarding the diverted route. The rights of Way Manager said that there were still the compensation issues which the Council needed to be indemnified for although it may be possible for the route to become established under different legislation after it had been in place for twenty years. Having considered all the aspects of the application, the Committee decided that the matter should be deferred for further investigation.

RESOLVED:

that consideration of the application be deferred for further investigation to be made about whether the revised route of Footpath LW4 (part) Llanwarne could be deemed to be in existence after twenty years.

81. HIGHWAYS ACT 1980, SECTION 119, PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH LV46 GOLDEN VALLEY SOUTH (PART) IN THE PARISH OF LLANVEYNOE

The Rights of Way Manager presented a report about an application for a Public Path Diversion Order to divert part of Footpath LV46 Llanveynoe, under Section 119 of the Highways Act 1980. He advised that the application had been made to move the footpath out of the applicants garden for privacy and security. The proposal had general agreement from those consulted at the time although there were implications for an adjoining landowner whose consent had not been obtained. The applicant had agreed to pay for advertising and to reimburse the Council's costs incurred in making the Diversion Order but when the officers attempted to progress matters, no further replies were received to correspondence to him. Further investigation revealed that the local parish council believe that he has left the area and that the property seems to be infrequently lived in, if at all and a check with the Land Registry had revealed that the land was unregistered. In view of these circumstances the Committee agreed with the course of action suggested by the Rights of Way Manager that the diversion order should not be made.

RESOLVED:

that a Public Path Diversion Order be not made under Section 119 of the Highways Act 1980 in respect of footpath LV46 (part), as illustrated on drawing D262/244-46 and that the application is rejected.

82. APPLICATION FOR AN AMUSEMENT WITH PRIZES MACHINES PERMIT FOR OVER TWO MACHINES - SECTION 34 THE GAMING ACT 1968

A report was presented by the Licensing Manager about an application for an Amusements With Prizes Permit for three gaming machines at The Grandstand, Grandstand Road, Hereford. She said that responsibility for issuing such permits to pubs and other alcohol-licensed premises was transferred to licensing authorities in November 2005 under the provisions of the Licensing Act 2003 and subsequently the Gambling Act 2005. Green King Brewing & Retail Ltd of Westgate Brewery, Bury St, Edmonds, Suffolk had applied for a permit for three gaming machines. The Committee had previously endorsed a process where applications for two machines could be dealt with by the Licensing Officers but that applications for more than two should be brought before it. The applicant had not previously been issued with a permit although the premises had previously been issued with a permit for three machines by the Clerk to the Licensing Justices when under different management. The police had been consulted and had no objections to the application.

Having considered all the facts about the application, the Committee had some concerns about the location of the machines and the way in which they would be supervised to ensure that the requirements of the Gambling Act 2005 were met. It was therefore decided that a site inspection should be held.

RESOLVED:

that consideration of the application be deferred for a site inspection to be made of the premises.

83. 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.

84. HACKNEY CARRIAGE AND PRIVATE HIRE REQUEST FROM JOHN WHEADON (CITY TAXIS) TO DEVIATE FROM STANDARD CONDITION 1.1 (NEW HACKNEY VEHICLE LICENCE). TOWN POLICE CLAUSES ACT LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Manager presented a report about a request from Mr J Wheadon, a hackney carriage and private hire proprietor, for three saloon cars with wheelchair friendly swivel front passenger seats to be licensed as hackney carriages, contrary to condition number 1.1 in the Council's vehicle licence conditions. She said that the condition had been introduced in 2001 to limit the increase in numbers of hackney carriages following de-regulation and to meet the requirements of the Disability Discrimination Act (DDA). The Committee noted that under Section 32 of the DDA the Secretary of State had the power to make regulations to ensure that disabled persons could enter and leave taxis safely and comfortably whilst remaining in their wheelchairs. It was also noted that the Council had been identified as a first phase Local Authority which meant that the provisions of the DDA 1995 would be introduced between 2010 and 2020. Following this, licences could only be granted for hackney carriages which were wheelchair accessible. The Principal Lawyer advised the Committee of recent court cases which had reinforced the need for Local Authorities to ensure that the hackney carriages they licensed could provide easy access for those who wished to remain in their wheelchairs.

Mr Murphy spoke on behalf of the applicant Mr Wheadon and said that there was some resistance from user groups to all the licensed hackney carriages being purpose built vehicles to accommodate persons in wheelchairs. He felt that these

vehicles had to have the wheelchairs secured in a way that they often had to face backwards and passengers found them uncomfortable, particularly if having to travel some distance into a rural area. The vehicles put forward by Mr Wheadon offered a more flexible and comfortable option for passengers who were not fully mobile yet did not need to travel in their wheelchairs.

In answer to a question from Councillor JW Hope, the Licensing Officer said that some 17% of the hackney carriages licensed by the Council were wheelchair accessible and that she often received complaints that there were not enough available to cater for the demand at peak times.

Having considered all of the facts put forward by the Licensing Officer, the applicant and his representative, the Committee decided that it would be unwise to permit the request in view of the requirements of the DDA and in the interests of the public who needed to use hackney carriages. It was noted that there was nothing to prevent the vehicles being licensed as private hire vehicles because they did not have the same licensing conditions as hackney carriages.

RESOLVED THAT

An application from Mr J Wheadon for three saloon cars with the disabled friendly swivel front passenger seats to be licensed as hackney carriages be refused.

EXCLUSION OF THE PUBLIC AND PRESS

In the opinion of the Proper Officer, the following items will not be, or are likely not to be, open to the public and press at the time they are considered.

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

85. APPLICATION FOR DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Officer referred to agenda item No. 10 and provided the Committee with the circumstances which had given rise to an application for a dual Hackney Carriage/Private Hire driver's licence being referred to the Committee. The Committee decided to take into consideration the applicant's spent and unspent convictions. The applicant provided the Committee with details of the circumstances which had given rise to his convictions, his character since then and the reasons why he felt that he should be granted a licence.

Having considered all of the facts put forward by the Licensing Officer and the applicant, the Committee decided that he was not a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that the application should be refused.

86. APPLICATION FOR DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Officer referred to agenda item No. 11 and provided the Committee with the circumstances which had given rise to an application for a dual Hackney Carriage/Private Hire driver's licence being referred to the Committee. The Committee decided to take into consideration the applicant's spent and unspent convictions. The applicant provided the Committee with details of the circumstances which had given rise to his conviction, his character since then and the reasons why he felt that he should be granted a licence.

Having considered all of the facts put forward by the Licensing Officer and the applicant, the Committee decided that he was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that the Licence should be granted.

87. APPLICATION FOR DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Officer referred to agenda item No. 12 and said that the applicant had decided to withdraw his application.

The meeting ended at 3.30 p.m.

CHAIRMAN

HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH MM3 (PART) IN THE PARISH OF MUCH MARCLE

Report By: Public Rights of Way Manager

Wards Affected:

Old Gore

Purpose

To consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of footpath MM3 in the parish of Much Marcle.

Considerations

1. The application was made on 20th March 1998, by Mr. T. Weston, of H. Weston & Sons Cider Ltd., who is the landowner. The reasons for the application are to take the path out of the Weston's cider factory and provide a safer route for users.
2. A recent planning application (DCSE2006/3252/F) for the erection of a new loading bay, located across the footpath, is currently under consideration. However, it would not be possible to divert the footpath under the Town & Country Planning Act 1990 due to the extent of the proposal. Further, a building cannot be constructed over a highway maintainable at public expense unless a licence is granted by the highway authority to permit such a construction (s. 177, Highways Act 1980). Due to the nature of the activities associated with a loading bay, and the consequent potential for interference with the convenience of people using the footpath, a licence would not be issued.
3. The Council has carried out pre order consultation. The statutory undertakers and Much Marcle Parish Council raised no objections to the proposed route. The local member, Cllr John Edwards, has been consulted and supports the application.
4. A series of discussions have taken place with the Ramblers' Association, the Open Spaces Society, and the applicant, over the proposed diversion route. Both the Open Spaces Society and the Ramblers' Association preferred a route to the east of the factory, however; the landowner is not in favour of this proposal. On inspection it was felt that the route put forward by the user groups was inferior to that put forward by the applicant in terms of views, there is a large bund supporting the factory, and safety, the exit point onto the county road (C1262) has impaired visibility for crossing. Both user groups also stated that they would object to any proposal that lead to any additional walking along the county road (C1262) to join the footpath from neighbouring footpath MM11. This proposal meets their concerns on this matter.
5. Following a site visit, a series of measures have been agreed with the applicant to provide a route between the two county roads (C1262 and C1294) that provides new gates to replace existing stiles, clear separation of the footpath from the industrial activities of the factory, and new ditch crossings. The applicant has also agreed to

carry out any drainage work required should a section of the proposed route be prone to waterlogging.

6. The applicant has agreed to pay for advertising and to reimburse, in full, the Council's costs incurred in making the diversion order.
7. The proposed diversion meets the specified criteria as set out in section 119 of the Highways Act 1980 in that:
 - The proposal benefits the owner of the land crossed by the existing path.
 - The proposal does not alter the point of termination of the paths.
 - The proposal is not substantially less convenient to the public.
8. It is the view of the Public Rights of Way Manager that the proposal has considerable advantages over the current situation. The proposed route will improve safety for users of the path, better enable Weston's to carry out development works and provides an improved amenity for walkers.

Alternative Options

Under Section 119 of the Highways Act 1980 the Council has the power to make diversion orders. It does not have a duty to do so. The Council could reject the application on the grounds that it does not contribute sufficiently to the wider ambitions and priorities of the Council.

Risk Management

There is a risk that the Order will be opposed, particularly considering the fact that both the Ramblers' Association and the Open Spaces Society have stated their reservations about the proposal. This could lead to additional demand on existing staff resources.

Consultees

- Prescribed organisations as per annexe E of Department of the Environment Circular 2/93.
- Local Member – Cllr. J Edwards.
- Much Marcle Group Parish Council.
- Statutory Consultees

Recommendation

That a Public Path Diversion Order is made under Section 119 of the Highways Act 1980, as illustrated on drawing number: D319/277-3(iv).

Appendices

Order Plan, drawing number: D319/277-3(iv).

TO CONSIDER WHETHER TO RESOLVE NOT TO ISSUE CASINO PREMISES LICENCES IN ACCORDANCE WITH SECTION 166 – GAMBLING ACT 2005.

Report By: HEAD OF ENVIRONMENTAL HEALTH AND TRADING STANDARDS

Wards Affected:

County-wide

Purpose:

1. For the committee to consider whether they wish to resolve not to issue casino premises licences in accordance with Section 166 – Gambling Act 2005.

Law:

2. Section 166 – Gambling Act 2005 makes provision for this and is reproduced below:-
 - 1) *A licensing authority may resolve not to issue casino premises licences.*
 - 2) *In passing a resolution under subsection (1) a licensing authority may have regard to any principle or matter.*
 - 3) *A resolution under subsection (1) –*
 - (a) *must apply to the issue of casino premises licences generally,*
 - (b) *must specify the date on which it takes effect,*
 - (c) *may be revoked by a further resolution, and*
 - (d) *shall lapse at the end of the period of three years beginning with the date on which it takes effect (without prejudice to the ability to pass a new resolution).*

Background:

3. This authority has previously advised the Department of Culture Media and Sport (DCMS), that it did not wish to be considered as a location for one of the seventeen casinos proposed.
4. Although the DCMS have recently announced the location of the seventeen proposed casinos and no further licences can be issued at this time, there is a possibility that this number could be increased in the future.

Options

5. There are two options available to the Committee:
 - a) To pass the resolution thereby resolving not to issue any casino premises licences in accordance with Section 166 Gambling Act 2005.
 - b) To refuse to pass the resolution thereby making it permissible for casino premises licences to be issued judged on their own merits, subject to the Gaming Commission approval.

DELEGATION OF LICENSING AUTHORITY FUNCTIONS IN ACCORDANCE WITH SECTION 152 – GAMBLING ACT 2005.

**Report By: HEAD OF ENVIRONMENTAL HEALTH AND TRADING
STANDARDS**

Wards Affected:

County-wide

Purpose:

1. For the committee to consider whether they wish to delegate its function under Section 152 to a Licensing Sub-Committee and in certain circumstances to an officer.

Law:

2. Section 2 – Gambling Act 2005 states that the ‘ a district council is a Licensing Authority.
3. Section 154 of the Act ‘Delegation of Licensing Authority Functions’ states: -
 - (1) The functions under this Part of a licensing authority in England and Wales are by virtue of this subsection delegated to the licensing committee of the authority established under section 6 of the Licensing Act 2003.

Section 6 of the Licensing Act 2003 states: -

Each licensing authority must establish a licensing committee consisting of at least ten, but not more than fifteen, members of the authority.

4. In the case of Herefordshire Council the Licensing Committee is the Regulatory Committee.
5. Guidance issued by Department of Culture Media & Sport (DCMS) in respect of Section 154 states that: -

Decisions that are delegated to the licensing committee may be further delegated to a sub-committee of the licensing committee, except

- a resolution not to issue casino licences, which must be taken by the whole authority
- functions in relation to the three-year licensing policy, which must be taken by the whole authority; and
- setting fees (to the extent that a licensing authority has delegated power in relation to fees). The licensing authority can delegate decisions to the licensing committee, but there is no automatic delegation, so each authority must decide its approach to setting fees.

Decisions that are delegated to a licensing sub-committee, may be further delegated to an officer of the authority; except that the following decisions may not be made by an officer (i.e. they must be made by either the sub-committee or the licensing committee): -

- determination of an application for a premises licence where representations have been made and not withdrawn;
- determination of an application for variation of a premises licence where representations have been made and not withdrawn;
- determination of an application for transfer, following representations by the Commission;
- determination of an application for a provisional statement where representations have been made and not withdrawn; and
- determination of a review of a premises licence.

A summary table has been prepared by DCMS showing the delegations permitted (Appendix 1).

Options

5. There are three options available to the Committee:
 - a) To delegate the responsibilities as shown in the table (Appendix 1)
 - b) To amend the table in to reflect different levels of authority and then agree it
 - c) To refuse to delegate the authority thereby requiring all applications to be dealt with by the Regulatory Committee.

APPENDIX 1

Summary of licensing authority delegations permitted under the Gambling Act

Matter to be dealt with	Full Council (Regulatory Committee)*	Sub-committee of licensing committee	Officers
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations have been received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections 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	

* Under Section 154 of the Gambling Act 2005 the Full Committee in the case of Herefordshire Council is the Regulatory Committee.

TO CONSIDER THE ISSUING OF A STATEMENT OF PRINCIPLES IN RESPECT OF FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS: SCHEDULE 10, PARAGRAPH 7 – GAMBLING ACT 2005.

Report By: HEAD OF ENVIRONMENTAL HEALTH AND TRADING STANDARDS

Wards Affected:

County-wide

Purpose:

1. For the committee to consider whether they wish to issue the following statement of principles in respect of Family Entertainment Centres.

Law:

2. The Gambling Act 2005 Section 247 allows the Licensing Authority to grant permits in respect of Family Entertainment Centres in respect of Gaming Machines falling with Category D. (Machines of Category D are defined as having a maximum stake of 10p or 30p when there is a non-monetary prize and with a maximum prize of £5 cash or £8 non-monetary prize).
3. Applicants will be able to apply for a Family Entertainment Centre Gaming Machine Permit which will authorise a premise for an unlimited number of Category D machines, without the need for a premises licence.
4. However if the premise does hold a premises licence then they will permitted to have any number of Category C and D machines, subject to them comply with any conditions under the act in respect of Category C machines. (Category C Machines are defined as having a maximum stake of 50p and a maximum prize of £25.)
5. Schedule 10 of the Gambling Act 2005 Act makes further provisions under Paragraph 7 in respect of Family Entertainment Centre Gaming Machine Permits and states: -
 - (1) *A licensing authority may prepare a statement of principles that they propose to apply in exercising their functions under this Schedule.*
 - (2) *A statement under sub-paragraph (1) may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of an applicant for a permit.*
 - (3) *In exercising their functions under this Schedule a licensing authority-*
 - (a) need not (but may) have regard to the licensing objectives, and*
 - (b) shall have regard to any relevant guidance issued by the Commission under section 25.*
6. The act states that 'A licensing authority may not attach conditions to a permit'

Proposed Statement in Respect of Family Entertainment Centre Gaming Machine Permit:

7. The proposed statement is attached as Appendix 1.

Options

8. There are number of options available to the Committee:
 - a) To agree the proposed 'Statement of Principles' as presented.
 - b) To amend the proposed 'Statement of Principles' and then agree the amended version.
 - c) To reject the proposed 'Statement of Principles'. This would result in no criteria applying to an application for 'Unlicensed Family Entertainment Centres'.

The Gambling Act 2005

Statement of Principles in Respect of Family Entertainment Centre Gaming Machine Permits.

- 1.1 Herefordshire Council is the licensing authority for Herefordshire.
- 1.2 The Act requires the council, as licensing authority, to aim to permit the use of premises for gambling in so far as the authority think it:
- in accordance with a relevant code of practice
 - in accordance with any relevant guidance issued by the Gambling Commission
 - reasonably consistent with the licensing objectives and
 - in accordance with the licensing authority policy issued under the Act.
- 1.3 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.

2. Purpose of this document

- 2.1 This document has been prepared to assist persons considering making an application for an unlicensed family entertainment centre (UFEC) gaming machine permit under the Gambling Act 2005.
- 2.2 In respect of UFEC gaming machine permits the statement has been prepared in accordance with Paragraph 7 of Schedule 10 of the Act. The statement should be read in conjunction with 'Gambling Act 2005 – Statement of Principles'.
- 2.3 The purpose of the document is to clarify measures that the council will expect applicants to demonstrate when applying for a permit so the council can determine the suitability of the applicant and the premises for a permit.
- 2.4 Within this process the council will aim to grant the permit where the applicant is able to demonstrate that:
- they are a fit and proper person to hold the permit
 - they have considered and are proposing suitable measures to promote the licensing objectives and
 - they have a legal right to occupy the premises to which the permit is sought.
- 2.5 The measures suggested in this document should be read as guidance only and the council will be happy for applicants to suggest measures above and beyond those listed in the document and or to substitute measures as appropriate.
- 2.6 The Licensing Authority will expect holders of UFEC permits to comply with this 'Statement of Principles' during the period of the permit.

- 2.7 The Act does allow for refusal of renewals of permits where the renewal would not be reasonably consistent with pursuit of the licensing objectives.
- 2.8 This ‘Statement of Principles’ will be reviewed as and when required and in any case every 3 years.

3. Unlicensed family entertainment centres

- 3.1 The term ‘unlicensed family entertainment centre’ is one defined in the Act and refers to a premises which provides category D gaming machines along with various other amusements such as computer games and penny pushers. The premises is ‘unlicensed’ in that it does not require a premises licence but does require a permit to be able to provide its category D gaming machines. It should not be confused with a ‘licensed family entertainment centre’ which does require a premises licence because it contains both category C and D gaming machines.
- 3.2 UFECs will be most commonly located at seaside resorts, in airports and at motorway service centres, and will cater for families, including unaccompanied children and young persons.
- 3.3 The council will only grant a UFEC gaming machine permit where it is satisfied that the premises will be operated as a bonafide unlicensed family entertainment centre.
- 3.4 In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in this “Statement of Principles” have been addressed through the application.
- 3.5 Applicants only need to address the “Statement of Principles” when making their initial applications and not at renewal time. (Permits are granted for a period of ten years.)

4. Supporting documents

- 4.1 The council will require the following supporting documents to be served with all UFEC gaming machine permit applications:
- proof of age (a certified copy or sight of an original birth certificate, driving licence, or passport – all applicants for these permits must be aged 18 or over)
 - proof that the applicant has a full understanding of the maximum stakes and prizes of the gambling that is permissible
 - evidence to support that staff are trained to have a full understanding of the maximum stakes and prizes
 - proof that the applicant has the right to occupy the premises. Acceptable evidence would be a copy of any lease, a copy of the property’s deeds or a similar document
 - an enhanced criminal record check. (this should be no greater than one month old.) This will be used to check that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act.)
 - evidence that the machines to be provided are or were supplied by a legitimate gambling operator who holds a valid gaming machine technical operating licence issued by the Gambling Commission
 - A plan of the premises to which the permit is sought showing the following items:

- ✓ the boundary of the building with any external or internal walls, entrances and exits to the building and any internal doorways
- ✓ where any category D gaming machines are positioned and the particular type of machines to be provided (eg. slot machines, penny falls, cranes)
- ✓ the positioning and types of any other amusement machines on the premises
- ✓ the location of any fixed or semi-fixed counters, booths or offices on the premises whereby staff monitor the customer floor area
- ✓ the location of any ATM/cash machines or change machines
- ✓ the location of any fixed or temporary structures such as columns or pillars
- ✓ the location and height of any stages in the premises; any steps, stairs, elevators, balconies or lifts in the premises
- ✓ the location of any public toilets in the building.

(Unless agreed with the council, the plan should be drawn to a standard scale with a key showing the items mentioned above. The standard scale is 1:100)

5 Child protection issues

5.1 The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The council will assess these policies and procedures on their merits, and they should (depending on the particular permit being applied for) include appropriate measures / training for staff as regards the following:

- maintain contact details for any local schools and or the education authority so that any truant children can be reported
- employ policies to address the problems associated with truant children who may attempt to gain access to the premises and gamble when they should be at school
- employ policies to address any problems that may arise during seasonal periods where children may frequent the premises in greater numbers, such as half terms and summer holidays
- maintain information at the premises of the term times of any local schools in the vicinity of the premises and also consider policies to ensure sufficient staffing levels during holiday periods
- display posters displaying the 'Child Line' phone number in discreet locations on the premises E.g. Toilets
- maintain an incident register of any problems that arise on the premises related to children such as children gambling excessively, truant children, children being unruly or young unaccompanied children entering the premises. (The register should be used to detect any trends which require attention by the management of the premises.)
- ensure all young children are accompanied by a responsible adult. Maintain policies to deal with any young children who enter the premises unaccompanied
- enhanced criminal records checks for all staff who will be working closely with children.

NB: Any supporting evidence of the above measures eg. training manuals or other similar documents/written statements should be attached to the application.

6 Protection of vulnerable persons issues

6.1 The council will expect the applicant to show that there are policies and procedures in place to protect vulnerable persons. Applicants should refer to the section in the council's 'Gambling Act 2005 - Statement of Licensing Policy' to familiarise themselves with who the council considers vulnerable. The council will assess these policies and procedures on their merits, however, they should include appropriate measures / training for staff as regards the following:

- display Gamcare helpline stickers on all gaming machines
- display Gamcare posters in prominent locations on the premises
- training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable
- consider appropriate positioning of ATM and change machines. (including the display of Gamcare stickers on any such machines.)

NB: Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.

7 Other miscellaneous issues

7.1 The applicant should also be mindful of the following possible control measures to promote the three licensing objectives:

- maintain an effective CCTV system to monitor the interior and exterior of the premises
- keep the exterior of the premises clean and tidy
- ensure that external lighting is suitably positioned and operated so as not to cause nuisance to neighbouring or adjoining premises
- consider the design and layout of the outside of the premises to deter the congregation of children and youths.

NB: Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application

TO CONSIDER THE ISSUING OF A STATEMENT OF PRINCIPLES IN RESPECT OF PRIZE GAMING PERMITS: SCHEDULE 14, PARAGRAPH 8 – GAMBLING ACT 2005.

Report By: HEAD OF ENVIRONMENTAL HEALTH AND TRADING STANDARDS

Wards Affected:

County-wide

Purpose:

1. For the committee to consider whether they wish to issue the following statement of principles in respect of Prize Gaming Permits.

Law:

2. The Gambling Act 2005 Section 289 allows the Licensing Authority to grant permits in respect of 'Prize Gaming Permits'.
3. Section 288 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. The prizes will be determined by the operator before play commences.
4. Applicants will be able to apply for a Prize Gaming Permit which will authorise the provision of facilities for gaming with prizes on specified premises.
5. Holds of Premises Licences and or Club Gaming Certificates will not be able to apply for a Prize Gaming Permit. Premises which are used as an adult entertainment centre or a licensed family entertainment centre will be exempt from this type of permit.
6. Schedule 14 of the Gambling Act 2005 Act makes further provisions under Paragraph 8 in respect of Prize Gaming Permits and states: -
 - a. *A licensing authority may prepare a statement of principles that they propose to apply in exercising their functions under this Schedule.*
 - b. *A statement under sub-paragraph (1) may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of an applicant for a permit.*
 - c. *In exercising their functions under this Schedule a licensing authority- (a) need not (but may) have regard to the licensing objectives, and (b) shall have regard to any relevant guidance issued by the Commission under section 25.*
7. The act states that 'A licensing authority may not attach conditions to a permit'.

Proposed Statement in Respect of Prize Gaming Permits:

8. The proposed statement is attached as Appendix 1.

Options

9. There are number of options available to the Committee:
 - a) To agree the proposed 'Statement of Principles' as presented.

- b) To amend the proposed 'Statement of Principles' and then agree the amended version.
- c) To reject the proposed 'Statement of Principles'. This would result in no criteria applying to an application for 'Unlicensed Family Entertainment Centres'.

The Gambling Act 2005

Statement of Principles in Respect of Prize Gaming Permits.

- 1.1 Herefordshire Council is the licensing authority for Herefordshire.
- 1.2 The Act requires the council, as licensing authority, to aim to permit the use of premises for gambling in so far as the authority think it:
- in accordance with a relevant code of practice
 - in accordance with any relevant guidance issued by the Gambling Commission
 - reasonably consistent with the licensing objectives and
 - in accordance with the licensing authority policy issued under the Act.
- 1.3 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.

2. Purpose of this document

- 2.1 This document has been prepared to assist persons considering making an application for a Prize gaming Permit under the Gambling Act 2005.
- 2.2 It has been prepared in accordance with paragraph 8 of Schedule 14 of the Act. The document should be read in conjunction with 'Gambling Act 2005 – Statement of Principles'
- 2.3 The purpose of the document is to clarify measures that the council will expect applicants to demonstrate when applying for a permit so the council can determine the suitability of the applicant and the premises for a permit.
- 2.4 Within this process the council will aim to grant the permit where the applicant is able to demonstrate that:
- they are a fit and proper person to hold the permit
 - they have considered and are proposing suitable measures to promote the licensing objectives and
 - they have a legal right to occupy the premises to which the permit is sought.
- 2.5 The measures suggested in this document should be read as guidance only and the council will be happy for applicants to suggest measures above and beyond those listed in the document and or to substitute measures as appropriate.
- 2.6 The Licensing Authority will expect holders of Prize Gaming permits to comply with this 'Statement of Principles' during the period of the permit.

- 2.7 This 'Statement of Principles' will be reviewed as and when required and in any case every 3 years.

3. Prize gaming permits

- 3.1 Section 288 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. The prizes will be determined by the operator before play commences. Prize gaming can often be seen at seaside resorts in amusement arcades where a form of bingo is offered and the prizes are displayed.
- 3.2 A prize gaming permit is a permit issued by the council to authorise the provision of facilities for gaming with prizes on specified premises.
- 3.3 Applicants should be aware of the conditions in the Gambling Act 2005 by which prize gaming permit holders must comply. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with
 - all chances to participate in the gaming must be allocated on the premises 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.
- 3.4.1 In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in this "Statement of Principles" have been addressed through the application.
- 3.5 Applicants need to address the "Statement of Principles" when making their initial applications and at renewal time. (Permits are granted for a period of ten years.)

4. Supporting documents

- 4.1 The council will require the following supporting documents to be served with all Prize Gaming Permit applications:
- proof of age (a certified copy or sight of an original birth certificate, driving licence, or passport – all applicants for these permits must be aged 18 or over)
 - proof that the applicant understands the limits to stakes and prizes that are set out in the Regulations
 - proof that the applicant has the right to occupy the premises. Acceptable evidence would be a copy of any lease, a copy of the property's deeds or a similar document
 - an enhanced criminal record check. (this should be no greater than one month old.) This will be used to check that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act.)
 - A plan of the premises to which the permit is sought showing the following items:
 - ✓ the boundary of the building with any external or internal walls, entrances and exits to the building and any internal doorways

- ✓ the location where any prize gaming will take place (including any seating and tables) and the area where any prizes will be displayed.
- ✓ the positioning and types of any other amusement machines on the premises
- ✓ the location of any fixed or semi-fixed counters, booths or offices on the premises whereby staff monitor the customer floor area
- ✓ the location of any ATM/cash machines or change machines
- ✓ the location of any fixed or temporary structures such as columns or pillars
- ✓ the location and height of any stages in the premises; any steps, stairs, elevators, balconies or lifts in the premises
- ✓ the location of any public toilets in the building.

(Unless agreed with the council, the plan should be drawn to a standard scale with a key showing the items mentioned above. The standard scale is 1:100)

5 Child protection issues

5.1 The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The council will assess these policies and procedures on their merits, and they should include appropriate measures / training for staff as regards the following:

- maintain contact details for any local schools and or the education authority so that any truant children can be reported
- employ policies to address the problems associated with truant children who may attempt to gain access to the premises and gamble when they should be at school
- employ policies to address any problems that may arise during seasonal periods where children may frequent the premises in greater numbers, such as half terms and summer holidays
- maintain information at the premises of the term times of any local schools in the vicinity of the premises and also consider policies to ensure sufficient staffing levels during holiday periods
- display posters displaying the 'Child Line' phone number in discreet locations on the premises E.g. Toilets
- maintain an incident register of any problems that arise on the premises related to children such as children gambling excessively, truant children, children being unruly or young unaccompanied children entering the premises. (The register should be used to detect any trends which require attention by the management of the premises.)
- ensure all young children are accompanied by a responsible adult. Maintain policies to deal with any young children who enter the premises unaccompanied
- enhanced criminal records checks for all staff who will be working closely with children.

NB: Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.

6 Protection of vulnerable persons issues

6.1 The council will expect the applicant to show that there are policies and procedures in place to protect vulnerable persons. Applicants should refer to the section in the council's 'Gambling Act 2005 - Statement of Principle' to

familiarise themselves with who the council considers vulnerable. The council will assess these policies and procedures on their merits, however, they should include appropriate measures / training for staff as regards the following:

- display Gamcare helpline stickers on all gaming machines
- display Gamcare posters in prominent locations on the premises
- training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (eg. how long) customers are gambling, as part of measures to detect persons who may be vulnerable
- consider appropriate positioning of ATM and change machines. (including the display of Gamcare stickers on any such machines.)

NB: Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.

7 Other miscellaneous issues

7.1 The applicant should also be mindful of the following possible control measures to promote the three licensing objectives:

- maintain an effective CCTV system to monitor the interior and exterior of the premises
- keep the exterior of the premises clean and tidy
- ensure that external lighting is suitably positioned and operated so as not to cause nuisance to neighbouring or adjoining premises
- consider the design and layout of the outside of the premises to deter the congregation of children and youths.

NB: Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application

DELEGATION OF SMALL LOTTERIES REGISTRATION SCHEDULE 11, PART 5 – GAMBLING ACT 2005.

**Report By: HEAD OF ENVIRONMENTAL HEALTH AND TRADING
STANDARDS**

Wards Affected:

County-wide

Purpose:

1. For the committee to consider whether they wish to delegate its function under Schedule 11, Part 5, Paragraph 44 of the Gambling Act 2005 in respect of Small Society Lotteries.

Law:

2. Schedule 11, Part 5, Paragraph 47 of the Gambling Act 2005 states that: -
A local authority shall refuse an application for registration if in the period of five years ending with the date of the application-
 - (a) an operating licence held by the applicant for registration has been revoked under section 119(1), or
 - (b) an application for an operating licence made by the applicant for registration has been refused.

Section 48 states: -

- A local authority may refuse an application for registration if they think that-
- (a) the applicant is not a non-commercial society,
 - (b) a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or
 - (c) information provided in or with the application for registration is false or misleading.

Section 50 states: -

- (1) A local authority may revoke a registration under this Part if they think that they would be obliged or permitted to refuse an application for the registration were it being made anew.
 - (2) Where a local authority revokes a registration under this Part they shall specify that the revocation takes effect-
 - (3) A local authority may not revoke a registration under this Part unless they have given the registered society an opportunity to make representations.
3. The legislation under this part of the act refers to the 'Local Authority'.
 4. No guidance has been issued by Department of Culture Media & Sport (DCMS) in respect of this.
 5. The Gambling Act 2005 makes no specific provision for the delegation of this function. It is necessary therefore for Section 101 Local Government Act 1972 to be used for this purpose.

6. Section 101 states that 'It would be impractical for the principal council to attempt to conduct all its business through meetings of the authority and a Local Authority may, appoint such committees and sub-committees to discharge its function as it thinks fit.

Options

6. There are two options available to the Committee:
- a) To delegate the responsibilities to an authorised Licensing Officer unless representation is received in which case the matter should be referred to the Licensing Sub-Committee for final decision.
 - b) To delegate the responsibility in all cases to the Licensing Sub-Committee
 - c) To delegate the responsibilities to some other Committee or Sub-Committee.
 - d) To refuse to delegate the authority thereby requiring the function to be dealt with by the Regulatory Committee.

REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE, DRIVER AND OPERATOR CONDITIONS. IMPLEMENTATION OF A TAXI LICENSING POLICY AND PENALTY POINT SCHEME. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, TOWN POLICE CLAUSES ACT 1847

REPORT BY: Head of Environmental Health and Trading Standards

Purpose

1. To consider implementing revised licence conditions for :-
 - Private hire operator conditions
 - Dual driver conditions
 - Private hire and hackney carriage vehicle conditions
2. To consider the introduction of a penalty point scheme
3. To consider adopting the Taxi and Private Hire Licensing Policy

Legal Background – revised conditions

4. Under the terms of the Local Government (Miscellaneous Provisions) Act 1976 s 47 (Private Hire Vehicle) s 51 (Private Hire Drivers) s 55 (1) (Operators), Town Police Clauses Act 1847 s 42 (Hackney Carriage) s 46 (Hackney Carriage Drivers), local authorities may make reasonable conditions for the regulation of both hackney carriages and private hire vehicles, drivers and operators.
5. Any person aggrieved by any conditions, which have been imposed, has a right of appeal to the Magistrates Court.

Legal Background – policy

6. In creating this policy this Authority has had regard to Government guidance taken from the Action Plan for Hackney Carriage and Private Hire, Office of fair trading regulation of licensing taxi and PHV services in the UK, the Best practice draft guidance on Taxis and Private Hire Vehicles and the Hackney Carriage and Private Hire Steering Group. The Policy 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, Herefordshire Council's enforcement policy, and the Anti-social Behaviour Act 2003. The Licensing Authority will have due regard to other organisation's policies and strategies.

7. Any person aggrieved by the policy has a right to challenge the decision making process of the Local Authority by Judicial Review.

Legal Background – penalty point scheme

8. To assist the Council in improving standards it is proposed to introduce a penalty points scheme. The aim of a penalty point scheme is to work in conjunction with current procedures and if used properly will help provide a formalised stepped enforcement plan easy for drivers and proprietors to understand. The purpose of the scheme is to record misdemeanours and to act as a record of driver's behaviour and conduct so as to ascertain whether they are a fit and proper persons. Its introduction will not prejudice the Council's ability to take other actions.
9. Any person aggrieved by the penalty point policy has a right to challenge the decision making process of the Local Authority by Judicial Review.

Background

- 10.. The licence conditions were last reviewed in December 2004. The review was deemed necessary as a result of the Taxi and Private Hire Vehicle Licensing Best Practice Guide produced by the Department for Transport.
11. All persons holding a licence issued by this authority in relation to Hackney Carriages and Private Hire were consulted in the first phase of consultation. The Taxi and Private Hire Steering Group have been consulted throughout the second and third phase of consultation. All responses were considered.
12. All County Councillors were consulted and some responses were received and considered.
13. An advert was placed in the Hereford Journal inviting people to comment on the proposals for licence conditions, policy and penalty points, for which no responses were received.
14. The revised conditions are:-
- Appendix 1 Private Hire Operator Conditions
 - Appendix 2 Dual Driver conditions
 - Appendix 3 Private Hire and Hackney Carriage vehicle conditions
15. The introduction of a penalty point scheme
- Appendix 4
16. The introduction of a Taxi and Private Hire Policy
- Appendix 5
17. One item could not be resolved through consultation. Vehicle licence condition 8.1 (b) Both front doors of all Licensed Hackney Carriages must display the sign Herefordshire Council Corporate logo together with the Vehicle Licence number, in the following dimensions:-: the total area of the sign must be a minimum of

60cm x 22.5cm wide with lettering measuring at least 6cm x 6cm. The Steering Group have voted to allow only sticky door signs and not the Magnetic type. Because this has a cost implication to the trade who already have the magnetic type signs the matter has been referred to Regulatory Committee for the decision to be made. The cost of the signs are sticky £22 and £35 magnetic.

Options for door signs

It is for the Regulatory Committee to decide:-

- To amend condition 8.1 (b) to only allow sticky door signs.
- To leave condition 8.1 (b) to allow both sticky and magnetic door signs.
- To amend condition 8.1 (b) to include a clause which states if the vehicle proprietor receives a written warning and is then caught a second time without the magnetic signs, they must be replaced with sticky signs.
- Or reach some other decision.

Options for adoption of amended conditions, penalty point scheme and policy

It is for the Regulatory Committee to decide: -

- Whether to adopt the revised licence conditions, penalty point scheme and policy
- Refuse to adopt the licence conditions, penalty point scheme and policy
- or reach some other decision.



THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

DRAFT OPERATORS' LICENCE CONDITIONS

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DRAFT OPERATORS' LICENCE CONDITIONS

Herefordshire Council licenses Private Hire Operators under the provisions of Part 11 of the Local Government Miscellaneous Provisions Act 1976 and the Town and Police Clauses Act 1847.

These conditions were approved by the Herefordshire Council's Regulatory Committee on ???????? these conditions will replace all previous conditions and will remain in place until such time the regulatory committee approve any amendments or review the conditions.

All applications received which fall outside the Licensing Authorities Conditions or Policy will be referred to Regulatory Committee for determination and will incur additional costs to be paid by the applicant.

(Herefordshire Council will use Government Guidance and Herefordshire Councils Hackney Carriage and Private Hire Licensing Policy to base its decisions)

1.0 LICENCE

- 1.1 Granting of an Operators' Licence for private hire shall be for a period of 3 years.
- 1.2 The licence is not transferable.
- 1.3 Only the maximum number of vehicles stated on the licence shall operate from the licensed Booking Office.

2.0 INSURANCE

- 2.1 Before the licensed vehicle is used such insurance or securities as are required under Part V1 of the Road Traffic Act 1972 shall be obtained in respect of the vehicle and the certificate in respect of the policy of insurance shall be produced to the Licensing Section for inspection.
- 2.2 On the expiry of the Insurance the original cover note or original Certificate of Insurance renewing cover must be produced to the Council prior to or on the day of expiry of the previous certificate. Faxed copies will only be accepted if received from the Insurance Company/Broker direct.
- 2.3 The licence holder shall notify the Council of any change of insurer or any change to the insurance particulars and shall provide full details thereof within two working days of such change.
- 2.4 For premises open to the public evidence of appropriate public liability insurance must be provided.

3.0 CONDUCT OF THE OPERATOR

- 3.1 The Operator shall operate the business in all respects in a manner which does not cause nuisance or inconvenience to the public at large or to persons in occupation of premises adjoining or adjacent to the premises at which he keeps private hire vehicles when not in use.
- 3.2 When booking, the operator shall provide a prompt, efficient and reliable service.
- 3.3 Ensure that when a licensed vehicle has been hired to be in attendance at any appointed time and place, if the vehicle is delayed or prevented by sufficient cause of attending at the appointed time and place, the hirer be notified where possible of any change to the original booking.
- 3.4 The Operator shall not knowingly permit to be conveyed in a licensed vehicle, any greater number of persons than that prescribed in the licence plate issued by the Council and affixed to the outside of the vehicle.
- 3.5 All documents and equipment listed in the conditions must be available for the council to inspect.

4.0 PREMISES

- 4.1 The premises from which the private hire vehicle operates must be within the County of Herefordshire District Council area.
- 4.2 Keep clean, adequately heated, ventilated and lit, any premises which the Operator provides and to which the public have access, whether for the purpose of booking or waiting.
- 4.3 Ensure that any waiting area provided by the Operator has adequate seating facilities.

5.0 CONSENTS

- 5.1 The Operator shall be responsible for ensuring that Planning Permission is in force in respect of the premises from which the licensee operates. Evidence of appropriate Planning Permission must be shown at the time of application. Including exemptions where they apply.
- 5.2 The Operator shall ensure the number of vehicles used at the premises comply with any planning permission in force.

6.0 CHANGE OF DETAILS

- 6.1 The Operator shall disclose to the Council in writing within seven days, any changes in the particulars shown on the application form relating to this licence.
- 6.2 The Operator shall notify the Council in writing of any changes of address (including any address from which he operates or otherwise conducts his business as an Operator) within seven days of the change taking place.

7.0 CONVICTIONS

- 7.1 Within seven days the Operator shall notify the Council in writing of any convictions imposed on him/her (or if the Operator is a company, any conviction imposed on the company) during the period of the licence, giving full details of the charge, conviction, and any penalty imposed together with any other information that the Council may request.

8.0 RECORD KEEPING

- 8.1 The licensed operator shall keep and maintain at all times for a period of not less than six months, a record of hiring showing the particulars of every booking of a private hire vehicle, including any booking accepted at the request of another operator.
- 8.2 The record shall be kept in the form of a log sheet or computer database detailing in particular.
- (a) Time and date of booking.
 - (b) Name and where possible address of hirer.
 - (c) How the booking was made (i.e. by telephone, personal call, etc).
 - (d) Time of pickup.
 - (e) Point of pickup.
 - (f) The destination.
 - (g) Time at which a driver was allocated to the booking.
 - (h) Registration/unique identity number of the vehicle allocated for the booking.
 - (i) Remarks (including details of any subcontract).
- 8.3 For record of bookings the entries shall be numbered consecutively and the information shall be entered before the commencement of each journey.
- 8.4 The licensed operator who wishes to operate a computer booking system must have permission from the council.
- 8.5 Where a computer system has been agreed the operator must provide details of the security arrangements in relation to the entry of booking and provide a list of persons authorised to make those entries.
- 8.6 The Operator shall also keep records of all particulars of all private hire vehicles operated by them, to include:
- (a) Type and make of vehicle.
 - (b) Vehicle registration number.
 - (c) Owner of vehicle.
 - (d) Driver of vehicle.
 - (e) Private Hire vehicle plate number.
 - (f) A copy of a suitable policy of insurance.

- 8.7 The Operator shall not as part of his trading name use the words “taxi” or “cab”, unless 70% of the fleet consists of licensed hackney carriage vehicles. On Private Hire vehicles the word Taxi or Cab must not be used even if it forms part of the Company name.
- 8.8 The Operator shall keep a record of dual drivers employed by them and shall produce to the Council on demand details of the drivers employed.
- 8.9 The Operator shall notify the Council in writing, within seven days, the name and address of any driver who ceases to be employed by the Operator for whatever reason.

9.0 TELEPHONE/RADIO EQUIPMENT

- 9.1 Ensure that any telephone facilities and radio equipment provided are maintained in a appropriate working condition and that any defects are repaired promptly.
- 9.2 The licensed Operator shall ensure that the licence issued by the Department of Trade and Industry for all radio equipment used is current and valid. All equipment must only be used on the frequencies stipulated in the D.T.I licence.

10.0 DRIVERS USED BY THE OPERATOR

- 10.1 Only drivers currently licensed by Herefordshire Council as dual drivers may be employed to drive by the Operator.

11.0 COMPLAINTS

- 11.1 The operator shall keep a record of all written complaints, which must be available for inspection by an Authorised Officer at all times.

Data Protection Act 1998

This policy covers the treatment of personal data that Herefordshire Council may collect when you e-mail us, complete an application form, or when you complete and submit an online form on our web site.

When completing forms you may be asked for personal information such as name, address, postcode etc. It is only when you supply this type of information that you can be personally identified.

Herefordshire Council is registered with the Data Protection Act 1998 for the purpose of processing personal data in the performance of its legitimate business. Any information held by the Council will be processed in compliance with the principles set out in the Act.

Further information relating to the Data Protection Act 1998 can be sent to you on request. If you have concerns about the processing of your personal data by the Council you may contact the Council’s Data Protection Officer:

Data Protection Officer,
County Secretary and Solicitor
Herefordshire Council
Brockington
35 Hafod Road
Hereford HR1 1SH



HEREFORDSHIRE
COUNCIL

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**DRAFT PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS
CONDITIONS**

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CONDITIONS ATTACHED TO PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS

Herefordshire Council licenses both Hackney Carriage and Private Hire Vehicles under the provisions of Part 11 of the Local Government Miscellaneous Provisions Act 1976 as amended by the Transport Act 1985, and the Town and Police Clauses Act 1847.

These conditions were approved by the Herefordshire Council's Regulatory Committee on ??????? these conditions will replace all previous conditions and will remain in place until such time the regulatory committee approve any amendments or review the conditions.

All applications received which fall outside the Licensing Authorities Conditions or Policy will be referred to Regulatory Committee for determination and will incur additional costs to be paid by the applicant.

(Herefordshire Council will use Government Guidance and Herefordshire Councils Hackney Carriage and Private Hire Licensing Policy to base its decisions)

1. CONDUCT OF THE DRIVER

- 1.1 The driver of a hackney carriage or private hire vehicle shall hold a current dual drivers badge and licence from Herefordshire Council.
- 1.2 At all times the driver shall be clean and respectable in their dress and person and behave in a civil and orderly manner.
- 1.3 The driver shall not at any time cause or permit the sound emitted by any radio or other similar equipment in the vehicle to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- 1.4 The driver is not permitted to smoke in the vehicle at any time, even when the vehicle has no passengers.
- 1.5 A driver of a Hackney carriage, when plying for hire in any street shall: -
 - a) proceed with care and within the speed limit, to one of the Ranks fixed by the Council.
 - b) when waiting on a Rank fixed by the Council, move his vehicle forward so as to fill the place which has been vacated by the vehicle in front.
- 1.6 All Private Hire drivers, when not engaged in a pre-arranged booking, must not park in such a position or location on the Public Highway which could give the appearance of being for hire.
- 1.7 The driver of a Private Hire vehicle shall not ply for hire in their vehicle but shall drive the vehicle for hire only by prior appointment.
- 1.8 The driver of a Licensed vehicle shall not call out or influence any person in any way, which might reasonably be considered as an invitation to travel in their vehicle for gain.

2.0 BADGES

- 2.1 Whilst on duty, the driver shall wear the badge on the upper front of the body plainly and distinctly visible.
- 2.2 The second badge issue by the Council shall be displayed to be plainly and distinctly visible to those persons being conveyed inside the vehicle.
- 2.3 The driver will return their drivers badge to the Licensing Unit upon the expiry, revocation or suspension of their licence.

- 2.4 After the expiry date, shown on any drivers licence, that licence is no longer valid and any badge must be returned to the Licensing Unit immediately. (Insurance may be invalid if the dual drivers licence has expired.)

3.0 INSURANCE

- 3.1 The driver shall carry evidence of insurance cover in the vehicle at all times whilst on duty, showing that the vehicle is suitably insured for the purpose of Hackney Carriage/Private Hire use,

4.0 PASSENGERS\LUGGAGE

- 4.1 The driver shall not carry or permit to be carried in his vehicle any greater number of persons than the number specified in the licence issued to that particular vehicle.
- 4.2 The driver shall not, without the consent of the hirer, carry any other person in the vehicle.
- 4.3 All drivers shall if required: -
- a) carry a reasonable quantity of passenger's luggage, ensuring its security.
 - b) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he/she may take up or set down such person.
 - c) take reasonable precautions to ensure the safety of persons carried in or entering or alighting from the vehicle.

5.0 LOST PROPERTY

- 5.1 The proprietor or driver of a licensed vehicle shall, when practicable after journeys search the vehicle for lost property.
- 5.2 The proprietor or driver of a licensed vehicle shall, if any property is accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him, carry it as soon as possible and in any event within 48 hours if not sooner, to the office of the Council, and leave it in the custody of the officer in charge of the office on his/her giving a receipt for it. Unless within this time the item is claimed by or on behalf of its owner.
- 5.3 Be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of the estimated value (or the fare for the distance from the place of finding to the office of the council, whichever be the greater, but not more than ten pounds).

6.0 TAXI METER/FARES

- 6.1 Licensed vehicles equipped with a taximeter (compulsory for a hackney carriage but optional for a private hire car) shall operate the taximeter in accordance with the requirements of the conditions. For Hackney Carriages the taximeter must be used even if it is a pre-booked journey, a lesser fee than the metered fare may be charged. If the journey is undertaken through a service contract or out of the county and the fee is quoted to be less than the metered fare the hackney carriage would not be required to use the taximeter.
- 6.2 A driver of a licensed vehicle shall not tamper with or permit any person, other than a proper authorised person or approved technician, to alter or adjust any taximeter with which the vehicle is provided, with the fittings thereof, or with the seals affixed thereto.
- 6.3 If the vehicle is fitted with a taximeter, the driver shall not cause the fare showing to be cancelled or concealed until the hirer has had reasonable opportunity of examining it and has agreed the fare.
- 6.4 The driver shall not demand from the hirer a fare in excess of any previously agreed fare for that hiring between the hirer and the operator or, if the vehicle is fitted with a taxi meter, the fare shown on the face of the taximeter.

- 6.5 The driver of a hackney carriage undertaking, for any hirer, a journey ending outside Herefordshire and in respect of which no fare and no rate was agreed before the hiring was effected, shall not require for such journey a fare greater than that indicated on the taxi meter with which the hackney carriage is equipped.
- 6.6 The fare for each journey shall only begin when the hirer enters the vehicle, unless prior agreement has been made or if the customer is not available until later than the agreed pick up time. Appropriate waiting time shall be given without charge to people with disabilities.

7.0 COMPLAINTS/COMPLIMENTS

- 7.1 The driver shall advise the proprietor of the vehicle of any complaints made by passengers.
- 7.2 The driver shall advise passengers of their right to refer the complaint to the Council.

8.0 PROMPT ATTENDANCE

- 8.1 The driver who has agreed or has been hired to be in attendance with the vehicle at any appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such time and place.
- 8.2 The driver shall not, without reasonable cause, unnecessarily prolong, in distance or in time, the journey for which the vehicle has been hired.

9.0 LICENCE/APPLICATION

- 9.1 If the driver is permitted or employed to drive a hackney carriage and/or private hire vehicle by an operator/vehicle proprietor they shall, before commencing to drive that vehicle, provide a copy of their dual driver's licence with that operator/vehicle proprietor for retention by them until such time as the driver ceases to be permitted or employed to drive for that operator/vehicle proprietor.
- 9.2 All drivers should ensure that the proprietor holds valid insurance to cover them for the hiring of a hackney carriage and/or private hire vehicle. The driver should also ensure that the proprietor has a private hire operator's licence where appropriate.
- 9.3 All drivers shall ensure that any car driven by them is licensed by the Council for that purpose.
- 9.4 The issue of licence will be subject to satisfactory CRB, Medical, and DVLA returns.
- 9.5 Prior to the expiry of a licence a reminder will be sent to drivers. Only one reminder will be sent. Renewal paperwork must be submitted without delay, as no licence will be issued until the appropriate checks are received, including CRB and Medical if required.
- 9.6 All drivers applying for a new dual driver licence after 1st November 2005 or other drivers directed by the Regulatory Committee shall undertake and pass a knowledge test.

10.0 CHANGE OF DETAILS/CIRCUMSTANCE

- 10.1 The driver shall notify the Council in writing of any change of their address and/or telephone number within 7 days of such change.
- 10.2 The driver shall immediately, disclose to the Taxi Licensing Unit in writing, details of any conviction/caution imposed on him/her during the period of the licence, motoring or criminal.
- 10.3 The driver shall immediately, disclose to the Taxi Licensing Unit in writing, details of any involvement in incident/s which the police are involved and may lead to caution/conviction.

- 10.4 The driver shall notify the Council in writing, as soon as possible and in any event within 7 days of any serious illness or injury affecting their fitness to drive in any way.

11.0 ANIMALS

- 11.1 Any animal belonging to or in the custody of any passengers can be conveyed in a licensed vehicle at the driver's discretion.
- 11.2 A driver of a licensed vehicle which has been hired by or for a disabled person with their guide, hearing or prescribed assistance dog, or a person who wishes such a disabled person to accompany him in the vehicle will have a duty to: -
- a) Convey the disabled passenger's dog and allow it to remain with the passenger; and
 - b) Are not to make any additional charge for doing so.

An assistance dog is defined by regulations as a dog which is trained by a specified charity i.e. "Dogs for the Disabled", "Support Dogs" or "Canine Partners for Independence", to assist a disabled person with a physical impairment, and which at the time that its owner hires a taxi is wearing a yellow jacket inscribed with the name of one of those charities.

- 11.3 The driver shall only be exempt from the condition 11.2 on medical grounds and has obtained an exemption notice from Herefordshire Council. The notice of exemption shall be exhibited in a prominent position.

12.0 MOBILE PHONES

- 12.1 Drivers wishing to use a mobile phone in the vehicle must use them in accordance with The Road Vehicles (construction and use) (Amendment) (No.4) Regulation 2003.

13.0 PLATES

- 13.1 The driver shall not wilfully or neglectfully cause or suffer any internal or external licence plate or number to be concealed from public view, nor shall he cause or permit the vehicle to have any such plate so defaced that any figure or material particular is illegible.

14.0 GENERAL CONDITIONS

- 14.1 The holder of this licence shall comply with the provisions of the Town Police Clauses Act 1847 as amended by Part 11 of the Local Government (Miscellaneous Provisions) Act 1976, a copy of which is available for inspection at the Licensing Office.
- 14.2 The driver is to ensure cleanliness of the vehicle inside and out.
- 14.3 The driver is to inform the Council's Licensing Section and the proprietor of the vehicle of any accident or damage to the vehicle within 72 hours, and present the vehicle for inspection forthwith if requested to do so.
- 14.4 The driver shall, if requested by the hirer of the vehicle, provide them with a written receipt for the fare paid.
- 14.5 The driver of a licensed vehicle shall co-operate with any Authorised Officer, Constable or any other clearly identifiable person nominated by the Council, in their enquires.

15.0 PRIVATE HIRE

- 15.1 Private Hire Vehicle drivers must keep a record of journeys, which is to be kept in the vehicle.
- (i) The driver of a private hire vehicle shall at all times whilst acting in accordance with the Private Hire Driver's licence keep a record sheet in the Private Hire Vehicle and before commencement of each journey, enter particulars of each

journey to be undertaken and the name and address of the person who has made the booking.

16.0 THE WEARING OF SEATBELTS

16.1 The requirements contained in the Road Traffic Act 1988, s 15, the Motor Vehicle (wearing of seat belts) Regulations 1993, Part III and the Motor Vehicles (wearing of seatbelts by Children in Front Seats) Regulations 1993 must be complied with. Please see table below

	Front Seat	Rear Seat	Who is responsible
Driver	Taxi drivers - Hackney Carriage drivers are exempt from wearing a seat belt while on duty (whether they have a passenger or not). Private hire taxi drivers are only exempt when carrying a fare-paying passenger. They must wear a seat belt at all other times.		Driver
Child under 3 years of age	Correct child restraint MUST be used.	If no appropriate restraint available the child may travel unrestrained in the rear.	Driver
Child from 3 rd birthday up to either 135cms in height or 12 years old	Correct child restraint MUST be used	MUST use adult belt if the correct child restraint is not available.	Driver
Child over 1.35 metres or 12 to 13 years	Seat belt MUST be worn if available	Seat belt MUST be worn if available	Driver
Adult passengers 14 years and over	Seat belt must be worn if available	Seat belt must be worn if available	Passenger

Data Protection Act 1998

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Data Protection Officer,
 County Secretary and Solicitor
 Herefordshire Council
 Brockington
 35 Hafod Road
 Hereford HR1 1SH



THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**DRAFT CONDITIONS ATTACHED TO PRIVATE HIRE/HACKNEY
CARRIAGE VEHICLE LICENCE**

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Appendix 1 - licensed vehicle Testing standard – mechanical and structural

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DRAFT CONDITIONS ATTACHED TO PRIVATE HIRE/HACKNEY CARRIAGE VEHICLE LICENCE

Herefordshire Council licenses both Hackney Carriage and Private Hire Vehicles under the provisions of Part 11 of the Local Government Miscellaneous Provisions Act 1976 and the Town and Police Clauses Act 1847.

These conditions were approved by the Herefordshire Council's Regulatory Committee on ???????. these conditions will replace all previous conditions and will remain in place until such time the regulatory committee approve any amendments or review the conditions.

All applications received which fall outside the Licensing Authorities Conditions or Policy will be referred to Regulatory Committee for determination and will incur additional costs to be paid by the applicant.

(Herefordshire Council will use Government Guidance and Herefordshire Councils Hackney Carriage and Private Hire Licensing Policy to base its decisions)

1.0 NEW HACKNEY VEHICLE LICENCE

1.1 For a new application for a Hackney Carriage Licence, the vehicle to be licensed shall be a purpose built Hackney Carriage, or constructed or adapted to carry disabled persons whilst remaining in their wheelchairs, in accordance with the provisions set out in section 20 of these conditions. The vehicle will be 5 years of age or younger, the age of the vehicle will be determined by the date of first registration on the registration document. The licensed vehicle shall be replaced upon or before reaching fifteen years of age. This condition (1.1) will remain attached to the licence for each subsequent renewal or transfer.

2.0 NEW PRIVATE HIRE VEHICLE LICENCE

2.1 On new application for a Private Hire Licence, the vehicle to be licensed shall not be more than two years old, the age of the vehicle will be determined by the date of first registration on the registration document. The vehicle can be a saloon, estate car, MPV or a purpose built vehicle, or constructed or adapted in accordance with conditions 1.1 above. The licensed vehicle shall be replaced upon or before reaching eight years of age.

2.2 If the vehicle is constructed or adapted in accordance with conditions 1.1 above, then that vehicle shall not be more than five years old and shall be replaced upon or before reaching fifteen years of age or earlier.

3.0 EXISTING VEHICLE LICENCES

3.1 For existing Hackney Carriages and Private Hire Vehicle licences, the vehicle shall be replaced upon reaching eight years of age or fifteen for disabled access vehicles.

- 3.2 Written authorisation must be obtained before any new/replacement new vehicle is purchased and tested. The test will not be carried out until this is handed to the test centre.
- 3.3 The proposed new vehicle must comply with the following:-
- a) A licence with wheel chair access vehicle cannot at any time be replaced with a non wheel chair access vehicle. A saloon may be replaced with a saloon or upgraded to a wheel chair access vehicle.
 - b) The replacement vehicle shall be less than 8 years old for a non wheel chair access vehicle and less than 15 years old for a disabled access vehicle.
 - c) Meet the criteria in condition 4.0 (vehicle specification) for non wheel chair access, 19.0 for wheel chair access vehicles, and 18.0 for mini buses.
- 3.4 All vehicles over 5 years will be subject to additional tests in accordance with the provisions set out at section 17.2

4.0 VEHICLE SPECIFICATION

- 4.1 The Vehicle to be licensed shall be a right hand saloon motor car, hatchback or an estate car or a purpose built licensed vehicle, of any colour, which according to the manufacturers specifications has: -
- a) A capacity for a minimum of 4 seated passengers and a maximum of 8
 - b) A minimum of four doors
 - c) An engine rating of not less than 1600cc unless written authorisation is received from the Licensing Authority.
 - d) Have either a separate luggage compartment or a fixed screen (of sufficiently sturdy construction to protect passengers from injury from items in the luggage compartment) between the rear seat and the luggage compartment, which shall be kept, in position at all times. This condition shall not apply to people carriers and multi purpose vehicles.
 - e) A serviceable spare tyre, or run flat type tyres, jacking equipment and wheel brace must be provided.
 - f) Four road wheels, the tyre load ratings must be to the manufacturer's recommendations. The use of remoulds will not be permitted.
 - g) A permanent roof, which is watertight, must be provided. Sunroofs are only allowed if fitted as new by the vehicle manufacturer.
 - h) Be equipped with fully functional nearside and offside exterior rear view mirrors.
 - i) Have all windows/doors opening in accordance with the original vehicle specification or for legal conversions in accordance with compliance test.
 - j) Rear seat to have 16 inches per passenger as per national average.
 - k) A suitable boot must be available to carry passenger luggage, this must a minimum of 400 litres. (For existing vehicles that do not have a boot capacity of 400 litres, the vehicle can remain on the plate until it reaches 8 years age or is replaced. Upon replacement the new vehicle must comply with all specifications).

5.0 LPG SAFETY CHECK

- 5.1 LPG installations must comply with the LPG Gas Association code of practice 2. A valid certificate confirming the compliance shall be given to the Licensing Section for copying when the installation is new.

- 5.2 No licence will be renewed until a valid certificate is produced to the Council confirming that a safety check has taken place and that the vehicle is safe. This must be provided annually.

6.0 SEAT BELTS

- 6.1 Seat belts shall be fitted to all seats in all Licensed Vehicles. They shall be readily accessible for use by all passengers and shall be maintained in good condition and a useable state of repair at all times.

7.0 ALTERATIONS

- 7.1 No alterations to any equipment, dimensions or other specifications shall be undertaken without the prior consent of any Authorised Officer of the Licensing Authority.
- 7.2 For the avoidance of doubt alterations includes both additions to and the removal of any existing equipment in, or on, Licensed Vehicles.

8.0 SIGNS

- 8.1 The Licensed Vehicle shall be of such design or appearance or bare such distinguishing marks, as the Council shall require, clearly identifying it as a Licensed Vehicle. The under-mentioned signs shall be applicable in respect of this condition
- a) All licensed vehicles except purpose built hackney carriage and Private Hire Vehicles to have roof signs with "Herefordshire Council" above and "Licensed Hackney Carriage" below the word "Taxi" on both the front and rear. The sign to be green in colour as specified by the Council and to be a minimum of 600 millimetres in width. The rear of the sign will be red in colour and may show a fleet number, not more than 75 millimetres in diameter, in the top right hand of the sign. No other markings will be permitted on the roof signs. The Licence holder and Driver of the Taxi shall maintain such sign in efficient working order at all times, to allow inspection of the sign. The sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the Vehicle is for hire. The sign shall be capable of being so operated that at night it indicates clearly and conveniently if it is for hire.
- b) Both front doors of all Licensed Hackney Carriages must display the sign Herefordshire Council Corporate logo together with the Vehicle Licence number, in the following dimensions:- the total area of the sign must be a minimum of 60cm x 22.5cm wide with lettering measuring at least 6cm x 6cm.
- c) In addition to the Councils official plate, private hire vehicles may fix on any door of the vehicle a non-illuminated, sign having a maximum total area of 5cm x 23cm, the lettering to be at least 6cm in height, and may be reflective. The sign may contain the following information:-

Name of operator

Telephone number of operator

The words "Advance booking only"

- d) In addition to the Council's official plate, Hackney Carriages may fix on the outside of the rear doors of the vehicle a non-illuminated, sign having a maximum total area of 2' x 9', the lettering to be 2.5' in height, and may be reflective. The sign may contain the following information:-

Hackney Carriage or Taxi
Telephone number
Name of the taxi company

- 8.2 One or more notices shall be displayed within the vehicle, in a conspicuous location, indicating "NO SMOKING". Such notice(s) must be clearly visible to passengers and the lettering must be white on a red background. Alternatively the international "NO SMOKING" symbolic sign may be used.

9.0 LICENCE PLATES AND BADGES

- 9.1 For all licensed vehicles the licence plate must be securely fixed to the rear of the vehicle either by directly fixing it to the bumper or on a secure bracket under the number plate. If a square plate is used the licensed council plate and the number plate shall be displayed side by side in the area designated by the manufacturer for the number plate. The vehicle licence plate must not obscure the number plate.
- 9.2 The licence plate shall remain the property of the Council and shall be returned forthwith to the Herefordshire Council Environmental Health and Trading Standards Licensing Section, if the proprietor no longer holds a licence issued by the Council, which is in force in respect of the vehicle (whether by reason of expiry or revocation). After the expiry date on any hackney carriage or private hire licence, that licence is no longer valid and any badge or vehicle plate must be returned to the Council immediately. All licence plates must be returned before a new plate is issued.
- 9.3 The loss of, damage to or illegibility of a plate or badge shall be reported to the Council as soon as the loss, damage, or illegibility becomes known and a duplicate will be issued at the expense of the Licence Holder. The vehicle shall not be used for hire until the Plate or Badge has been replaced.
- 9.4 The holder of this licence is strictly prohibited from transferring or purporting to transfer any interest in the licensed vehicle (hiring or leasing the vehicle), if at any time during the period of the vehicle licence the proprietor for any reason does not wish to retain the vehicle licence they must immediately surrender and return the vehicle licence and the licence plates to the Council. This condition shall not preclude the transfer of any interest in the licensed vehicle as part of the transfer/sale of the business to a new owner.
- 9.5 All applications received after the date of expiry will be treated as Grants and not renewals and the appropriate conditions and fees will apply.

10.0 ADVERTISING

- 10.1 Position and content of advertising must be inspected and written authorisation received from the Licensing Unit before any advertising is placed on the vehicle.
- 10.2 The advertisements will be assessed against the following criteria:
 - Non sexual
 - Non discriminatory
 - Not to cause public offence
 - Not misleading
 - Location does not distract from council vehicle signs
 - Not to obscure vision of the driver

11.0 TAXIMETER/FARES

- 11.1 Licensed vehicles equipped with a taximeter of approved design (compulsory for a hackney carriage but optional for private hire vehicle) must be submitted for testing before operating within Herefordshire Council and is subject to further tests as and when required by the Licensing Authority.
- 11.2 A proprietor of a licensed vehicle shall not tamper with or permit any person, other than a proper authorised person or approved technician, to alter or adjust any taximeter with which the vehicle is provided, with the fittings thereof, or with the seals affixed thereto.
- 11.3 The proprietor of a Hackney Carriage shall cause a statement of fares fixed by the Council to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- 11.4 The proprietor of a Hackney Carriage shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.
- 11.5 The proprietor of a licensed vehicle shall deposit with the Licensing Section a copy of the statement of fares referred to above if the prices differ in any way from those that are in force at the time for Hackney Carriage vehicles licensed by the Authority.

12.0 VEHICLE DAMAGE

- 12.1 Without prejudice to the provisions of Section 25 of the Road Traffic Act 1972, the proprietor of the vehicle shall report to the Licensing Section as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence thereof, any accident to the vehicle causing damage affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. Until the damage is repaired to the satisfaction of the Licensing Authority or inspected by them, and written consent is received to continue to use the vehicle, the vehicle must not be used.
- 12.2 Vehicles that have sustained major accident damage will not be accepted for plating until a satisfactory steering geometry and alignment report is provided. This will be in the form of a written or printed document from an approved VBRA vehicle repairer.

13.0 INSURANCE

- 13.1 Before the licensed vehicle is used such insurance or securities as are required under Part V1 of the Road Traffic Act 1972 shall be obtained in respect of the vehicle and the certificate in respect of the policy of insurance shall be produced to the Licensing Section for inspection. The policy must show that the vehicles are suitably insured for 'hire and reward' purposes.
- 13.2 On the expiry of the Insurance a cover note or Certificate of Insurance renewing cover must be produced to the Licensing Section prior to or on the day of expiry of the previous certificate. Photocopies of the original can only be made by Licensing Section staff and faxed copies will only be accepted if received from the Insurance Company/Broker direct.
- 13.3 The proprietor must ensure that a copy of the certificate, of insurance is kept in the vehicle at all times including details of drivers authorised under the policy to drive the vehicle.
- 13.4 The licence holder shall notify the Council of any change of insurer or any change to the insurance particulars and shall provide full details thereof within two working days of such change.

14.0 NOTIFICATIONS

- 14.1 The proprietor of a licence shall produce details of the drivers permitted to drive by him to the Licensing Authority.
- 14.2 The proprietor shall notify the Council of any change in the list of Drivers within seven days of the change.
- 14.3 The licence holder shall, within seven days notify the Council in writing of any change of address and produce the vehicle licence to the Licensing Section so that the new address may be endorsed there.

15.0 SAFETY EQUIPMENT

- 15.1 The vehicle will be equipped with and carry at all times a British Safety Approved fire extinguisher, which is serviceable, suitable for use on vehicle fires and is located in a position for use by the driver. This must be permanently marked with the vehicles Hackney Carriage or Private Hire licence number.
- 15.2 The vehicle shall be fitted with first aid equipment. The first aid kit must be carried in the Vehicle in such a position as to be readily available for use and bear the plate number of the vehicle indelibly marked. It must contain as a minimum the following items as prescribed in the Public Service Vehicles (Condition of Fitness, Equipment, Use and Certification) (Amendment No.2) Regulations 1986. This must be permanently marked with the vehicles Hackney Carriage or Private Hire licence number.

	Item	Quantity
15.2.1	Suitable container in which to carry first aid	1

	items. Permanently marked with the vehicle plate number	
15.2.2	Basic instruction card covering expired air respiration, external cardiac compression, treatment of shock, recovery position and treatment for bleeding control	1
15.2.3	Triangular bandages	2
15.2.4	Large sterile unmediated dressing (not less than 15.0 cm x 20.0 cm)	3
15.2.5	Individually wrapped sterile adhesive dressings	24
15.2.6	Safety pins	12
15.2.7	Disposable gloves	1 pair
15.2.8	Antiseptic wipes	10
15.2.9	Disposable bandage (not less than 7.5 cm wide)	1
15.2.10	Sterile eye pads with attachments	2
15.2.11	Tuff-Kut scissors	1 pair

16.0 TRAILERS

16.1 Written permission shall be obtained from the Licensing Authority to use Trailers

16.2 Trailers can only be used in connection with Private Hire Bookings and cannot be used for plying for hire on the rank. Trailers must comply with the following standards:

- ❖ Unbraked trailers shall be less than 750 KGs gross weight
- ❖ Trailers over 750 KGs gross weight shall be braked acting on at least two road wheels
- ❖ The towing vehicle must have a kerb weight at least twice the gross weight of the trailer
- ❖ A suitable lid or other approved means of enclosure shall be fitted to secure the contents within the trailer whenever in use
- ❖ The maximum permissible length of the trailer shall be 7 metres including the drawbar and coupling
- ❖ The width of the trailer shall not be greater than the towing vehicle subject to no trailer being wider than 2.3m
- ❖ The maximum length for braked twin axle trailers is 5.540 metres.
- ❖ The trailer must at all times comply with all Road Traffic legislation requirements in particular those laid down in the Road Vehicles (Construction and Use) Regulations 1986.
- ❖ The vehicle insurance must reflect cover for towing a trailer.
- ❖ Trailers must not be left unattended anywhere on the highway.
- ❖ The speed restrictions applicable to trailers must be observed at all times.
- ❖ The registration number plate and the Vehicle Plate of the Private Hire Vehicle are attached to the rear of the trailer.

❖ The trailer be inspected annually, and is considered to be satisfactory by the Council.

17.0 VEHICLE INSPECTION see appendix A & B

17.1 Prior to issue or renewal of a licence, all vehicles and Trailers must be mechanically inspected at the Councils Testing Depot. Frequency of testing is dependent on the age of the vehicle, see table below

17.2 All vehicles must pass the Council’s compliance test before each renewal.

AGE OF VEHICLE	TYPE OF VEHICLE	FREQUENCY OF TEST PER YEAR
1-5	CAR, MINIBUS, PEOPLE CARRIER, DISABLED ACCESS	X1
5-8	CAR, MINIBUS, PEOPLE CARRIER	X2
10-15	DISABLED ACCESS	X2

17.3 Should a vehicle fail to pass an inspection, the vehicle inspector or authorised officer of the council will notify the licensee that the licence has been suspended. The vehicle shall be required to be resubmitted within seven calendar days and a re-test fee is applicable. This seven-day limit shall also apply to any instruction issued for a vehicle to be presented for inspection.

17.4 An authorised Officer, an Officer nominated by the Council or any police constable shall have the power at all reasonable times to inspect and test any Vehicle licensed by the Council for the purpose of ascertaining its fitness.

17.5 The second test may be a MOT test and the tests must be carried out 6 months apart.

18.0 RADIOS

18.1 Ensure that any telephone facilities and radio equipment provided are maintained in safe condition and that any defects are repaired promptly. The licensed Operator will ensure that the licence issued by the Department of Trade and Industry for all radio equipment used is current and valid. All equipment must only be used on the frequencies stipulated in the D.T.I licence and the licensed Operator must allow the Council access to inspect all equipment and D.T.I licenses.

18.2 Not to interfere with any other radio or telecommunication equipment.

18.3 Where apparatus for the operation of a two-way radio system is fitted, no part of the apparatus may be situated to cause accident or injury to the passenger, or in the rear boot compartment where LPG tanks or equipment are situated in them.

19.0 MINI BUSES

19.1 These are in addition to all other conditions and apply to mini buses that are licensed as private hire vehicles and Taxis.

- 19.2 All doors must be capable of being opened from the inside when locked from the outside.
- 19.3 The vehicle must have at least two doors to the rear of the Driver for the exclusive use of passengers.
- 19.4 All doors must show the method of operation of door lock operating levers i.e. Pull or Push with directional arrows in 2-inch letters.
- 19.5 All emergency doors must be clearly identifiable as such to passengers and should be clearly marked "Emergency Exit" in 2-inch letters.
- 19.6 There must be unobstructed access to all Emergency Doors or exits. (Seats must be located to facilitate this).
- 19.7 All sliding windows in the passengers' compartment should be restricted to open six inches only to protect persons from head injury.
- 19.8 All steps at entrances and exits must be illuminated or have clearly visible markings at floor level.

20.0 WHEELCHAIR ACCESSIBLE VEHICLES

20.1 These are in addition to all other conditions and apply to wheelchair accessible Vehicles and Taxis.

(a) Vehicles offered for approval must be constructed in accordance with **M/M1**

(b) Every new type of wheelchair accessible vehicle must comply in all respects with the following requirements: -

Motor Vehicle (Type Approval) Regulations 1980

Motor Vehicle (Type Approval) Regulations (Great Britain) 1984

And when in use with the following: -

Road Vehicle (Construction and Use) Regulations 1986 (C&U).

20.2 When offered for approval the vehicle must comply with British and European vehicle regulations and by type approved to the requirements of the M or M1 category of European Whole Type Approval 70/156/EEC as amended. Those vehicles (e.g. van conversions) which have not been 'type approved' to M or M1 Categories must be presented with approved certification that the specific vehicle meets the requirements of one of those (i.e. M or M1) categories. Most registration certificates issued since late 1998 should indicate the approval status of the vehicle.

20.3 Approved anchorages shall be provided for the wheelchair and chair bound disabled person. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheel chair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folder or

otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.

- 20.4 The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75cm. The minimum angle of the door when opened must be 90 degrees.
- 20.5 The clear height of the doorway must not be less than 1.2 metres.
- 20.6 Grab handles must be placed at door entrances to assist the elderly and disabled.
- 20.7 The top of the tread for any entrance must be at floor level of the passenger compartment and must not exceed 38 cm above ground level when the vehicle is unladen. The outer edge of the floor at each entrance must be fitted with non-slip treads.
- 20.8 The vertical distance between the highest part of the floor and roof in the passenger compartment must not be less than 1.3 metres.
- 20.9 A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside rear passenger door. An adequate locking device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use.
- 20.10 All vehicles fitted with a mechanical tail lift must supply a tail lift safety certificate annually. This must be supplied upon renewal of the vehicle licence.
- 20.11 Wheelchair accessible hackney carriages must remain wheelchair accessible at all times when plying for hire.

21.0 GENERAL CONDITIONS

- 21.1 The proprietor of a licensed vehicle shall not convey or permit to be conveyed in such vehicle any greater number of persons than the number specified in the licence issued to that particular vehicle.
- 21.2 All vehicle proprietors must maintain a reasonable standard of behaviour in their dealings with the general public, other licensed operators, proprietors, and drivers of licensed vehicles and Authorised Officers of the council.
- 21.3 The proprietor or driver of a licensed vehicle licensed by the Council shall furnish the Authorised Officers, such information relating to either the drivers or vehicles as is necessary to enable them to undertake their duties.
- 21.4 The proprietor or driver of a licensed vehicle licensed by the Council shall provide assistance necessary for carrying out the functions of the appropriate legislation to an authorised officer and any person accompanying the authorised officer.

The authorised officer will show their authorisation if required.

22.0 TEMPORARY LICENCE TRANSFER CONDITIONS

- 22.1 The alternative vehicle must comply with the standard conditions for licensed vehicles and hold a current compliance and test certificate.
- 22.2 The alternative vehicle will have valid Insurance cover when in use.
- 22.3 The temporary transfer Licence will be valid for a maximum of ten days. An extension to this may be granted at the discretion of the Licensing Officer. Notification must be made to the Taxi Licensing office when the spare vehicle is being used, this may be done by telephone out of normal working hours.
- 22.4 A valid temporary transfer Licence must be held during the operation of any alternative vehicle.
- 22.5 The spare plate will be printed on the reverse of the main plate, to allow it to be turned over and displayed when in use. Where this is not possible alternative arrangements can be made with the Taxi Licensing Staff.
- 22.6 Notification must be received at the Taxi Licensing Office before the spare vehicle plate is used. The notification must contain details of reason for its use.

23.0 ACCIDENTS

- 23.1 Without prejudice to the provisions of Section 25 of the Road Traffic Act 1972, the owner of the vehicle shall report to the Licensing Section as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence thereof, any accident to the vehicle causing damage affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. Until the damage is repaired to the satisfaction of an Authorised Officer, the vehicle must not be used for hire unless written consent is received.
- 23.2 Accidents involving personal injury to passengers must be notified to the Police and Licensing unit as soon as possible but in any case within forty-eight hours.

24.0 CCTV

- 24.1 No recording CCTV equipment shall be fitted without the written consent of the council. Consent shall only be considered for a system that encrypts the data to avoid tampering. Where CCTV equipment is fitted a council approved sign must be displayed in the vehicle warning customers that camera surveillance equipment may be in operation. Any image captured by the camera shall only be viewed by, or with the written permission of the council or police.

Data Protection Act 1998

This policy covers the treatment of personal data that Herefordshire Council may collect when you e-mail us, complete an application form, or when you complete and submit an online form on our web site.

When completing forms you may be asked for personal information such as name, address, postcode etc. It is only when you supply this type of information that you can be personally identified.

Herefordshire Council is registered with the Data Protection Act 1998 for the purpose of processing personal data in the performance of its legitimate business. Any information held by the Council will be processed in compliance with the principles set out in the Act.

Further information relating to the Data Protection Act 1998 can be sent to you on request.

If you have concerns about the processing of your personal data by the Council you may contact the Council's Data Protection Officer:

Data Protection Officer,
County Secretary and Solicitor
Herefordshire Council
Brockington
35 Hafod Road
Hereford HR1 1SH

**APPENDIX 1
HEREFORDSHIRE COUNCIL**

**LICENSED VEHICLE
TESTING STANDARD – MECHANICAL AND STRUCTURAL**

Items for test in addition to MOT test.

The item numbers refer to the item codes on the test sheet.

29	Spare Tyre	Correct size for vehicle and conforms to legal requirements.
32	Seat Belts	All seat belts must conform to legal requirements and be operational
33	Wiring	Ensure that correct load fuses are being used. Ensure that visible wiring is not so corroded or chafed that in the opinion of the tester a short circuit is likely to occur. That all junctions and installations are electrically sound.
34	Battery	Ensure that the battery mounting is not so corroded that the battery may break loose. Ensure that the battery is anchored securely. Ensure that the casing of the battery is sound and is not likely to allow acid to escape.
35	Starter Motor	Ensure starter motor is mounted securely
36	Engine Mountings	Mountings must be secure and not so corroded that they may be likely to fail.
37	Oil Leaks	Oil leaks must not create any type of hazard for the vehicle, pedestrians or other road users.
39	Drive Shaft	Universal joints must be serviceable and mountings secure. There must not be any undue 'play'.
40	Gearbox	Mountings must be secure and not so corroded as to be likely to fail. Gear selection must not be noisy.
41	Rear Axle	No oil leaks
43	Clutch Operation	Must operate satisfactorily and not 'judder', 'grab' or 'slip' outside normal limits.
44	Clutch Linkage	No signs of undue wear and are not likely to fail.
45	Clutch Hydraulics	System if fitted must not be leaking or the pipes and fittings so corroded that they may fail.
46	Fuel System	Inspected for security, corrosion and leaks.
50	Windscreen	Screen must be clear and there are no scratches, damage or obstructions, which will impede the view of the driver.
51	Windows	All windows must be clear of any obstructions or damage, which will in any way impede the view of the driver. No curtains must be placed over the windows and any blinds if installed must not be of a type, which will restrict all round vision. All windows must be capable of being operated in a satisfactory manner. All windows must be fitted with glass, which complies with the British Standard.
54	Vehicle Structure	The structure must be in a sound condition with no signs of excessive corrosion or damage.
55	Speedometer	The speedometer shall work in a normal manner.
56	Odometer	The odometer shall work in a normal manner
57	Mirrors	All mirrors must be securely mounted and not cracked, broken or corroded so as to distort any view to the rear. Where a mirror is intended to be adjustable it must be capable of being adjusted.
58 59	Doors / Handles / Locks	All doors, including boot, must open and close easily from both inside and outside. Any door locking mechanism shall be easily operated by passengers. All doors and boots shall be secure when shut. All lock fittings shall be secure and complete. Grab handles where fitted must be secure and fit for the purpose.
60	Fascia / Interior Lights	The speedometer shall be correctly illuminated. All interior and passengers lights where fitted shall be secure and operate. All switches and fittings shall be secure and operate correctly. There shall be no exposed wires or large holes in the fascia.
61	Bumper	Front and rear bumpers must be fitted and securely mounted. They must not be so badly damaged or corroded as to make them unfit for their purpose.

62	Road Test	The vehicle must be capable of manoeuvring safely and 'handles' correctly without any undue drift or pull etc
63	Registration Plates	Checked for condition, correct location and that they conform to legal requirements.
65	Other	Any item, defect or fault which in the opinion of the Licensing Officer or the mechanical tester which renders the vehicle in their opinion, to be unfit for use as a hackney carriage or private hire vehicle will be noted as a fail.
66	First Aid Kit	The kit must comply with conditions 15.2
67	Fire extinguisher	Must comply with condition 15.1

APPENDIX 2

HACKNEY CARRIAGES **TESTING STANDARD – APPEARANCE / SAFETY / COMFORT / COMPLIANCE WITH LICENCE CONDITIONS**

Items considered in test: -

1.0 External Bodywork

The body work shall have no damage which materially affects the safety or appearance of the vehicle, shall not have signs of corrosion or have any sharp edges which may cause injury to passengers. The paintwork shall be clean, consistent and uniform over the whole vehicle. The paintwork shall be of a professional standard. All fitments shall be intact and free from any damage, stains or corrosion of any kind.

2.0 Seats and Upholstery

All seats, upholstery, trim and carpets must be clean and free from stains, holes, tears and damage of any form. There must be no sharp edges, which would be likely to cause injury or damage. Seat coverings must be sound, intact, fitted snugly to seats and be clean. The interior seat springs shall be sound and not penetrating the fabric of the seat. There shall be no loose rugs, blankets, cushions or other articles on the passenger seats.

3.0 Floor

The floor must be sound and covered by fitted vehicle carpets. If furnished with rubber mats they must be in a clean and undamaged condition. Carpet off cuts are not acceptable as mats in the vehicle. Only one mat per seat is acceptable. The floor coverings must not be so worn as to cause danger to passengers.

4.0 Doors

All fittings shall be secure, undamaged and capable of being operated at all times by the passenger. The door linings shall be intact, clean and free from holes, tears, stains or any other damage.

5.0 Head Lining

The head lining shall be intact, clean and free from holes, tears, stains or any other damage.

6.0 Boot

The boot shall be kept clean and free of any stains, spills etc. Matting if fitted must be in one piece and be capable of being cleaned. The boot must be kept clear for the use of passenger's luggage apart from the spare wheel and jack (and excepting specialised fitments for first aid or other equipment etc).

7.0 Fire Extinguishers

A fire extinguisher (of the specified type) must be located and a notice displayed in the vehicle to identify its location. The fire extinguisher must be so secured and unobstructed that it will not create any danger or hazard for the driver or passengers. The extinguisher shall be clearly marked with the number of the licence when granted, in a manner acceptable to Officers of the Licensing Unit.

8.0 First Aid Kits

First Aid kits shall be available to PSV standard. The kit shall be marked with the number of the licence when granted, in a manner acceptable to Officers of the Licensing Unit.

9.0 Taximeter

The taximeter shall be checked and tested to ensure that the current tariffs set by Herefordshire Council are not exceeded. The taximeter may be sealed by the Inspecting Officer, as he/she considers necessary.

10.0 Fare Card

The fare card must be clearly displayed in such a position as to be easily seen by passengers.

11.0 Internal Plate Sticker

The internal plate sticker shall be displayed in such a position as to be easily seen by the passengers.

12.0 Exterior Plate

The external identification plate issued by the Council shall be securely fixed to the vehicle in such a position as to be clearly visible from the rear of the vehicle, or, centrally on the rear of the vehicle, where a bracket behind the registration number plate is used.

13.0 Top Light

The top light where fitted must be capable of being illuminated. The light must be securely mounted and installed so as not to cause any danger or hazard to the driver, passengers, the public or other road users.

Where in the opinion of the Inspecting Officer the vehicle fails to reach the standard required by the Council for the issue of a hackney carriage licence, the applicant(s) or nominee will be informed of the defects or grounds on which the vehicle has failed to reach that standard. The applicant(s) or nominee will then be given the choice of: -

Removing the vehicle from the test garage for the defects to be rectified and returning the vehicle within 7 days and/or 200 miles (where the vehicle is normally kept within 10 miles of the testing station), or within 7 days and/or 300 miles (where the vehicle is normally kept more than 10 miles from the testing station). The applicant or nominee shall also pay the appropriate re-test fee if required.

If the vehicle is not returned for re-test within 7 days the applicant or his/her nominee shall inform the Licensing Unit of the reasons why and any proposed further actions to be taken in respect of the vehicle. Re-tests after 7 days may incur full application fees.

Please note: - This list is not exhaustive and additional items may be included as deemed appropriate by Officers of the Licensing Unit.



HEREFORDSHIRE
COUNCIL

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

DRAFT PENALTY POINTS SCHEME

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1. Penalty Points Scheme 6 months trial

- 1.1 This scheme will be used where appropriate, for persistent offences where verbal and or written warnings have not been successful. The penalty points will be run in accordance with the Council's enforcement policy and follow the voluntary enforcement concordat. Copies are available at the Taxi Licensing Office. The penalty points scheme does not fetter the Licensing Authorities duty to consider other forms of enforcement and formal prosecutions should it be deemed proportionate to the offence(s).
- 1.2 The penalty points system outlined below identifies a number of breaches of Herefordshire Council conditions and byelaws. It then indicates the number of points to be invoked should the breach be proven. The implementation of points would take place following investigation by the Licensing Authority.
- 1.3 For persons holding **more** than one vehicle licence the threshold for commencement of formal action will be increased by **1 point** per vehicle licence held
- e.g. Person holding 6 Vehicle Licences = 6 Additional points are added to the single vehicle threshold of **12 points**
- This will give an **18 points** threshold before formal action is considered by the Council.
- 1.4 The details of how the scheme will be operated are as follows:
- a) Penalty points will be applied by authorised officers of the Council upon completion of investigation of relevant breaches of the Council's hackney carriage and private hire conditions.
 - b) Any penalty points issued will be confirmed in writing to the relevant Licence holder.
 - c) The number of penalty points issued will be in accordance with the attached tariff. (Appendix 1).
 - d) The Council retains the discretion to issue penalty points to driver, driver/proprietors and operators for a single contravention if the circumstances warrant it, i.e. the breach is one against all these licences and it is considered joint responsibility is held.
 - e) The imposition of penalty points against a driver who is an employee will not necessarily result in additional imposition of points to his/her employer or operator.

- f) Penalty points issued under this scheme will have a “life” of twelve months, and then will be deemed spent. The system is based upon a rolling twelve-month period.
- g) There is no financial penalty associated with the system, and the licensee may continue to work. However, the licensee will be asked to attend a Licensing Committee hearing if more than a certain number of points are imposed on an individual licence in any one 12 month period. The thresholds are as follows:

Dual Driver	12 Points
Hackney Carriage Vehicle	12 Points
Private Hire Vehicle	12 Points
Private Hire Operator	24 Points

- h) If there are three repeat identical contraventions within a 6-month period the offender will automatically be referred to the Regulatory Committee.

2. Recommendations

2.1 On appearing before the Licensing Committee the following recommendations will generally be made by Officers.

- a) On the accumulation of 12 or more penalty points in a 12 month period a driver or a vehicle proprietor will be subject to a recommendation to suspend his/her licence for a period of 1 month and the requirement to sit and pass the Councils knowledge test.
- b) On the accumulations of 24 or more penalty points in a 12 month period an Operator will be subject to a recommendation to suspend his/her licence for a period of 1 month.
- c) Drivers, proprietors, or Operators who accumulate the necessary total of points in a rolling year on a second or subsequent occasion, will be asked to reappear before the Licensing Committee. The Committee will take into account previous cautions, suspensions or prosecutions when considering Officers recommendation for a longer period of suspension, or revocation of the relevant licence.

2.2 The above recommendations would not fetter the discretion of the Regulatory Committee who may always decide to take no further action, to suspend the licence for any period, or to revoke a licence.

2.3 Any driver or vehicle proprietor or Operator subject to suspension or revocation has the right of appeal to the Magistrates Court against the suspension or revocation. All suspensions will therefore be subject to a 21-day appeals period prior to implementation to allow for the formal appeals process.

3. List Of Offences/Breach Of Licence Conditions/Byelaws

<u>Condition number</u>	<u>Offence</u>	<u>Max penalty for prosecution</u>	<u>Code</u>	<u>Points</u>

1.1	Failure to replace licensed purpose built or adapted vehicle on reaching 15 years of age. Without consent from Regulatory Committee.		V1	2
2.1	Failure to replace licensed vehicle on reaching 8 years of age. Without consent from Regulatory Committee.		V2	2
3.2	Failure to obtain written consent from LA to purchase or test new/replacement vehicle		V3	2
5.2	Failure to produce LPG safety certificate		V4	2
7.1	Failure to obtain consent from LA to alter equipment, dimensions or other specifications in/on the vehicle		V5	2
8.1(a)	Failure to display approved roof sign		V6	2
8.1(a)	Failure to maintain roof sign in working order		V7	2
8.1(b)	Failure to display front door signs		V8	2
8.1(b)	Failure to display correct front door signs		V9	2
8.2	Failure to display one or more “no smoking” signs in the vehicle		V10	2
9.3	Failure to report loss or damage of a vehicle plate.		V12	2
9.4	Failure to surrender vehicle licence and plate if proprietor does not wish to retain vehicle licence		V13	2
10.1	Advertising on vehicle without written authorisation from the LA		V13	2
11.1	Failure to submit taximeter for testing when requested to do so by LA		V14	2
11.3	Failure to display a statement of fares inside the HC		V15	2
11.4	Wilfully or neglectfully causing letters or figures in the statement to be obscured		V16	2
12.1	Failure to notify Licensing within 72 hours of any accident causing damage affecting the safety, performance, comfort, or appearance of the vehicle		V17	3
13.1	Failure to produce Insurance certificate for the vehicle		V18	2
13.2	Failure to produce renewal cover for insurance		V19	2
13.3	Failure to keep copy of insurance in the vehicle		V20	2
13.4	Failure to notify Council of change of insurer or particulars within 2 working days.		V21	2
14.1	Failure to produce details to the Council of drivers permitted to drive		V22	2
14.2	Failure to notify Council of any changes to the list of drivers.		V23	2

15.1	Failure to carry a suitably approved fire extinguisher within the vehicle		V24	2
15.2	Failure to carry first aid equipment as specified in conditions		V25	2
16.1	Failure to obtain written permission to use trailers on PH vehicles		V26	2
17.1	Failure to present trailer for inspection		V28	2
18.1	Failure to maintain radio equipment in sound condition		V28	2
20.11	Failure to maintain disabled facility vehicle with wheelchair access whilst it is being used to ply for hire.		V28	44
21.1	Proprietor of vehicle allowing a greater number of persons to be conveyed than is specified on the licence		V29	4
21.2	Failure to maintain a reasonable standard of behaviour		V30	2
23.2	Failure to notify council within 48 hours of an accident involving personal injury		V31	4

4. Driver Licence Conditions - Private Hire/Hackney Carriage

<u>Condition number</u>	<u>Offence</u>	<u>Max penalty for prosecution</u>	<u>Code</u>	<u>Points</u>
1.2	Driver not clean and respectable in their dress		<u>D1</u>	2
1.2	Driver not behaving in a civil and orderly manner		<u>D2</u>	3
1.3	Driver allowing noise from radio or other similar equipment to be a source of nuisance or annoyance to any person inside or outside the vehicle		<u>D3</u>	2
1.4	Driver smoking whilst in the vehicle		<u>D4</u>	2
1.5b	Not moving vehicle forward on a Rank to fill the space which has been vacated		<u>D5</u>	2
1.6	PH drivers parking in a position or location which gives the appearance of being for hire, whilst not on a pre-booking		<u>D6</u>	3
1.7	PH driver plying for hire		<u>D7</u>	4
1.7	PH driver calling out or influencing person to travel in the vehicle for gain without a prior appointment		<u>D8</u>	3
1.8	HC driver calling out or influencing a person to travel in the vehicle for gain		<u>D9</u>	3
2.2	Not displaying second badge or not visible to passengers being conveyed in the vehicle		<u>D11</u>	2

2.3	Failure to surrender drivers badge to the Licensing Authority upon expiry, revocation or suspension of their licence		<u>D12</u>	2
2.4	Failure to return expired badge to Licensing Authority		<u>D13</u>	2
3.1	Failure to carry evidence of insurance cover in the vehicle whilst on duty		<u>D14</u>	2
4.1	Carrying greater number of persons than the number specified on the licence		<u>D15</u>	4
4.2	Carrying other persons in the vehicle without the consent of the hirer		<u>D16</u>	2
4.3	Failing to take steps to ensure passenger safety		<u>D18</u>	4
5.1	Fail to search vehicle after journey		<u>D19</u>	2
6.3	Cancelling the fare or concealing the fare on meter before the hirer has agreed the fare		<u>D24</u>	2
6.4	Demanding more than the previously agreed fare		<u>D25</u>	2
6.4	Demanding more than the fare shown on the taxi meter		<u>D26</u>	2
6.6	Starting the fare before the hirer enters the vehicle without prior agreement		<u>D27</u>	2
7.1	Failure to notify proprietor of complaints made by the passengers		<u>D28</u>	2
7.2	Failure to notify passengers of their right to refer their complaint to the council		<u>D29</u>	2
8.1	Failure to attend at appointed time or place without sufficient cause		<u>D30</u>	2
8.2	Unnecessarily prolonging journey in distance or time		<u>D31</u>	4
9.1	Failure to provide copy of dual drivers licence to operator		<u>D32</u>	2
9.2	Failure to ensure insurance cover for them to drive vehicle		<u>D33</u>	2
9.3	Failure to ensure vehicle is licensed by council for the purpose used		<u>D34</u>	2
10.1	Failure to notify Council of change of address/telephone number within 7 days		<u>D35</u>	2
10.2	Failure to notify council of motoring or criminal convictions during the period of licence		<u>D36</u>	4
10.4	Failure to notify council in writing within 7 days of serious injury or illness affecting fitness to drive		<u>D37</u>	4
11.2a	Failure to carry assistance dog without exemption		<u>D38</u>	2
11.2b	Making additional charge for carrying assistance dog		<u>D39</u>	2

12.1	Not using mobile phone in accordance with The Road Vehicle (construction and use) (Amendment) (No.4) Regulation 2003		<u>D40</u>	2
14.2	Failure to ensure vehicle is clean inside and out		<u>D41</u>	2
14.3	Failure to notify council within 72 hours of any accident or damage to the vehicle		<u>D42</u>	4
14.3	Failure to present vehicle for inspection when requested by the Council to do so		<u>D43</u>	2
14.4	Failure to provide receipt when requested by hirer to do so		<u>D44</u>	2
14.5	Failure to co-operate with any Authorised Officer, Constable or any other clearly identifiable person nominated by the Council		<u>D45</u>	4
15.1	Failure to keep a record sheet in the Private Hire Vehicle		<u>D46</u>	2
16.1	Failure to comply the regulations governing the wearing of seat belts		<u>D47</u>	2

5. Operator Licence Conditions - Private Hire

<u>Condition number</u>	<u>Offence</u>	<u>Max penalty for prosecution</u>	<u>Code</u>	<u>Points</u>
1.3	Operating more vehicles than stated on licence		O1	2
2.1	Failure to obtain and maintain insurance on vehicle		O2	4
2.1	Failure to produce evidence of insurance cover to the Council		O3	3
2.3	Failure to notify Council of change of insurer within 2 days		O4	2
3.1	Failure to operate the business in a manner which does not cause nuisance to the public or to persons in nearby premises		O5	2
3.2	Failure to provide a prompt, efficient or reliable service		O6	2
3.3	Failure to attend a booking at appointed time or place without sufficient cause		O7	2
3.4	Knowingly allowing a greater number of persons in the licensed vehicle than is prescribed on the licence		O8	4
4.1	Operating the business from a premises outside the County of Herefordshire		O9	2
4.2	Failure to keep booking or waiting areas which the public have access, clean, adequately heated, ventilated and lit		O10	2

4.3	Failure to provide seating facilities in waiting areas		O11	2
6.1	Failure to supply written confirmation within seven days of changes to the particulars shown on the application form relating to the licence		O14	2
7.1	Failure to notify the Council within seven days of any convictions imposed on him/her, during the period of the licence		O15	2
8.1	Failure to keep proper records for a period of not less than six months		O16	3
8.2	Failure to keep proper records		O17	3
8.7	Using the words taxi or cab without having at least 70% of the fleet licensed as hackney carriages. Displaying the words taxi or cab on a private hire vehicle.		O18	2
8.8	Failure to keep records of all drivers employed or failure to produce details of the drivers		O19	2
8.9	Failure to notify council within seven days of the particulars of any driver who is no longer employed by the Operator		O20	2
9.1	Failure to maintain telephone or radio equipment in sound condition or failure to repair defects promptly		O21	2
9.2	Failure to have or produce evidence of a Licence issued by the Department of Trade and Industry licence for all radio equipment		O22	2
10.1	Using unlicensed drivers to drive a Herefordshire Council licensed vehicle		O23	4
11.1	Failure to keep a written record of all complaints or failure to make available to the council		O24	2
8.7	Displaying the word Taxi or Cab on a Private Hire Vehicle		O25	2

6. County Of Herefordshire District Council Byelaws Relating To Hackney Carriage

<u>Byelaw number</u>	<u>Offence</u>	<u>Max penalty for prosecution</u>	<u>Code</u>	<u>Points</u>
2 (b) (i)	Wilfully or negligently causing licence number to be concealed from public view while the carriage is standing or plying for hire		B1	2
2 (b) (ii)	Causing or permitting the carriage to stand or ply for hire with an		B2	2

	illegible plate			
3	Failure to furnish the Hackney Carriage in accordance with requirements of the Byelaw		B3	2
4.	Failure to provide a taximeter in accordance with the requirements of the Byelaw		B4	2
5.	Failure to operate taximeter in accordance with requirements of the Byelaw.		B5	2
6.	Driver or proprietor tampering with meter or permitting any unauthorised person to tamper with meter		B6	4
7. (b)	Failure to proceed to another rank when at the time of arrival rank is full		B7	2
7. (c) (d)	Failure to station or move the carriage immediately behind the carriage or carriages in front on the rank		B8	2
8.	A proprietor or driver using the services of a person to importune a person to hire the vehicle		B9	2
10.	Failure by driver to take reasonable precautions to ensure the safety of passengers		B10	4
11.	Driver or proprietor allowing more persons to be conveyed than the licence allows		B11	4
12.	Failure by driver to wear the badge provided by the council when plying for hire		B12	2
13.	Failure to provide when requested reasonable assistance with luggage		B13	2
15.	Failure to display statement of fares inside the carriage in a legible state		B14	2
17.	Failure to deposit lost property to the offices of the Council within 48 hours of discovery		B15	2



THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**DRAFT HACKNEY CARRIAGE AND PRIVATE HIRE
LICENSING POLICY**

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THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

DRAFT HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

1. Introduction and Overview

1.1 The County of Herefordshire District Council (hereinafter “the Council”) is responsible for the licensing of Hackney Carriage, Private Hire and Operator businesses within Herefordshire. These licences are regulated by qualifying licensed vehicles, drivers and operators within the terms of the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847, as extended by the Public Health Act 1875 and the Transport Act 1985. This policy document sets out the policies that the Council will apply when making decisions upon applications received for:

- a. Dual Driver Licences (hackney carriage and private hire)
- b. Operator Licences
- c. Vehicle Licences (hackney carriage and private hire)

The policy will be reviewed every three years and minor changes will be made following consultation with the Taxi and Private Hire Steering Group, as and when deemed necessary.

1.2 This Authority will have regard to Government guidance taken from the Action Plan for Hackney Carriage and Private Hire, Office of fair trading regulation of licensing taxi and PHV services in the UK, the Best practice guidance on Taxis and Private Hire Vehicles and the Hackney Carriage and Private Hire Steering Group. The Policy 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, Herefordshire Council’s enforcement policy, and the Anti-social Behaviour Act 2003. The Licensing Authority will have due regard to other organisation’s policies and strategies.

1.3 This policy is made after consultation with:

- a. The Chief Officer of Police;
- b. Local disability interest groups
- c. Bodies representing local holders of Dual Drivers licences;
- d. Bodies representing local holders of Operator licences;
- e. Bodies representing local holders of Vehicle licences
- f. Bodies representing users of the service.
- g. Departments within the Herefordshire Council (e.g. Planning, Highways, Parking Enforcement.
- h. Representative of Hereford Railway Station Private Rank.

1.4 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, and other persons interested in or users of the Taxi/Private Hire service within Herefordshire. 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 Criminal Record Bureau Check (CRB), Medical report, DVLA return,

vehicle compliance tests and the information supplied by the applicant, and any other representations.

- 1.5 It is the Council's wish to facilitate well-run and well-managed licence holders and businesses, enabling the Counties residents and visitors to benefit from the service provided by the 'Trade'.

2. Deregulation

- 2.1 Herefordshire Council operates full de-regulation in accordance with Government Guidance and Best Practice. This policy takes into account Government Guidance and the issue of need.

3. Enforcement

- 3.1 The Council recognises the fact that licensing is not to be the sole or only means of addressing problems or issues connected with the Taxi trade. Other mechanisms include:

Planning controls;
Powers of local authorities to enforce through existing bylaws, conditions and statutory instruments;
Police powers to enforce the law;
Highways Management;
Vehicle Inspectorate;

- 3.2 Enforcement will be carried out to prevent/identify breaches of conditions or associated legislation. Any enforcement action will be determined on a risk basis by the council and its partner agencies and resources will be concentrated on areas perceived as having the greatest need.
- 3.3 Inspections will include the vehicle, operator and driver. The driver inspections will on occasions include the use of breath testing equipment to detect excess alcohol. This will be carried out by the police with licensing staff present.
- 3.4 All enforcement actions and decisions will be in line with the Environmental Health and Trading Standards Enforcement Policy, Prosecution Policy, Enforcement Concordat and the Code for Crown Prosecutors.

4. Enforcement Action

- 4.1 The following enforcement action may be taken.

- a) Take no action
- b) Take informal action ie, written, verbal warnings
- c) Issue penalty points
- d) Use statutory notices, (stop notices etc)
- e) Suspend a licence
- f) Revoke a licence
- g) Use formal cautions
- h) Prosecute

5. Scheme of Delegated Functions

5.1 All applications received fall outside the Council's standard conditions and Policy will be referred to Regulatory Committee and will incur additional costs, to be paid by the applicant.

5.2 Table of Delegated functions to consider applications and appropriate enforcement action to be taken

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for dual driver/operator Licence			If no representation is received from CRB check, DVLA or medical report, and the knowledge test is successfully completed.
Application for dual driver/operator licence with unspent cautions/convictions	All cases		
Application for dual driver/operator licence with spent cautions/convictions not of sexual, violent or similar nature			Licensing Officer
Application for dual driver/operator licence with spent cautions/convictions of a sexual, violent or similar nature	All cases		
Application for dual driver/operator licence where the applicant is listed on a national offenders register	All cases		
Application for vehicle licence which complies fully with licence conditions			Licensing Officer
Application for vehicle licence, which does not comply with licence conditions.	All cases		
Request to transfer vehicle licence			Licensing Officer
Request to change vehicle on plate within standard conditions			Licensing Officer
Request to change vehicle on plate outside standard conditions	All cases		
Applications with licence restored after disqualification under the Totting up procedure i.e. speeding			Licensing Officer
Applications with isolated motoring cautions/convictions			Licensing Manager and Licensing Officer (may refer to committee)
Application with cautions/convictions for major traffic offences	All cases		
Application with a c cautions/convictions for driving without insurance			Licensing Manager and Licensing Officer (may refer to committee)

Application with a cautions/convictions for drink driving	All cases		
Offences committed during the term of the licence involving violence or public order offences.	All cases		
Offences committed during the term of the licence not involving violence or public order offences.			Licensing Manager and Licensing Officer (may refer to committee)
Suspension or Revocation of the licence			Environmental Health Manager following a report by the Licensing Manager or Licensing Officer
Review of suspension or revocation of a licence	All cases		
Complaints			Licensing Officer
Persistent /serious complaints			Licensing Manager and Licensing Officer (may refer to committee)
Applications with unsatisfactory medical report from GP or other medical advisor i.e. Councils Doctor			Licensing Manager and Licensing Officer (may refer to committee) or seek further medical advice
Issue of Penalty Points			Licensing Staff
Exceeding maximum permitted penalty points or persistent offences of a similar nature	All cases		

6. Transport

- 6.1 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 of people that could produce disorder and disturbance.

7. Applications

- 7.1 Applications must be submitted in the prescribed manner to include the full fee. Any application received not in the prescribed manner will not be determined until all relevant information is received. Assistance will be available either by telephone or by calling into the Taxi Licensing Unit by appointment.

8. Driver Applications

- 8.1 To obtain a Dual Driver licence the following requirements shall be met: -
- a) The applicant must be medically examined by a qualified medical practitioner who has known the applicant for a period of at least 12 months and has access to the applicant's full medical records. The medical fitness standard adopted by Herefordshire Council for

such licence holders reflects the fitness standard for Group 2 DVLA drivers. The medical will be required for all new applications and every five years thereafter. Upon reaching 65 years of age the medical will be required annually. All other drivers will be required to provide an annual declaration of their medical fitness.

- b) The Licensing unit will refer the medical report to the Councils medical practitioner for approval. The additional cost will be met by the applicant.
- c) When deemed necessary the applicant may be required to undergo a medical examination by the Councils Medical practitioner at the expense of the applicant.
- d) An enhanced Criminal Record Bureau check must be carried out in order the Council can determine from the result if the applicant is a 'fit and proper' person to have a dual drivers licence issued. This will be required on initial application and thereafter every three years. If the applicant is a European Union or other overseas applicant, a certificate of good conduct will be required from the relevant Embassy.
- e) A knowledge test set by the Council must be successfully completed before a new dual badge can be issued.
- f) A DVLA declaration must be signed in order the Council can be satisfied the applicant has the necessary driving licence. If the applicant does not hold a British or European Union Driving Licence, additional conditions may apply depending on the Country of issue.
- g) The applicant must be aged 21 years or over, and held a driving licence granted under Part 111 of the Road Traffic Act 1988 for at least 12 months.
- h) If the applicant is not a British or European Union citizen evidence of eligibility to work will be requested.

9. Operator Applications

9.1 Before a person is first licensed as an Operator the following requirements shall be met:

- a) A Basic Criminal Record Bureau check must be carried out in order the Council can determine from the result if the applicant is a 'fit and proper' person to have an Operator licence issued. This will only apply to applicants who do not undertake Enhanced Criminal Record Bureau checks as part of a Dual Drivers application.
- b) A satisfactory reference, covering the applicant's financial record.

10. Vehicle Licence Applications

- a) There needs to be in existence either a policy of insurance or 'such security' as complies with the requirements of Part V1 of the Road Traffic Act 1988.
- b) A Basic Criminal Record Bureau check must be carried out in order the Council can determine from the result if the applicant is a 'fit and proper' person to have vehicle proprietor's licence issued. This will only apply to applicants who do not undertake Enhanced Criminal Record Bureau checks as part of a Dual Drivers application.
- b) The vehicle must comply in all respects with the licence conditions the type of licence being applied for and the compliance test.
- c) New Hackney Carriage licences will only be issued on vehicles, which are fully wheelchair accessible and meet the criteria stated in the vehicle licence conditions. Wheelchair accessible vehicles must be wheelchair accessible at all times when plying for hire.

11. Fares

11.1 The Council will review fares annually in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976. The notice will be advertised and a

copy of the Notice will be open to public inspection without payment during normal office hours.

Any objections to the proposed increases should be made in writing stating the reason therefore and be sent to the undersigned at the address below.

If no objections are made or if all objections so made are withdrawn, the proposed increases shall come into operation on or as near to the 1st November as practicable, or at the date of withdrawal of the last objection, whichever is the later, subject to approval of elected members.

If objections are duly made and not withdrawn, the Herefordshire Council, shall set a further date not later than two months after the date specified on which the proposed increases shall take effect with or without modification, as decided by Herefordshire Council after consideration of any objections.

12. Fees

- 12.1 Fees in respect of all licences will be reviewed as deemed necessary by the Council and made available for public inspection.
- 12.2 Subject to the provisions of the Local Government (miscellaneous Provisions) Act 1976) District Council's may cover the costs of administration and enforcement of its licences.
- 12.3 The Council will not issue any licence until the appropriate prescribed fee in respect of the same has been paid to the Council.
- 12.4 If an annual fee is required without the need to apply for another licence and that fee is not paid the Council will take action to recover this fee as a civil debt through the County Court.

13. Further Information

For more information regarding Taxi licensing contact:

Telephone :- 01432 xxxxxxxxxxxxxx
Address :- xxxxxxxxxxxxxxxxxxxxxx
E-mail :- Licensing@herefordshire.gov.uk

Data Protection Act 1998

This policy covers the treatment of personal data that Herefordshire Council may collect when you e-mail us, complete an application form, or when you complete and submit an online form on our web site.

When completing forms you may be asked for personal information such as name, address, postcode etc. It is only when you supply this type of information that you can be personally identified.

Herefordshire Council is registered with the Data Protection Act 1998 for the purpose of processing personal data in the performance of its legitimate business. Any information held by the Council will be processed in compliance with the principles set out in the Act.

Further information relating to the Data Protection Act 1998 can be sent to you on request.

If you have concerns about the processing of your personal data by the Council you may contact the Council's Data Protection Officer:

Data Protection Officer,
County Secretary and Solicitor
Herefordshire Council
Brockington
35 Hafod Road
Hereford HR1 1SH

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.

**VEHICLE CONDITIONS ATTACHED TO A SPECIALIST
HACKNEY CARRIAGE VEHICLE (PEDI CAB) TOWN
POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1976**

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

Purpose

1. The report is to assist the Regulatory Committee consider the conditions to be attached to a specialist Hackney Carriage Vehicle in respect of two Pedi Cabs.

Legal Background

2. Under the terms of the Local Government (Miscellaneous Provisions) Act 1976 local authorities may make reasonable conditions for the regulation of both hackney carriages and private hire vehicles, drivers and operators.
3. S38 Town Police Clauses Act 1847 defines A Hackney Carriage as "Every wheeled carriage, whatever may be its form or construction, used in standing or plying for hire in any street within the prescribed distance".

Issues

4. An application has been received to licence two vehicles known as Pedi Cabs to be licensed as Hackney Carriages. Pedi Cabs are wheeled cycles which do not have an engine and are powered entirely by the rider.
5. Arrangements have been made for the vehicles to be tested by a reputable cycle shop, to be arranged by the vehicle proprietors and a safety certificate made available for the licensing section. The vehicles will be checked and serviced annually, in addition the proprietors/drivers will maintain them and keep records of daily routine vehicle checks.
6. In light of this request the standard conditions for licensed vehicles (appendix 1) and drivers (appendix 2) were adapted and additional conditions applied to take account of the specialist nature of the vehicles. Other Local Authorities who already licence this type of vehicle, were consulted and those conditions were used as a 'bench marking tool' to compose these draft conditions.
7. Consultation has taken place with the police, highways and Environmental Health and Safety. Full consultation was not deemed necessary due to the specialist nature of the vehicle.
8. At the time of submitting this report the police have made no objection, highways have made no comment and Environmental Health have offered

advice to the vehicle proprietors with regard to the necessary risk assessment.

9. The proprietors intend to run their operation as a 'pilot scheme' initially. If the Pedi Cabs are approved for use within Herefordshire suitable hailing points will be identified and displayed. These require no special traffic orders so the cost will be minimal, approximately £150.00.

Options

It is for the Regulatory Committee to decide whether the vehicle: -

- The draft conditions can be adopted for use with Pedi Cabs licensed as Hackney Carriages.
- The draft conditions cannot be adopted for use with Pedi Cabs licensed as Hackney Carriages.
- or reach some other decision.



**HEREFORDSHIRE
COUNCIL**

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**DRAFT CONDITIONS ATTACHED TO PEDI CABS AS HACKNEY
CARRIAGE VEHICLES LICENCE**

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DRAFT CONDITIONS ATTACHED TO PRIVATE HIRE/HACKNEY CARRIAGE VEHICLE LICENCE

Herefordshire Council licenses both Hackney Carriage and Private Hire Vehicles under the provisions of Part 11 of the Local Government Miscellaneous Provisions Act 1976 and the Town and Police Clauses Act 1847.

These conditions were approved by the Herefordshire Council's Regulatory Committee on ????????. These conditions will replace all previous conditions and will remain in place until such time the regulatory committee approve any amendments or review the conditions. These conditions apply exclusively to Pedi Cabs.

All applications received which fall outside the Licensing Authorities Conditions or Policy will be referred to Regulatory Committee for determination and will incur additional costs to be paid by the applicant.

(Herefordshire Council will use Government Guidance and Herefordshire Councils Hackney Carriage and Private Hire Licensing Policy to base its decisions)

1.0 DRIVERS OF PEDICABS

The licence holder shall ensure that all drivers/riders of Pedi cabs have a valid driving current full UK driver's licence, and are a minimum of twenty-one years of age.

2.0 PEDI CAB ROUTE/APPROVED STOPS

- 2.1 The driver of a Pedi cab shall operate the Pedi cabs only on the approved route, submitted to the Licensing Section of the Council.
- 2.2 The driver of a Pedi cab shall stop the Pedi cab only at the approved stances in accordance with the route plan submitted to the Licensing Section of the Council.

3.0 SEAT BELTS

- 3.1 Seat belts shall be fitted to all seats in all Licensed Vehicles. They shall be readily accessible for use by all passengers and shall be maintained in good condition and a useable state of repair at all times.
- 3.2 The driver of a Pedi cab shall ensure that passengers are offered the safety/lap belt before commencing a journey. If the passenger is a child they must use the belt provided.

4.0 ALTERATIONS

- 4.1 No alterations to any equipment, dimensions or other specifications shall be undertaken without the prior consent of any Authorised Officer of the Licensing Authority.
- 4.2 For the avoidance of doubt alterations includes both additions to and the removal of any existing equipment in, or on, Licensed Vehicles.

5.0 LICENCE PLATES AND BADGES

- 5.1 For all licensed vehicles the licence plate must be securely fixed to the (to be discussed)
- 5.2 The licence plate/disc shall remain the property of the Council and shall be returned forthwith to the Herefordshire Council Environmental Health and Trading Standards Licensing Section, if the proprietor no longer holds a licence issued by the Council, which is in force in respect of the vehicle (whether by reason of expiry or revocation). After the expiry date on any hackney carriage or private hire licence, that licence is no longer valid and any badge or vehicle plate must be returned to the Council immediately. All licence plates must be returned before a new plate is issued.
- 5.3 The loss of, damage to or illegibility of a plate or badge shall be reported to the Council as soon as the loss, damage, or illegibility becomes known and a duplicate will be issued at the expense of the Licence Holder. The vehicle shall not be used for hire until the Plate or Badge has been replaced.
- 5.4 The holder of this licence is strictly prohibited from transferring or purporting to transfer any interest in the licensed vehicle (hiring or leasing the vehicle), if at any time during the period of the vehicle licence the proprietor for any reason does not wish to retain the vehicle licence they must immediately surrender and return the vehicle licence and the licence plates to the Council. This condition shall not preclude the transfer of any interest in the licensed vehicle as part of the transfer/sale of the business to a new owner.
- 5.5 All applications received after the date of expiry will be treated as Grants and not renewals and the appropriate conditions and fees will apply.

6.0 ADVERTISING

- 6.1 Position and content of advertising must be inspected and written authorisation received from the Licensing Unit before any advertising is placed on the vehicle.
- 6.2 The advertisements will be assessed against the following criteria:
 - Non sexual
 - Non discriminatory
 - Not to cause public offence
 - Not misleading
 - Location does not distract from council vehicle signs
 - Not to obscure vision of the driver

7.0 VEHICLE DAMAGE

- 7.1 The proprietor of the vehicle shall report to the Licensing Section as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence thereof, any accident to the vehicle causing damage affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. Until the damage

is repaired to the satisfaction of the Licensing Authority or inspected by them, and written consent is received to continue to use the vehicle, the vehicle must not be used.

8.0 INSURANCE

- 8.1 Before the licensed vehicle is used such insurance or securities as are required under Part V1 of the Road Traffic Act 1972 shall be obtained in respect of the vehicle and the certificate in respect of the policy of insurance shall be produced to the Licensing Section for inspection. The policy must show that the vehicles are suitably insured for 'hire and reward' purposes.
- 8.2 On the expiry of the Insurance a cover note or Certificate of Insurance renewing cover must be produced to the Licensing Section prior to or on the day of expiry of the previous certificate. Photocopies of the original can only be made by Licensing Section staff and faxed copies will only be accepted if received from the Insurance Company/Broker direct.
- 8.3 The licence holder shall notify the Council of any change of insurer or any change to the insurance particulars and shall provide full details thereof within two working days of such change.
- 8.4 There must be in place Third Party Public Liability Insurance (minimum one million pounds for any one event).

9.0 NOTIFICATIONS

- 9.1 The proprietor of a licence shall produce details of the drivers permitted to drive by him to the Licensing Authority.
- 9.2 The proprietor shall notify the Council of any change in the list of Drivers within seven days of the change.
- 9.3 The licence holder shall, within seven days notify the Council in writing of any change of address and produce the vehicle licence to the Licensing Section so that the new address may be endorsed there.

10.0 PEDI CAB SAFETY, INSPECTIONS AND LEGISLATION

- 10.1 Should a vehicle fail to pass an inspection, the vehicle inspector or authorised officer of the council will notify the licensee that the licence has been suspended. The vehicle shall be required to be resubmitted within seven calendar days and a re-test fee is applicable. This seven-day limit shall also apply to any instruction issued for a vehicle to be presented for inspection.
- 10.2 An authorised Officer, an Officer nominated by the Council or any police constable shall have the power at all reasonable times to inspect and test any Vehicle licensed by the Council for the purpose of ascertaining its fitness.
- 10.3 The licence holder shall ensure that all PEDI cabs are maintained regularly and kept in a safe condition. A basic check must be carried out before each occasion it is used. The Licence holder shall retain records of all maintenance work carried out on each PEDI cab.

- 10.4 The licence holder shall ensure that Pedit cabs comply with the Pedal Cycle (Construction and Use) Regulations 1983, and the Road Vehicle Lighting Regulations 1989 and any other legislation that effects the construction/lighting of Pedit Cabs.
- 10.5 The driver of a Pedit cab shall comply with National and Local Legislation and the Highway Code relating to the use of such vehicles.

11.0 GENERAL CONDITIONS

- 11.1 The proprietor of a licensed vehicle shall not convey or permit to be conveyed in such vehicle any greater number of persons than the number specified in the licence issued to that particular vehicle.
- 11.2 All vehicle proprietors must maintain a reasonable standard of behaviour in their dealings with the general public, other licensed operators, proprietors, and drivers of licensed vehicles and Authorised Officers of the council.
- 11.3 The proprietor or driver of a licensed vehicle licensed by the Council shall furnish the Authorised Officers, such information relating to either the drivers or vehicles as is necessary to enable them to undertake their duties.
- 11.4 The proprietor or driver of a licensed vehicle licensed by the Council shall provide assistance necessary for carrying out the functions of the appropriate legislation to an authorised officer and any person accompanying the authorised officer.
- 11.5 The authorised officer will show their authorisation if required.

12.0 ACCIDENTS

- 12.1 Without prejudice to the provisions of The Road Traffic Act 1972, the owner of the vehicle shall report to the Licensing Section as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence thereof, any accident to the vehicle causing damage affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. Until the damage is repaired to the satisfaction of an Authorised Officer, the vehicle must not be used for hire unless written consent is received.
- 12.2 Accidents involving personal injury to passengers must be notified to the Police and Licensing unit as soon as possible but in any case within forty-eight hours.

Data Protection Act 1998

This policy covers the treatment of personal data that Herefordshire Council may collect when you e-mail us, complete an application form, or when you complete and submit an online form on our web site.

When completing forms you may be asked for personal information such as name, address, postcode etc. It is only when you supply this type of information that you can be personally identified.

Herefordshire Council is registered with the Data Protection Act 1998 for the purpose of processing personal data in the performance of its legitimate business. Any information held by the Council will be processed in compliance with the principles set out in the Act.

Further information relating to the Data Protection Act 1998 can be sent to you on request.

If you have concerns about the processing of your personal data by the Council you may contact the Council's Data Protection Officer:

Data Protection Officer,
County Secretary and Solicitor
Herefordshire Council
Brockington
35 Hafod Road
Hereford HR1 1SH

Additional conditions for Pedicab Licences (All conditions relate to both Employer and Employee Licences except where indicated for Employer Only)

1. The Licence holder shall have in place Third Party Public Liability Insurance (minimum one million pounds for any one event) to cover the operation of all pedicabs for which this licence is issued. **(Employer only)**
2. The Licence holder shall ensure that all drivers/riders of pedicabs employed by him have a valid current full UK driver's licence and are minimum age of twenty one years. **(Employer only)**
3. The Licence holder shall maintain an up to date list of the names and addresses of all drivers used by him and shall produce this list on request to a duly authorised officer of the licensing authority or to a Constable at all reasonable times. **(Employer only)**
4. The Licence holder shall ensure that all pedicabs are maintained regularly and kept in a safe condition. The Licence holder shall also retain records of all maintenance work carried out on each pedicab licensed in his name. **(Employer only)**
5. The Licence holder shall maintain operational records to ensure that there is a record retained of the identity of the driver of any pedicab at any given point in time. **(Employer only)**
6. Upon request from the licensing authority the Licence holder shall produce all pedicabs held by him under this licence for examination at such time and place as may be reasonably required by the licensing authority. In the event that any pedicab does not pass this inspection it shall not be operated until any defects are remedied and the pedicab has passed reinspection to the satisfaction of the licensing authority. **(Employer only)**
7. The Licence holder shall ensure that the identification plate on the pedicabs remain in place at all times during the currency of the licence and in the event of it being removed, damaged or defaced shall report this to the licensing authority as soon as practicable in order to obtain a replacement plate. **(Employer only).**
8. The Licence holder shall ensure that pedicabs comply with the Pedal cycle (Construction and Use) Regulations 1983, and the Road Vehicle Lighting Regulations 1989 and any other legislation that effects the construction/lighting of pedicabs.
9. The driver of a pedicab shall hold a valid current full UK driver's licence.

10. The driver of a pedicab shall have attained a minimum age of 21 years.
11. The driver of a pedicab shall operate the pedicabs only on the approved route, namely;
12. The drivers of a pedicab shall stop the pedicab on at the approved stances, namely;
13. The driver of a pedicab shall comply with National and Local Legislation and the Highway Code relating to the use of pedicabs on the road i.e.traffic signals, no entry signs and one way streets etc.
14. The driver of a pedicab shall use his best endeavours to ensure the safety of passengers, other road users and himself at all times.
15. The driver of a pedicab shall ensure that passengers are offered the safety/lap belt before commencing all journeys.
16. The driver of a pedicab shall not overload the pedicabs and will only take passengers if they can be seated in the pedicab i.e. a maximum of three passengers.
17. The driver of a pedicab shall at all times while he is acting as such have with him the badge of identification issued by the licensing authority. He shall exhibit such badge of identification on demand to any passenger, Constable or authorised officer of the licensing authority. The badge of identification issued by the licensing authority shall include a recent photograph showing a true likeness of the driver and he shall display his badge of identification at all times while so acting conspicuously on the outer front, upper portion of his outermost garment with the inscribed side of the badge clearly visible.
18. The driver of a pedicab shall NOT:-
 - A Permit any other person to use his badge of identification.
 - B Wilfully damage his badge of identification.
 - C Give, transfer, sell or otherwise dispose of his badge of identification.
19. The driver of a pedicab shall immediately report the loss of his badge of identification to the licensing authority.
20. The driver of the pedicab shall surrender his badge of identification to the licensing authority within seven days of leaving the trade.
21. The driver of a pedicab shall surrender to the licensing authority a badge of identification, the inscription or photograph on which has become in whole or in part illegible or defaced as the case may be.

22. The driver of a pedicab at the end of each hiring shall search the pedicab of which he is in charge of any property that may have been left therein.

23. Any property found by the driver shall, within twenty-four hours, be returned to the owner of the property, if known or such property shall be handed in by the driver to any police station.

- Add in an advertising criteria.
- Add in factory specifications
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