



## DISTRICT COUNCIL

Despatched: 21.09.15

### **LICENSING COMMITTEE**

**29 September 2015 at 6.00 pm**

**Conference Room, Argyle Road, Sevenoaks**

### **AGENDA**

#### **Membership:**

Chairman: Cllr. Mrs. Morris Vice-Chairman: Cllr. Clark  
Cllrs. Abraham, Dr. Canet, Cooke, Esler, Kelly, Lake, McArthur, Parkin, Pett, Raikes and Scholey

	<b><u>Pages</u></b>	<b><u>Contact</u></b>
<b>Apologies for Absence</b>		
1. <b>Minutes</b> To agree the Minutes of the meeting of the Committee held on 15 July 2015 and of the Licensing Hearing held on 20 July 2015, as a correct record	(Pages 1 - 12)	
2. <b>Declarations of interest</b> Any interests not already registered		
3. <b>Actions from the previous meeting (if any)</b>		
4. <b>Feedback and approval of Statement of Licensing Principles for Gambling Act 2005</b>	(Pages 13 - 76)	Claire Perry Tel: 01732 227325
5. <b>Revised Draft Taxi and Private Hire Licensing Policy</b>	(Pages 77 - 158)	Claire Perry Tel: 01732 227325

#### **EXEMPT ITEMS**

(At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.)

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Contact Officer named on a report prior to the day of the meeting.

Should you require a copy of this agenda or any of the reports listed on it in another format please do not hesitate to contact the Democratic Services Team as set out below.

For any other queries concerning this agenda or the meeting please contact:

**The Democratic Services Team (01732 227241)**

**LICENSING COMMITTEE**

Minutes of the meeting held on 10 June 2015 commencing at 6.00 pm

Present: Cllr. Mrs. Morris (Chairman)

Cllr. Clark (Vice Chairman)

Cllrs. Abraham, Cooke, Esler, Kelly, Lake, McArthur, Parkin, Pett, and Raikes

Apologies for absence were received from Cllrs. Purves

Cllr. Dr Canet was also present.

1. Minutes

Resolved: That the Minutes of the meeting of the Licensing Committee held on 19 March 2015 and of the Sub Committees held on 23 March 2015 and 13 April 2015 be approved and signed by the Chairman as correct records.

2. Declarations of Interest

No additional declarations of interest were made.

3. Actions from the previous meeting

There were no actions.

4. Appointments to Licensing Hearing Sub Committees

The Committee considered a report setting out the proposed memberships for the Sub-Committees for Licensing Hearings.

A Member suggested that once the membership of the Licensing Committee was amended at Council on 21 July 2015, Sub – Committee D should be amended to replace Cllr. Purves with Cllr. Dr. Canet.

Resolved: That the membership of the Licensing Sub-Committees subject to the amendment of Sub-Committee D after Council on 21 July, as set out in the report be approved.

5. Update of Licensing Partnership for 2015/16

The Licensing Partnership Manager presented a report which gave an update on the Licensing Partnership with Maidstone Borough Council, Tunbridge Wells Borough Council and Sevenoaks District Council since its partnership in 2010.

## Agenda Item 1

**Licensing Committee - Wednesday, 10 June 2015**

Members thanked the Licensing Partnership Manager for the clear report.

Resolved: That the report be noted

6. Report regarding the implications for the Licensing Partnership following the Report of Inspection of Rotherham Metropolitan Borough Council by Louise Cassey CB

The Licensing Partnership Manager presented a report which detailed how the publication of a report by Louise Cassey CB, following the lessons learned from Rotherham Metropolitan Borough Council relating to taxi licensing and safeguarding children. She advised that there were three proposed actions to tighten some processes but stressed that there were no issues across the partnership.

The Licensing Partnership Manager summarised the three main actions that were to: improve the complaints recording system so it was easier to retrieve information of a complaint, seek greater harmonisation of policies across the Partnership to prevent human error in processing applications and to ensure all members of staff in the Licensing Partnership were reminded to record complaints and ensure any discussions regarding the investigation of complaints were documented. Members were advised that the final action point had already been implemented.

In response to questions the Licensing Partnership advised that the current complaints process took a long time to retrieve the complaints information as it was stored with additional information to do with the taxi driver. If it was required to gather the information of the complaint it would involve searching through all of information stored. By implementing the new system, the complaints would be stored separately and therefore easier to gather the information.

The Licensing Partnership Manager also advised that if a complaint or allegation was made in regards to sexual harassment due to legal restraints it was usual practice to revoke the licence until the investigation had taken place. Members thought this was a sensible idea as it safeguarded the public.

Resolved: That

- a) The recommendations in the report to;
  - i) improve the complaints recording system,
  - ii) seek greater harmonisation of policies across the Partnership;
  - iii) ensure all members of staff in the Licensing Partnership be reminded to record complaints and other documentation be noted; and
- b) authority be delegated to the Chief Officer Environmental and Operational Services to implement the recommendations.

### ADDITIONAL MEETING

The Chairman advised that an additional meeting would be required for a new policy and would take place on 15 July 2015 at 6pm.

THE MEETING WAS CONCLUDED AT 6.30 PM

CHAIRMAN

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**LICENSING HEARING**

Minutes of the meeting held on 20 July 2015 commencing at 10.30 am

Present: Cllrs. McArthur, Parkin and Raikes

Also present

Mr. P. Cornwell	- Applicant
Mr. S. Thomas	- Applicant's Solicitor
Mr. R. Blake	- Applicant's proposed DPS
Mr. C. Beale	- Applicant's Noise Consultant
Mr. N. McCann	- Objector (Representing Mr. Dennard)
Mr. D. Horner	- Objector
Mr. J. Hewitt	- Objector
Mrs. J. Care	- Objector
Mrs. M. Ballard	- Objector
Mr. B. Beamish	- Objector
Cllr. Firth	- Observer
Cllr. Lake	- Observer
Mrs. L. Leeds	- Licensing Officer
Mr. D. Lagzdins	- Legal Advisory
Mrs. C. Sinclair	- Assistant Democratic Services Officer

1. Appointment of Chairman

Resolved: That Cllr. Raikes be appointed Chairman of the meeting.

2. Declarations of Interest

Cllr. Raikes declared that he knew of Douglas Horner, one of the objectors, but that it would not affect his consideration of the matter.

3. Application for a Premises License under the Licensing Act 2003 from Mr Peter Cornwell for Treetops, Grove Road, Penshurst, Kent. TN11 8DU

The Hearing gave consideration to a report by the Chief Officer Environmental and Operational Services giving details of an application for a premises licence under the Licensing Act 2003. It was noted that objections had been received and accordingly the application had been referred to the Sub-Committee for determination.

The Hearing heard from the applicant's representative who advised that renovations including sound proofing would take place to the clubhouse. He advised that on consideration of the objections raised by the objectors, the applicant was amending the application which had been included in the tabled supplementary agenda. Licensable activities would finish at 23:00 hours Sundays to Thursdays and the public would leave by 23:30 hours. On Fridays, Saturdays, Bank Holiday Sundays and New Year's Eve for sales of alcohol and late night refreshment to be until 00:00 and the premises to be closed at 00:30.

## Agenda Item 1

### Licensing Hearing - Monday, 20 July 2015

Conditions had also been discussed with Environmental Health and additional information including a noise management plan had also been submitted. To use the clubhouse the applicant's representative informed the hearing that events had to be pre-booked by Members of the British Cycling Association and the clientele they were aiming for was families.

In response to questions the applicant's representative responded that the site had planning permission for 24 hours use and that traffic concerns had been addressed within the noise management plan. The applicant was not aware of the problems surrounding the previous ownership of the site until it had been purchased but he was aware the site previously had unregulated activities and by applying for a premises licence controls were in place to address the concerns of neighbours. The applicant's representative confirmed that Treetops could only be used by Members of the British Cycling Association and their guests only.

At the discretion of the Chairman he allowed the objectors to ask questions of the applicants.

The Hearing heard from the objectors who raised concerns that the site was not suitable for a premises license due to public safety concerns. Concerns were also raised with the planning permission of the site. Even though hours had been shortened with conditions some of the objectors believed it was still excessive and there were no details about the number of pre-booked events at the clubhouse. Other objectors raised concerns that the setting was in an Area of Outstanding Natural Beauty and additional traffic would cause disturbance to the area, as well as light pollution. Concerns were raised at how the site had been previously used.

In response to further questions of the applicants the applicant's representative advised that staff would work shifts and therefore not all staff would be on site at one time. The only location where alcohol consumption off the site was permitted would be in the area behind the clubhouse which was the designated smoking area.

At 11.55 a.m. the Chairman allowed for a short adjournment.

At 12.05 p.m. the hearing reconvened.

In summing up the applicant's representative reiterated that the site had been separated and sold. The owner of the adjoining land, although a stakeholder had no rights in the operation of the Treetops Premises. Mr. Cornwell wanted to improve the safety of the site and following a visit from the Environmental Health Officer and the Health and Safety Officer last week, who advised that their previous safety concerns could be adequately dealt with under alternative legislations. He advised that the clientele they were trying to attract were different to the previous users of the site and the clubhouse would be an enhanced facility similar to a golf club. The lighting effect would be minimal not to cause an impact and that no concerns had been raised by the Police or against protecting children from harm.

At 12.15 p.m. the Hearing Members withdrew to consider the issues raised, with the Council's Legal Advisor and Assistant Democratic Officer in attendance.

At 1.20 p.m. the Hearing Members, Council's legal Advisory and Assistant Democratic Services Officer returned to the Council Chamber.



The Chairman informed the Hearing that the Sub-Committee had had regard to the representations made by the Applicant and interest parties and the Licensing Act 2003, Secretary of State's Amended Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy under the Licensing Act 2003. The Sub Committee was satisfied that granting the application subject to conditions were appropriate to address potential undermining of the licensing objective of preventing public nuisance.

It was therefore unanimously,

Resolved: That a Premises Licence in respect of Treetops, Grove Road, Penshurst, Kent. TN11 8DU, subject to mandatory conditions and additional conditions contained in the notice of determination attached as an appendix to these minutes, be granted.

THE MEETING WAS CONCLUDED AT 1.25 pm

Chairman

**LICENSING ACT 2003 – Section 23**

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**Notice of determination for application premises licence**

**To: TREETOPS**

**Of: TREETOPS, GROVE ROAD, PENSHURST, KENT. TN11 8DU**

**Ref: 15/01679/LAPRE**

Sevenoaks District Council being the licensing authority, on the 1 June 2015 received an application for a premises licence in respect of premises known as Treetops, Grove Road, Penshurst, Kent. TN11 8DU.

On the 20 July 2015 there being valid representations which were received had not been withdrawn, a hearing was held to consider these representations, and having considered them the Licensing Sub-Committee determined as follows:

**To grant the Premises Licence subject to mandatory conditions, and following amendments to licensable activities, operating schedule and additional conditions:**

**Section I:** To allow the provision of late night refreshment Fridays, Saturdays, Bank Holiday Sundays and New Years Eve both indoors and outdoors from 23:00 from hours until 00:00 hours

**Section J:** To allow the sale of alcohol for consumption both on and off the premises from Sunday to Thursday from 10:00 hours until 23:00 hours and on Fridays, Saturdays, Bank Holiday Sundays and New Years Eve from 10:00 hours until 00:00 hours.

**Section: L** Hours premises are open to the public from Sunday to Thursday from 08:00 hours until 23:30 hours and on Fridays, Saturdays, Bank Holiday Sundays and New Years Eve from 08:00 hours until 00:30 hours.

**To add the conditions on the Licence as follows:**

- The Upper Level Terrace and Roof Terrace will be supervised after 19.00 hours
- The Upper Level Terrace and Roof Terrace will be closed at 22.00 hours
- Beverages are only sold or supplied to persons seated at table on the Roof Terrace
- Only the rear of the premises will be used for consumption of alcohol off the premises and as the smoking area.
- No Music will be provided in the Upper Level Terrace and Roof Terrace Area
- Deliveries will take place after 09:00 hours and before 18:00 hours.
- Disposal of waste bottles into external receptacles must not occur between 22:00 and 08:00 hours.
- Waste collection will take place after 09:00 and before 18:00 hours.
- Notices to be displayed requesting customers be quiet and considerate when

leaving the premises.

- All lighting shall be designed to limit sky glow and minimise visual impact on neighbours.
- All lighting shall be switched off when the premises is not in use.
- There will be no new admissions to the premises after 23:00 hours
- There will be no more than 15 pre booked events a year.
- The premises will only be used by Members of the British Cycling Association with a maximum of 4 guests per member, with the exception of pre booked events. To maintain a register of guests signed in. A current list of members of the British Cycling Association to be made available upon request to enforcement officers.

### **The supply of alcohol**

Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:-

No supply of alcohol may be made under the premises licence -

- (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### **Mandatory Conditions in force from 6 April 2010**

1. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

Irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
  - (i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
  - (ii) Drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

## Agenda Item 1

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
  - (i) the outcome of a race, competition or other event or process, or
  - (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that -

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

### **Mandatory conditions in force from 28 May 2014**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1-

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula—  $P = D + (D \times V)$  where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### **Conditions consistent with the Operating Schedule**

A CCTV system will be installed and maintained at the premises in accordance with the recommendations of the Kent Police in line with Home Office guidelines.

Recordings will be kept for a minimum of 28 days and images made available on reasonable request to the Police or other authorised officer.

All staff will receive relevant training and endorse the Challenge 25 scheme in order to prevent any underage sales of alcohol taking place

Having had regard to the Licensing Act 2003, Secretary of State's Amended Guidance issued under Section 182, the Licensing Objectives and the Council's Statement of Licensing Policy. The conditions are appropriate to address potential undermining of the licensing objectives or preventing public nuisance.

# Agenda Item 1

This licence granted at the Hearing is effective from the 20 July 2015.

Dated: 20 July 2015

Signed .....

Chair – Licensing Hearing

Signed .....

Designation – Licensing Officer

Please address any communications to:

Licensing Partnership

Sevenoaks District Council

Council Offices

PO Box 182

Argyle Road

Sevenoaks

Kent TN13 1GP

**Note:** Pursuant to Part 1 of Schedule 5 of the Licensing Act 2003 as amended, any party eligible to appeal must appeal to a magistrates' court within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

**REVISED STATEMENT OF PRINCIPLES FOR GAMBLING ACT 2005 POLICY**

**LICENSING COMMITTEE – 29 SEPTEMBER 2015**

Report of the: Chief Officer, Environmental and Operational Services

Status: For Consideration

Also considered by: Full Council – 3 November 2015

Key Decision: No

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**Executive Summary:** Section 349 of the Gambling Act 2005 requires all Licensing Authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the three year period to which the policy applies. The previous Statement was issued in January 2013.

Sevenoaks District Council has consulted on its revised draft Statement of Licensing Policy for the Gambling Act 2005 and feedback was invited by the 04 September 2015.

A summary of the feedback received is attached with this report (appendix A). Members are asked to consider the feedback that has been received and decide what to include in the final policy (appendix B). The responses that were received are in Appendix C.

The final draft policy will be presented to full council for ratification on 3 November 2015 and will become policy.

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**This report supports the Key Aim of Safe and Caring Communities and Dynamic and Sustainable Economy**

**Portfolio Holder** Cllr Mrs. Firth (Legal and Democratic)

**Contact Officer(s)** Mrs. Claire Perry 7325/07970731616

Mrs. Leeann Leeds 7270

Miss. Jessica Bolton 7480

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**Recommendation to Licensing Committee:** That the policy be recommended for adoption by Full Council.

**Recommendation to Full Council:** That the revised policy be adopted.

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**Reason for recommendation:** To enable the Council to make decisions for gambling premises applications with an up to date Statement of Licensing Principles.

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# Agenda Item 4

## Background

- 1 The Gambling Act 2005 replaced most of the existing law about gambling in Great Britain and put in place an improved, more comprehensive structure of gambling regulation. This included a new structure of flexible protection for children and vulnerable adults and, in particular, brought the burgeoning Internet gaming sector within British regulation. It created a new independent regulatory body, the Gambling Commission, which is the national regulator for commercial gambling in Great Britain.
- 2 The Act also puts in place a strong role for local authorities in licensing gambling premises in their area and authorities are able to resolve not to licence any new casinos in their area if they do not want them.
- 3 The objective of the statement of principles is to provide a vision for the local area and a statement of intent that guides practice: licensing authorities must have regard to their statement when carrying out their functions. The statement cannot create new requirements for applicants outside of the Act and cannot override the right of any person to make an application under the Act, make representations or seek a review of a licence. However, it can invite people and operators in particular to consider local issues and set out how they contribute towards positively addressing them.

## Introduction

- 4 The licensing objectives as set out in the Gambling Act 2005:
  - preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
  - ensuring that gambling is conducted in a fair and open way; and
  - protecting children and other vulnerable persons from being harmed or exploited by gambling
- 5 Local authorities
  - Issue premises licences for Casinos, Betting Offices and Race Tracks, Bingo Clubs, Adult Gaming Centres and Family Entertainment Centres.
  - Issue permits for Gaming machine in members' clubs, Gaming in members' clubs, Unlicensed Family Entertainment Centres (Category D machines only) and Prize gaming
  - Issue Temporary Use Notices, Provisional Statements and Undertake inspections and enforce the conditions on the licences, permits and notices issued.
- 6 The categories under the Gambling Act 2005 are:
  - Casinos



- Commercial Bingo Clubs
  - Licensed Betting Premises
  - Gaming Machine Premises
  - Horse and dog racecourses
- 7 Licensing or permits enable businesses to provide specified maximum numbers and types of gaming machine. There are different types of gaming machines, with varying stakes (the amount allowed to be gambled at one time) and prizes (the amount the machines are allowed to pay out) and some types of machine are only allowed in specific premises. This is outlined in Appendix 6, page 30 of the draft policy. Maximum stakes and prizes are set by the Department of Culture, Media and Sport and are currently subject to a triennial review, the most recent of which took place in 2013.
- 8 Like the Gambling Commission, Licensing Authorities are bound by a statutory aim to permit and must accept premises application so long as they are made in accordance with :
- The Gambling Commission's codes of practice
  - The guidance to local authorities (4<sup>th</sup> edition latest publication but the 5<sup>th</sup> edition has just completed consultation)
  - The licensing Authority's own Statement of Principles
  - The three licensing objectives.

### **Amendments to the Policy**

- 9 The Gambling Commission has completed consultation on its 5th edition of the guidance. The final document, following consultation, will not be available until the end of October at the earliest which is too late for the Authority to revise its Statement of Principles, consult and present to the Licensing Committee and Full Council before the date publication is required in January 2016.
- 10 Therefore, this document has addressed the areas introduced in the Gambling Commission's consultation. However, should the 5th edition of the Gambling Commission's guidance be radically different in the approach taken in this Policy the authority will revise its Policy and carry out further consultation before further amending its Statement of Principles.
- Amendments to the Summary of stakes and prizes.
  - Mapped out and assessed local area profiles across the district to show there are no issues with high density of gambling premises. This shows that we have considered local risks in the area and the impact on children, young people and vulnerable adults.

## Agenda Item 4

### **Other Options Considered and/or Rejected**

- 11 Consideration was given to delaying the review of the Statement of Licensing Principles until the 5th edition of the Gambling Commission's guidance is published.
- 12 Members may decide not to include sections 6 and 7 of the policy and wait until the Gambling Commission publish the 5<sup>th</sup> edition of the guidance. A further consultation will be required should this option be taken.

### **Key Implications**

#### Financial

- 13 Fee levels for licences and permits will be set by the Licensing Authority.
- 14 Sevenoaks District Council has a statutory obligation to administrate the Gambling Act 2005. Failure to run and deliver a satisfactory service could result in a Judicial Review being called for in the High Court.
- 15 Through Hearings and Appeals at the Magistrate Court the Council is liable for costs if awarded against Sevenoaks District Council.

#### Legal Implications and Risk Assessment Statement

- 16 Decisions in relation to a licence are likely to amount to consideration of civil rights and obligations with the result that Article 6 (1) of the Human Rights Act 1998 is engaged.
- 17 Should parts of the industry believe the authority's 'Statement of Licensing Principles' is not sound it would be open to them to undertake judicial review proceedings.
- 18 The Gambling Commission will change their draft guidance and more or other changes will need to be made at a later date.

#### Equalities Assessment

- 19 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users. An Equality Impact Assessment has been carried out in drafting this policy.

### **Conclusions**

- 20 In producing the final licensing policy statement, this Licensing Authority declares that it will have had regard to the licensing objectives of the Gambling Act 2005, the current guidance issued by the Gambling Commission and any responses from those consulted on the policy statement.
- 21 Sevenoaks District Council as the licensing authority must use this 'Statement of Licensing Principles' in the day-to-day operation of processing and granting of all licences and notices under the Gambling Act 2005.

**Appendices:**

Appendix A – Feedback from the consultation

Appendix B – Gambling Act 2005 DRAFT Statement of Principles Gambling Policy

Appendix C – Responses received

**Background Papers:**

[Website: www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

Gambling Act 2005

4<sup>th</sup> edition of the Gambling Commission's guidance -

<http://www.gamblingcommission.gov.uk/pdf/GLA4.pdf>

Draft 5<sup>th</sup> edition guidance -

<http://www.gamblingcommission.gov.uk/pdf/GLA5-consultation--March-2015.pdf>.

Local Government Association – Gambling regulation Councillor handbook (England and Wales) -

<http://www.local.gov.uk/documents/10180/6869714/L15-230+Councillor+handbook+-+gambling+regulation+FINAL.pdf/3e8fafb9-493b-4027-a7c8-0feb89b8e209>

**Richard Wilson**

**Chief Officer, Environmental and Operational Services**

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**Feedback from the Gambling Act 2005 “Revised Statement of Licensing Principles for the Gambling Policy”**

**Local Authority: Sevenoaks District Council**

Contact and name	Comment	Comment from Officers	Include in final version for full Council	Amendments made and date	Decision / accept changes Y/N
<p><b>John Liddle, Director of Development, Coral Racing Limited</b></p>	<p>Within Section 6 (page 9 &amp; 10) it identifies a range of premises which by their inclusion, may suggest that applications near to such locations could be deemed high risk. Notably; schools, sixth form colleges, youth centres, hostels and support services for vulnerable people and similar venues, Whilst the narrative of the document correctly indicates ‘the Licensing Authority does not have the evidence that there are specific risks at the moment,’ it is suitable to feedback our advice. Coral knows of no evidence that the location of a licensed betting office within the proximity of the aforementioned causes harm to the licensing objectives. It involves a four-fold suggestion that a) those using such facilities are inherently problem gamblers, b) that having visited such facilities, users are more likely to visit a betting office than if they had not used such facilities, c) that if they do, that they are more likely to engage in problem gambling, and d) that the protective mechanisms arising from the Licence Conditions and Codes of Practice are insufficient to mitigate the risk. There is no evidence for any</p>	<p>It is the Licensing Authorities’ duty to ensure that the three licensing objectives are upheld. These objectives underpin the whole of the Gambling Act 2005 and we must have regard to these when determining applications. As mentioned in the draft policy the Licensing Authority does not have the evidence that there are specific issues at the moment but we would expect operators to include the above factors when carrying out risk assessments to ensure that young children and vulnerable groups are protected.</p> <p>Nowhere in the policy have propositions been made to suggest</p>			

**Feedback from the Gambling Act 2005 “Revised Statement of Licensing Principles for the Gambling Policy”**

Contact and name	Comment	Comment from Officers	Include in final version for full Council	Amendments made and date	Decision / accept changes Y/N
	<p>of these propositions.</p> <p>Coral knows of no evidence that children coming from schools are gaining access to betting offices. Coral’s general experience, in common with other bookmakers, is that children are not interested in betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges and no evidence whatsoever that they cause problems..... Coral’s experience is that, through all it does, it achieves an exemplary degree of compliance, and attracts negligible evidence of regularly harm. Through the additional local risk assessment to be introduced with future premises licence applications from April 2016, Coral believe that these should be a) to assess specific <u>risks</u> to the licensing objectives in the local area, and b) to assess whether <u>control measures</u> going beyond standard control measures are needed. In other words, there should be no requirement to list the locations that are currently stated (as there is no</p>	<p>that those using such facilities are inherently problem gamblers, that having visited such facilities, users are more likely to visit a betting office than if they had not used such facilities, that if they do, they are more likely to engage in problem gambling, and that the protective mechanisms arising from the licence conditions and or codes of practice are insufficient to mitigate the risk.</p> <p>The Licensing Authority is not suggesting that there is any evidence to suggest that school children are gaining access to betting offices within the district and those offices that have been visited have robust procedures in place to deal with any potential</p>			

**Feedback from the Gambling Act 2005 “Revised Statement of Licensing Principles for the Gambling Policy”**

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	evidence that this is a link between such venues and a betting office), however notwithstanding this, such locations would be automatically be included with the operators risk assessment submitted when the application is considered.	<p>underage activity. However, it is the duty of the Licensing Authority to ensure that young and vulnerable people are protected and that the relevant Licensing Objective has been considered.</p> <p>As per the draft guidance the locations listed can be taken into account by the Licensing Authority in assessing local area profiles.</p> <p>Members may wish to remove the list on pages 9/10 of the policy.</p>			
Lauren Hilton Association of British Bookmakers Ltd.	....There is no evidence that proximity of young or vulnerable people to a betting premises would impact the ability of the shop to uphold the licensing objectives. This is because all operators already have strict policies and procedures in place to prevent the access of under-age people to the premises and to ensure				

**Feedback from the Gambling Act 2005 “Revised Statement of Licensing Principles for the Gambling Policy”**

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	<p>the protection of vulnerable people. The mere increased proximity of either of those groups to the premises would not affect this.</p> <p>We therefore object to the list of locations included on page 9/10, which would suggest these would be high risk areas for betting premises to be located in. However, as set out above, there is no empirical evidence this is the case and they should not be a factor when considering licensing applications....</p> <p>....Any increase in the regulatory burden would severely impact on our members at a time when overall shop numbers are in decline, and operators are continuing to respond to and absorb significant recent regulatory change. This includes the increase to 25% of MGD, changes to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.</p> <p>Moving away from an evidence based approach would lead to substantial variation between licensing authorities and increase regulatory</p>	<p>As per the draft guidance the locations listed can be taken into account by the Licensing Authority in assessing local area profiles.</p> <p>It is not the intention of the Licensing Authority to increase regulatory burden and we ensure that we will be proportionate when dealing with gambling premises and only intervene when necessary.</p> <p>Members may wish to remove the list on pages 9/10 of the policy.</p>			



**Feedback from the Gambling Act 2005 “Revised Statement of Licensing Principles for the Gambling Policy”**

Contact and name	Comment	Comment from Officers	Include in final version for full Council	Amendments made and date	Decision / accept changes Y/N
	<p>compliance costs for our members. This is of particular concern for smaller operators, who do not have the same resources to be able to put into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.</p>				
<p>Grainne Hurst, Corporate Affairs Director, Ladbrokes PLC</p>	<p>It is important that any changes or additional conditions are evidence based and as a result, deemed to have a real impact on the ability of betting operators to uphold any or all of the three licensing conditions. Such a list of factors, based on opinion rather than fact, and therefore open to interpretation in many different ways could result in an inconsistent licensing regime.</p> <p>Operators already take certain factors into consideration to ensure compliance with the licensing objectives, both in relation to new applications and existing licensed premises, and therefore it should be, as it is now, a matter for the local operator to decide how this is determined and what should be included. This being the case, only local risks that are evidence based, would be included in the risk</p>	<p>It is not the intention of the Licensing Authority to increase regulatory burden and we ensure that we will be proportionate when adding additional conditions and these would only be added in order to promote the Licensing objectives.</p> <p>As per the draft guidance the locations listed can be taken into account by the Licensing Authority in assessing local area profiles.</p> <p>Members may wish to remove the list on pages 9/10 of the policy.</p>			

**Feedback from the Gambling Act 2005 “Revised Statement of Licensing Principles for the Gambling Policy”**

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	<p>assessment. We would therefore caution against the inclusion of certain named categories which operators are prescribed to take into account by the local authority, including educational establishments and general levels of crime.</p> <p>It is important to note that betting shops are often the victims of crime rather than a source of crime (burglaries, robberies etc.). However, as a responsible business we would consider the existing levels of gambling and betting related crimes as well as the measures we can take to mitigate this risk before applying for a local licence. It is unclear and we would expect that other general levels of crime would not affect a licencing application.</p> <p>Instead, each case should be considered on its own merits and therefore we would caution against general statements that gambling premises should automatically face a higher burden of proof in these areas. Without any clear requirements in the revised licencing policy statements that additional licence conditions should be accompanied by robust evidence, this process could lead to</p>				

**Feedback from the Gambling Act 2005 “Revised Statement of Licensing Principles for the Gambling Policy”**

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	<p>unintended consequences and local shop closures and job losses.</p> <p>Security and health and safety risk assessments already detail control measures in this area which are effective in tackling these issues. Similarly, we do not accept the premise that the proximity of young people to betting shops should be regarded as an additional risk. We have strict policies and procedures in place to ensure that only those who are eligible to bet can do so. We have also invested in colleague training for the Challenge 21 policy, whereby any new customer who does not look old enough to bet is asked to provide identification. If official age verification is not provided, the customer will be asked to leave the premises. Ladbrokes also has a Primary Authority Partnership for age-restricted products.</p> <p>There is a clear, existing process in place for interested parties or responsible authorities to make representations and we would therefore caution against statements of theoretical risk without any evidence to support the argument.</p>	<p>Each application received by the Local Authority is always considered on its own individual merits when determining that application.</p>			

**Feedback from the Gambling Act 2005 “Revised Statement of Licensing Principles for the Gambling Policy”**

Contact and name	Comment	Comment from Officers	Include in final version for full Council	Amendments made and date	Decision / accept changes Y/N
Councillor Cameron Clark	<p>I am wondering how this will work in New Ash Green where constitutionally the Village Association has one ‘member’ from each of the 24 residential neighbourhoods plus a number of consultant members. None of these will necessarily live close to any potential licensed premises. Nevertheless the Village Association does represent the interests of all residents and people would be very concerned if the Association was excluded from making representations by this criterion.</p> <p>Small grammatical amendments sent through on Policy</p>	<p>Like Parish Councils, the Village Association represents the residents and therefore would be able to submit representations for consideration.</p>		<p>11/09/2015 amendments made.</p>	

Councillor Elser and Councillor McGarvey have sent either no adverse or favourable comments regarding the contents of the Policy.



**DRAFT**

# **Sevenoaks District Council**

**Gambling Act 2005  
Statement of Principles Gambling Policy  
To be published January 2016**

## Agenda Item 4

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## Agenda Item 4

### **1. The Licensing Objectives**

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Gambling Act 2005. 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.

Sevenoaks District Council as “The Licensing Authority” for the Sevenoaks District will aim to permit the use of premises for gambling as set out in section 153 of the Gambling Act 2005.

### **Principles to be applied - Section 153**

(1) In exercising its functions under this part a Licensing Authority shall aim to permit the use of premises for gambling in so far as the authority think it -

- the Gambling Commission’s codes of practice
- the guidance to local authorities
- the Licensing Authority’s own statement of principles
- the three licensing objectives.

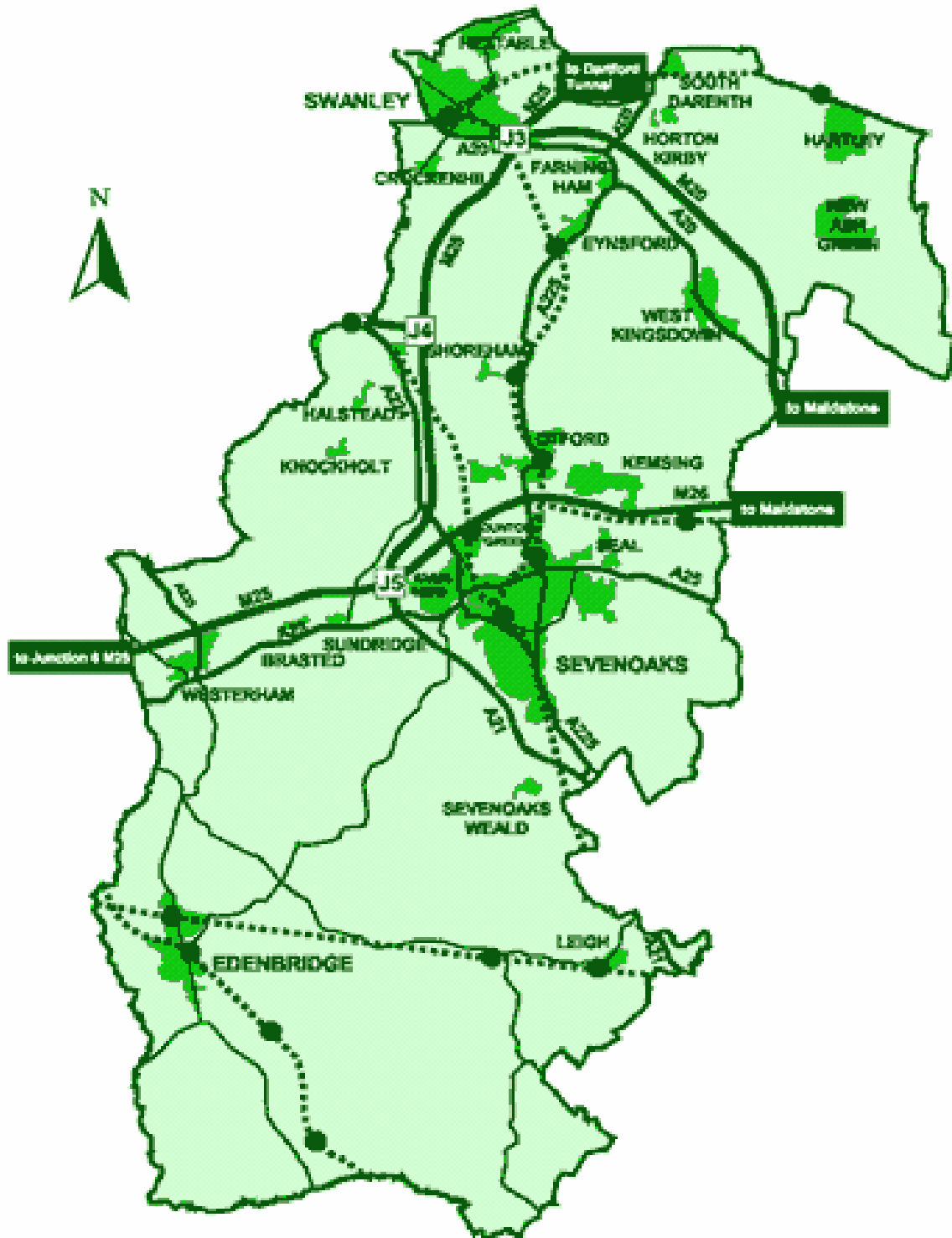
(2) In determining whether to grant a Premises Licence a Licensing Authority must not have regard to the expected demand for gambling premises that are the subject of the application.

(3) Any objection to an application for a Premises Licence or request for a review of an existing licence should be based on the licensing objectives of the Gambling Act 2005. It should be noted that, unlike the Licensing Act 2003, the Gambling Act 2005 does not include a specific licensing objective for the prevention of public nuisance. There is however other relevant legislation which deals with public nuisance.



2. Introduction

The Sevenoaks District Council Area



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Licensing authorities are required by the Gambling Act 2005 to publish a Gambling Policy statement setting out the principles that they propose to apply when exercising their functions. This statement may be reviewed from time to time but must be republished at least every three years. The current statement came into force in January 2013.

In determining its policy the Licensing Authority shall have regard to the current Gambling Commission guidance and give appropriate weight to the views of those who respond to its consultation.

The Gambling Commission has just completed consultation on its 5<sup>th</sup> edition of the guidance. The final document, following consultation, will not be available until after the date by which the Licensing Authority must publish its revised Statement of Principles. Therefore, this document has addressed the areas introduced in the Gambling Commission's consultation. However, should the 5<sup>th</sup> edition of the Gambling Commission's guidance be radically different in the approach taken in this Policy the authority will revise its Policy and carry out further consultation before further amending its Statement of Principles.

The key drivers for the Gambling Commission's proposed amendments to the guidance are to:

- reflect regulatory and legislative changes since the 2012 version
- reflect recent changes to the social responsibility provisions within the Commission's Licence conditions and codes of practice
- promote local partnership working between licensing authorities and local gambling operators to facilitate a coordinated approach to local issues
- provide greater clarity about the wide range of powers afforded to licensing authorities to manage local gambling regulation through measures such as their statement of licensing policy.

The Licensing Authority will consult widely on the Gambling Policy statement before it is finalised and published.

The Gambling Act requires that the following parties be consulted by Licensing Authorities:

- the chief officer of police for the authority's area;
- one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

A list of those persons consulted is attached at appendix 5.

The consultation for the policy will take place between 20<sup>th</sup> July 2015 and 4<sup>th</sup> September 2015, a period of 7 weeks. The Licensing Authority has followed, as far is reasonably practicable given the time constraints, the Revised Code of Practice (April 2004) and the Cabinet Office Guidance on consultations by the public sector.

The full list of comments made and the consideration by the Licensing Authority of those will be available upon request to: The Licensing Team via email [licensing@sevenoaks.gov.uk](mailto:licensing@sevenoaks.gov.uk) or by telephoning 01732 227004.

The policy is published on Sevenoaks District Council's website [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk). Copies will be placed in the public libraries within the area and is available in the Council's principal offices.

This policy statement will not override the right of any person to make an application, make representations about an application or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

### **3. Declaration**

In producing the final licensing policy statement, this Licensing Authority declares that it will have had regard to the licensing objectives of the Gambling Act 2005, the current guidance issued by the Gambling Commission and any responses from those consulted on the policy statement.

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### 4. Functions

<b>Function</b>	<b>Who deals with it</b>
Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences	Licensing Authority
Issue Provisional Statements	Licensing Authority
Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits	Licensing Authority
Issue Club Machine Permits to Commercial Clubs	Licensing Authority
Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres	Licensing Authority
Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines	Licensing Authority
Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines	Licensing Authority
Register small society lotteries below prescribed thresholds	Licensing Authority
Issue Prize Gaming Permits	Licensing Authority
Receive and endorse Temporary Use Notices	Licensing Authority
Receive Occasional Use Notices	Licensing Authority
Provide information to the Gambling Commission regarding details of licences issued (see section 8 on 'information exchange')	Licensing Authority
Maintain registers of the permits and licences that are issued under these functions	Licensing Authority

### **Gambling Commission Functions**

<b>Function</b>	<b>Who deals with it</b>
Issue and renewal of Operating Licences	Gambling Commission
Review Operating Licences	Gambling Commission
Issue Personal Licences	Gambling Commission
Issue Codes of Practice	Gambling Commission
Issue Guidance to Licensing Authorities	Gambling Commission

Licence remote gambling through Operating Licences	Gambling Commission
Issue licences in relation to the manufacture, supply, installation, adaptation, maintenance or repair of gaming machines	Gambling Commission
Deal with appeals against Commission decisions	Gambling Tribunal      Appeals Tribunal

The Licensing Authority is not involved in licensing remote gambling. This will fall to the Gambling Commission via operating licences.

Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

## 5. Operators

Gambling businesses are required to have an operator licence issued by the Gambling Commission before they can operate in Great Britain. Operator licences can be issued for up to ten different types of gambling activity and a separate licence is needed for both remote and non-remote gambling of the same types.

An operator licence gives a general authorisation for a business to provide gambling facilities, but a business wishing to provide non-remote gambling facilities in a Licensing Authority area is required to apply for a premises licence that is specific to the particular premises.

Operators are required to comply with conditions attached to both their operator and individual premises licences. They are also required to adhere to the mandatory provisions in the Gambling Commission’s Social Responsibility Code of Practice and take account of the provisions in the Ordinary Code of Practice (although these are not mandatory).

The Licence Conditions and Codes of Practice (LCCP) were updated in April 2015, and have introduced significant new responsibilities for operators in relation to their local premises. With effect from April 2016, all non-remote licensees that run gambling premises will be required to assess the local risks to the licensing objectives arising from each of their premises and have policies, procedures and control measures to mitigate them.

Licensees are required to take into account the Licensing Authority’s statement of principles in developing their risk assessments.

Local risk assessments should be undertaken or reviewed and if necessary updated by operators:

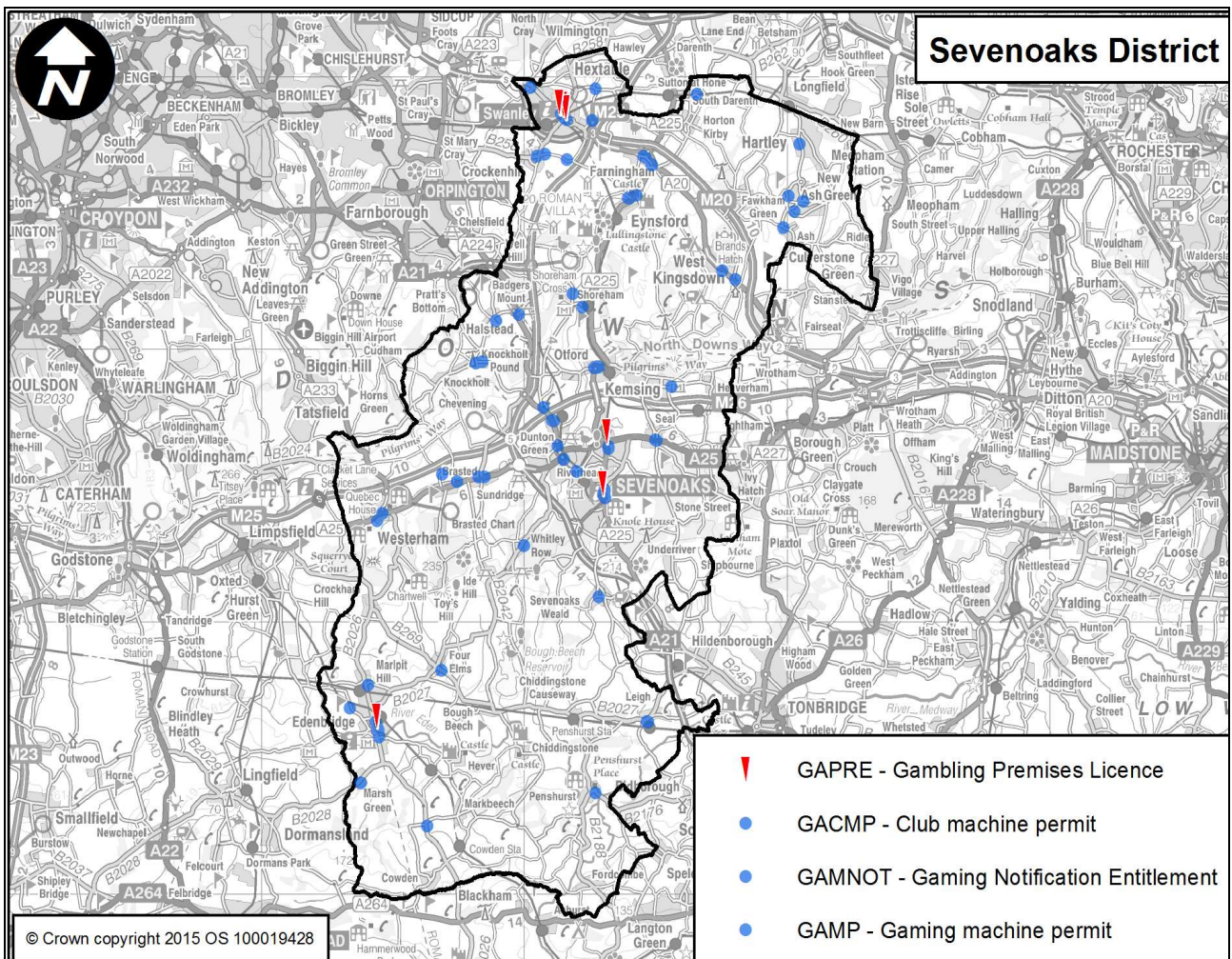
- when applying for a new licence or to vary a premises licence
- to reflect significant changes to local circumstances, including those identified in the statement of principles
- when there are significant changes at the premises which may affect mitigation of local risks.

Operators are advised to share their risk assessments when submitting such applications.

**6. Local Area Profiles**

The draft guidance is proposing that, like operators, licensing authorities complete and map their own assessment of local risks and concerns by developing local area profiles to help shape their statements (although there is no requirement to do this). In simple terms, the objective of the profiles is to set out what the area is like, what risks this might pose to the licensing objectives, and what the implications of this are for the Licensing Authority and operators.

Officers have mapped out the Gambling Premises within the District (red markers) and those premises that have gaming machine permits (Licensed Premises and Club) and gaming permits (Clubs) to indicate the location of the premises. There are only 7 Gambling premises across the District and there are no areas of high density of gambling premises.



In assessing local area profiles, Licensing authorities can also take into account the location of

- schools, sixth form colleges, youth centres etc., with reference to the potential risk of under-age gambling
- hostels or support services for vulnerable people, such as those with addiction issues or who are homeless, given the greater risk of problem gambling among these groups
- religious buildings
- any known information about issues with problem gambling
- the surrounding night time economy, and possible interaction with gambling premises
- patterns of crime or anti-social behaviour in the area, and specifically linked to gambling premises

- the socio-economic makeup of the area
- the density of different types of gambling premises in certain locations
- specific types of gambling premises in the local area (E.g, seaside resorts may typically have more arcades or FECs).

In drafting this document relevant bodies and organisations were contacted for evidence of existing problems. However, information at the time of drafting this Statement of Principles was unavailable. This Licensing Authority does not have the evidence that there are specific issues at the moment but will expect an operator to include the above factors when carrying out risk assessments of the area in which the new premises is proposed.

If there is a need or evidence to develop the local area profile further this will be done outside the scope of this document and updated as information changes.

### **7. Risk Assessments**

The Licensing Authority will require a risk assessment to be submitted for all types of gambling premises application for a new and variation application.

### **8. Responsible Authorities**

In exercising the Licensing Authority's powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm, the following principles have been applied:

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

In accordance with the Gambling Commission's Guidance for local authorities the Licensing Authority designates the following for this purpose:

Children's and Families - KCC Social Service

The contact details of all the Responsible Bodies under the Gambling Act 2005 are listed at Appendix 3.

### **9. Interested parties**

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party.

Section 158 of the Gambling Act 2005 says a person is an interested party if he/she;

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

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An interested party can make representations about licence applications or apply for a review of an existing licence.

Each application will be decided upon its merits. This Authority will not apply rigid rules to its decision-making. However, it will consider the following Gambling Commission's Guidance to local authorities.

The Gambling Commission has emphasised that 'demand' cannot be a factor in determining applications.

Gambling Commission's Guidance states that moral objections to gambling are not a valid reason to reject applications for premises licences, as such objections do not relate to the licensing objectives (Guidance to Licensing Authorities Para 5.27). All objections must be based on the licensing objectives.

The Gambling Commission has recommended that the Licensing Authority state within its Gambling Policy Statement that interested parties may include trade associations, trade unions, and residents and tenants' associations. However, this Authority will not generally view these bodies as interested parties unless they have a member who can be classed as such under the terms of the Gambling Act 2005. (i.e. lives sufficiently close to the premises and is likely to be affected by the application.)

Interested parties can be persons who are democratically elected, such as Councillors and MP's. No evidence of being asked to represent an interested person will be required provided the Councillor/MP represents the relevant ward. Likewise, parish councils may be considered to be interested parties. Apart from these exceptions this Authority will require written evidence that a person/body/advocate/relative) represents someone likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter of authorisation from one of these persons, requesting the representative to speak on their behalf will be sufficient.

Councillors who are not within the definition of an "interested party" may attend meetings of the Licensing Committee's sub-committees but have no right to address the hearing unless appointed by an "interested party" to assist or represent that party.

If there are any doubts then please contact the Licensing Team via email at [licensing@sevenoaks.gov.uk](mailto:licensing@sevenoaks.gov.uk) or by telephone 01732 227004.

### **10. Exchange of Information**

Licensing Authorities are required to include in their Gambling Policy Statement the principles to be applied by the Authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this Licensing Authority will apply is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information and the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will have regard to any Guidance issued by the Gambling Commission on this matter as well as any regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Any protocols established as regards information exchange with other bodies will be made available.



### 11. Enforcement

The Licensing Authority will act in accordance with the relevant legislation and guidance from the Gambling Commission and adopt the principles of better regulation set out in the Regulators Compliance Code.

The purpose of the Licensing Authority's enforcement protocol is to facilitate co-operation and co-ordination between enforcement agencies in pursuance of both the Gambling Act 2005 and the Licensing Act 2003. A copy can be requested via email at [licensing@sevenoaks.gov.uk](mailto:licensing@sevenoaks.gov.uk) or by telephoning the Licensing Team 01732 227004.

In accordance with the Gambling Commission's Guidance for local authorities this Licensing Authority will endeavour to avoid duplication with other regulatory regimes.

The Licensing Authority, as recommended by the Gambling Commission's Guidance, has adopted a risk-based inspection programme.

Licensing authorities are required by regulation under the Gambling Act 2005, to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

The Licensing Authority's principles are that:

It will adopt the guidance for local authorities and it will endeavour to be:

- Proportionate:
  - regulators should intervene only when necessary;
  - remedies should be appropriate to the risk posed, and
  - costs identified and minimised.
- Accountable:
  - regulators must be able to justify decisions, and
  - be subject to public scrutiny.
- Consistent:
  - rules and standards must be joined up and implemented fairly;
- Transparent:
  - regulators should be open, and keep regulations simple and user friendly; and
- Targeted:
  - regulation should be focused on the problem, and minimise side-effects.

The main enforcement and compliance role for the Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other

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permissions which it authorises. The Gambling Commission will be the enforcement body for Operating and Personal Licences.

## Appendix 1

Factors to be taken into account when considering applications for premises licences, permits and other permissions including matters that will be considered when determining whether to review a licence.

### 1. Permits

#### (i) Unlicensed Family Entertainment Centre (FEC) gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

Where a premises does not hold a Premises Licence but wishes to provide gaming machines it may apply to the Licensing Authority for this permit.

The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

The Licensing Authority has considered and intends to require applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed family entertainment centres;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
- that staff are trained to have full understanding of the maximum stakes and prizes.

It should be noted that a Licensing Authority cannot attach conditions to this type of permit and that the “statement of principles” only applies to initial applications and not to renewals (paragraph 8(2)).

For initial applications, the Licensing Authority need not (but may) have regard to the licensing objectives and shall have regard to any Gambling Commission guidance.

The Gambling Commission’s Guidance for local authorities states: “In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities may want to give weight to child protection issues.”

The Gambling Commission’s Guidance also states: “An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application.”

Statement of Principles: This Licensing Authority 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 efficiency of such policies and procedures will each be considered on their merits. However, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

With regard to renewals of these permits, the Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised Local Authority officer has been

## Agenda Item 4

refused access to the premises without reasonable excuse or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

### (ii) (Alcohol) Licensed Premises Gaming Machine Permits – (Schedule 13 Para 4(1))

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines of categories C and/or D. The premises licence holders merely need to notify the Licensing Authority. The Licensing Authority may make an order disapplying the automatic entitlement in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act 2005;
- the premises are mainly used for gaming; or
- an offence under the Gambling Act 2005 has been committed on the premises.

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority will consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” This Licensing Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.

Measures which will satisfy the Licensing Authority that there will be no access may include the adult machines being in sight of the bar or in the sight of staff that will monitor that the machines are not being used by those under 18 years old. Notices and signage may also help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice, as amended, issued by the Gambling Commission about the location and operation of the machine.

### (iii) Prize Gaming Permits – (Statement of Principles on Permits - Schedule 14 Para 8 (3))

Given that the premises will particularly appeal to children and young persons, in considering what to take into account in the application process and what information to request from the applicant, the Licensing Authority will want to give weight to child protection issues and will ask the applicant to set out the types of gaming that he or she is intending to offer. The applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations; and

- that the gaming offered is within the law.

In making its decision on an application for this permit the Licensing Authority need not (but may) have regard to the licensing objectives and shall have regard to any Gambling Commission guidance.

The Gambling Act 2005, attaches mandatory conditions to all prize gaming permits. The Licensing Authority cannot attach conditions. The mandatory conditions are as follows:

- 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.

#### (iv) Club Gaming and Club Machines Permits

Members' Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D), equal chance gaming and games of chance as set out in regulations. A Club Machine Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D).

The Gambling Commission's Guidance for local authorities states: "Members' Clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is restricted to bridge and whist but there is no need for a club to have an alcohol licence.

The Licensing Authority is aware that it may refuse an application on one or more of the following grounds:

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

There is also a 'fast-track' procedure available under the Act for premises that hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12, paragraph 10). As the Gambling Commission's Guidance for local authorities' states: "Under the fast-track procedure

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there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced” and “The grounds on which an application under the process may be refused are:

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

There are statutory conditions on club gaming permits that no child uses a category B3A, B4 or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

## **Appendix 2**

### **2. Gambling Premises Licences**

#### **(i) Decision making - general:**

Premises Licences will be subject to the requirements set-out in the Gambling Act 2005 and Regulations, as well as specific mandatory and default conditions detailed in regulations issued by the Secretary of State. The Licensing Authority is able to exclude default conditions and also attach others, where it is believed to be appropriate.

The Licensing Authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Authority's statement of licensing policy.

Any conditions attached to licences by the Licensing Authority will be proportionate and will be:

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

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures the Licensing Authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. The Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

An applicant for a licence will need to specify what supervision is proposed for the area where machines are sited and to clarify how supervisors will be trained to recognise vulnerable adults.

The Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in a non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

The Licensing Authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

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- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons less than 18 years of age.

These conditions will apply to premises including buildings where multiple premises licences are applicable.

The Licensing Authority is aware that tracks may be subject to one or more than one premises licence provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, the Licensing Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

There are also conditions which the Licensing Authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and
- conditions in relation to stakes, fees, winning or prizes.

### **(ii) "Premises":**

Premises is defined in the Act as "any place". It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises and as the Guidance for local authorities' states, it "will always be a question of fact in the circumstances". The Gambling Commission does not however consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

The Licensing Authority will have regard to the Gambling Commission's guidance on the division of premises and access between premises.

The Licensing Authority takes particular note of the Guidance for local authorities which states that in considering applications for multiple licences for a building or those for a specific part of the building to be licensed, licensing authorities should be aware that:

- the third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling but also that



they are not permitted to be in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating; and

- entrances and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.
- customers should be able to participate in the activity named on the premises licence.

The Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

It should also be noted that an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that references to "the premises" are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. The Licensing Authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensures that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

### **(iii) Location:**

The Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for local authorities, the Licensing Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

### **(iv) Planning:**

Planning and licensing are different regulatory systems and will be dealt with separately. The Gambling Commission's Guidance states: "When dealing with a premises licence application for finished buildings, the Licensing Authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises

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licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.”

### **(v) Duplication:**

As stated in section 3.36, as per the Gambling Commission’s Guidance for local authorities the Licensing Authority will seek to avoid duplication with other regulatory regimes so far as possible.

### **(vi) Door Supervisors:**

The Gambling Commission’s Guidance advises local authorities that licensing authorities may require persons operating premises in which gambling takes place to take measures such as the supervision of entrances; segregation of gambling from non-gambling areas frequented by children (assuming such non-gambling areas are compatible with requirements of the Act); and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

Any person employed to fulfil a condition on a premises licence that requires door supervision should hold a relevant licence issued by the Security Industry Authority (SIA).

It is to be noted that door supervisors at licensed casino or bingo premises are exempt from the requirements of the Private Security Industry Act 2001. Where an authority imposes door supervision requirements on such licences, the personnel will not need licensing under the 2001 Act.

The Licensing Authority therefore has specific requirements for door supervisors working at casinos or bingo premises, where there are multiple licensable activities and/or the Police Licensing Officer has concerns about the licensing objectives being undermined.

Where the premises is licensed under the Licensing Act 2003 door supervisors will be required to hold a relevant licence issued by the Security Industry Authority (SIA).

### **(vii) Licensing objectives:**

The Licensing Authority has considered the Gambling Commission’s Guidance to local authorities in respect of the licensing objectives.

***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.***

### **(viii) Reviews:**

Interested parties or responsible authorities can make requests for a review of a premises licence; however, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the following matters:

- it is in accordance with any relevant code of practice issued by the Gambling Commission;

- it is in accordance with any relevant guidance issued by the Gambling Commission;
- it is reasonably consistent with the licensing objectives; and
- it is in accordance with the authority's statement of licensing policy.

Consideration will be given as to whether the request is frivolous, vexatious, or will certainly not cause the Licensing Authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The Licensing Authority can also initiate a review of a licence on the basis of any reason that it thinks is appropriate.

### **(ix) Provisional Statements:**

The Licensing Authority notes the Gambling Commission's Guidance for the Gambling Commission which states that:

S.204 of the Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:

- expects to be constructed
- expects to be altered
- expects to acquire a right to occupy.

In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional licence stage; or
- (b) which in the authority's opinion reflect a change in the operator's circumstances.
- (c) Where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change to the plan and licensing authorities should discuss any concerns they have with the applicant before making a decision.

### **(x) Adult Gaming Centres (AGC):**

The Licensing Authority particularly notes the Gambling Commission's Guidance which states: "No-one under the age of 18 years of age is permitted to enter an AGC. Licensing authorities will wish to have particular regard to the location of an entry to AGCs to minimise the opportunities for under 18s to gain access. This may be of particular importance in areas where young people may be unsupervised and an AGC is in a complex, such as a shopping centre or airport."

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives although appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes

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- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

### **(xi) (Licensed) Family Entertainment Centres (FECs):**

Family Entertainment Centres are wholly or mainly used for having gaming machines available for use.

The Licensing Authority will, as per the Gambling Commission's Guidance refer to the Commission's website to see any conditions that apply to operator licences covering the way in which the area containing the category C machines should be delineated. This Licensing Authority will also make itself aware of any mandatory or default conditions on these premises licences.

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives although appropriate measures/licence conditions may cover issues such as:

- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare
- Measures/training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

**(xii) Tracks:**

The Licensing Authority is aware that the Gambling Commission may provide specific guidance as regards tracks. The Licensing Authority shall have regard to this Guidance in the discharge of its functions.

**(xiii) Casinos:**

The Licensing Authority will have regard to the Gambling Commission's guidance.

**(xiv) Bingo:**

The Licensing Authority will have regard to the Gambling Commission's guidance.

**(xv) Temporary Use Notices:**

There are a number of statutory limits as regards Temporary Use Notices. It is noted that it falls to the Licensing Authority to decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building/site (see Gambling Commission's Guidance for Local Authorities).

**(xvi) Occasional Use Notices:**

The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority will need to consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

**(xvii) Travelling Fairs:**

It will fall to the Licensing Authority to decide whether, where category D machines and/or equal chance prize gaming without a permit are to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This Licensing Authority will work with its neighbouring authorities to ensure that land which crosses its boundaries is monitored so that the statutory limits are not exceeded.

**Help with gambling related problems:**

A list of organisations where people may seek help will be available on the Licensing Authority's website.

**Responsible Authorities:**

**Further information about the Gambling Act 2005 and the Council's licensing policy can be obtained from:**

**Licensing Team**

Sevenoaks District Council  
Council Offices  
PO Box 182  
Argyle Road  
Sevenoaks  
Kent. TN13 1GP

Tel: 01732 227004

Fax: 01732 742339

e-mail: [licensing@sevenoaks.gov.uk](mailto:licensing@sevenoaks.gov.uk)

Website: [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk)

**Local Planning Authority**

Sevenoaks District Council  
Council Offices  
PO Box 182  
Argyle Road  
Sevenoaks  
Kent. TN13 1GP

Tel: 01732 227000

Fax: 01732 451332

[planning.comments@sevenoaks.gov.uk](mailto:planning.comments@sevenoaks.gov.uk)

**Chief Police Officer** – (West Division)

Kent Police  
Chief Superintendent  
Maidstone Police Station  
Palace Avenue  
Maidstone  
ME15 6NF

Tel: 101

e-mail:

[west.division.licensing@kent.pnn.police.uk](mailto:west.division.licensing@kent.pnn.police.uk)

**Fire Safety** - District Manager

Kent Fire & Rescue Service  
West Kent Fire Safety Office  
424 Vale Road  
Tonbridge  
Kent. TN9 1SW

Tel: 01732 369429

[tonbridge.firesafety@kent.fire-uk.org](mailto:tonbridge.firesafety@kent.fire-uk.org)

**Information can also be obtained from:**

**Gambling Commission**

Victoria Square House  
Victoria Square  
Birmingham. B2 4BP

Tel:0121 230 6666

Fax 0121 230 6720

e-mail: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

**Environmental Protection**

Dartford and Sevenoaks Partnership  
Civic Centre  
Home Gardens  
Dartford. DA1 1DR

Tel: 01732 227000

Fax: 01322 343963

e-mail: [eh.support@dartford.gov.uk](mailto:eh.support@dartford.gov.uk)

**Health and Safety**

Dartford and Sevenoaks Partnership  
Civic Centre  
Home Gardens  
Dartford. DA1 1DR

Tel: 01732 227000

Fax: 01322 343963

e-mail: [eh.support@dartford.gov.uk](mailto:eh.support@dartford.gov.uk)

**Kent Safeguarding Children Board**

Room 2.60  
Sessions House  
Maidstone  
Kent. ME14 1XQ

Website: [kscb@kent.gov.uk](mailto:kscb@kent.gov.uk)

**HM Revenue & Customs**

Medvale House  
Moat Road  
Maidstone  
Kent. ME15 6AE

Tel: 0845 302 1431

Website: [www.hmrc.gov.uk](http://www.hmrc.gov.uk)

**Police Sergeant of the Community Safety  
Unit, Sevenoaks**

Sgt. Mark Beresford  
Kent Police  
Sevenoaks District Council  
Council Offices  
Argyle Road  
Sevenoaks  
Kent. TN13 1HG

Tel: 101

e-mail:

[west.division.licensing@kent.pnn.police.uk](mailto:west.division.licensing@kent.pnn.police.uk)

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### Appendix 4

### TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	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 or responsible authorities	Where no representations received from the Commission or responsible authorities
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	

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### Appendix 5

List detailing who this authority consulted with:

#### List of Consultees

Sevenoaks District Council website  
District Councillors  
Councillor's Members Room  
Parish and Town Councils  
Libraries within the District  
West Kent Area Commander, West Kent Police  
North Kent Area Commander, North Kent Police  
Area Youth & Community Officer, KCC Youth & Community,  
Local Services Team Leader, KCC Education & Libraries  
Chief Executive, West Kent Housing Association,  
Regional Housing Manager, MOAT Housing Society  
Local Health Board  
Licensing Co-ordinator, Kent Police, Strategic Crime Reduction Department  
Director, West Kent Council of Voluntary Services  
Tunbridge Wells and Sevenoaks YOT, Kent Youth Offending Team  
Copy in reception  
Sevenoaks and District Chamber of Commerce  
Licensed premises in the Sevenoaks District  
Swanley Chamber of Commerce  
The Gambling Commission  
West Kent Licensing Officer  
Planning Department  
Ladbrokes Betting & Gaming Limited  
Enterprise Inns Plc  
The British Beer & Pub Association  
District Manager, Children & Families, KCC Social Services  
Kent County Council, Trading Standards  
Gambling Policy Team, HM Customs & Excise  
Done Brothers T/A Betfred  
Coral Racing Limited, Head Office  
Greene King Brewing and Retailing Ltd.  
Shepherd Neame Ltd.

This list is not definitive. Residents associations were also sent copies on request.

**Summary of gaming machines by premises**

**Appendix 6**

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

\* It should be noted the Member's Clubs and Miners' Welfare Institutes are entitled to site a total of 3 machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial Clubs are entitled to a total of 3 machines in categories B4 to D.

\*\*Adult gaming centre and bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13th July 2011 are entitled to make available 4 (adult gaming centre premises) or 8 (bingo premises) category B gaming machines, or 20% of the total number of gaming

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**machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13th July 2011 but before 1st April 2014 are entitled to a maximum of 4 or 8 category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1st April 2014 these premises will be entitled to 20% of the total number of gaming machines only. But not B3A machines.**

### Appendix 7

## Summary of Licensing Authority delegations permitted under the Gambling Act 2005

Matter to be dealt with	Full Council	Sub-Committee of licensing committee	Officers
Final approval of three year licensing policy	<b>X</b>		
Policy not to permit casinos	<b>X</b>		
Fee Setting (where appropriate)	<b>X</b>		
Application for Premises licences		Where representations have been received and not withdrawn	Where representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where representations received/ representations have been withdrawn
Application for a transfer for 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 representations received/ representations have been withdrawn
Review of a premises licence		<b>X</b>	
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		<b>X</b>	
Applications for other permits			<b>X</b>
Cancellation of licensed premises gaming machine permits			<b>X</b>
Consideration of temporary use notice			<b>X</b>
Decision to give a counter notice to a temporary use notice		<b>X</b>	

**Appendix 8**

**Summary of Maximum stake and Maximum prize by category of gaming machine.**

The new stake and prize limits by category of machine as of today are as follows:

<b>Category</b>	<b>Maximum stake</b>	<b>Maximum prize</b>
B1	£5	£10,000*
B2**	£100	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D non-money prize (not crane grab)	30p	£8
D non-money prize (crane grab)	£1	£50
D money prize	10p	£5
D combined money and non-money prize (coin pusher/penny falls)	20p	£20 (of which no more than £10 may be a money prize)
D combined money and non-money prize (other than coin pusher or penny falls)	10p	£8 (of which no more than £5 may be a money prize)

\* with option of maximum £20,000 linked progressive jackpot on premises basis only.

\*\* Government considers the future of these machines to be unresolved pending further work which is already underway.

### Appendix 9

## **Unlicensed Family Entertainment Centres, Gaming Machine Permits & Prize Gaming Permits. Guidance for perspective applicants.**

This appendix has been prepared to assist persons considering making an application for either an unlicensed family entertainment centre (UFEC) gaming machine permit or a prize gaming under the Gambling Act 2005.

Sevenoaks District Council fully endorses the licensing objectives detailed above and expects all applicants to work in partnership to promote these objectives through clear and effective management of each gambling operation whether in respect of a permit or premises licence.

In respect of UFEC gaming machine permits it has been prepared in accordance with Paragraph 7 of Schedule 10 of the Act and in respect of prize gaming permits it has been prepared in accordance with paragraph 8 of Schedule 14 of the Act. The appendix should be read in conjunction with Sevenoaks District Council Statement of Licensing Policy and Principles. – Gambling Act 2005.

The purpose of this appendix is to clarify measures that the council will expect applicants to demonstrate when applying for either of these permits so the council can determine the suitability of the applicant and the premises for a permit.

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.

The measures suggested in this appendix should be read as guidance only and the council will be happy for applicants to suggest measures above and beyond those listed in the appendix and or to substitute measures as appropriate.

### **1. Unlicensed family entertainment centres**

The term 'unlicensed family entertainment centre' is one defined in the Act and refers to a premises which provides category D gaming machines together 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' that does require a premises licence because it contains both category C and D gaming machines.

Unlicensed family entertainment centres (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. The council will only grant a UFEC gaming machine permit where it is satisfied that the premises will be operated as a bona fide unlicensed family entertainment centre.

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.

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.)

### 2. Prize gaming permits

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 bingo is offered and the prizes are displayed.

A prize gaming permit is a permit issued by the council to authorise the provision of facilities for gaming with prizes on specified premises.

Applicants should be aware of the conditions in the Gambling Act 2005 by which prize gaming permits 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

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.

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.

### Supporting documents

The council will require the following supporting documents to be served with all UFEC gaming machine permit and 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 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 certificate. (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.)

In the case of applications for a UFEC gaming machine permit evidence that the machines to be provided are or were supplied by a legitimate gambling operator who holds a valid gaming

## Agenda Item 4

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 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)

### 3. Child protection issues

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 these times
- 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.

### 4. Protection of vulnerable persons.

The council will expect the applicant to show that there are policies and procedures in place to protect vulnerable persons.

The council will assess these policies and procedures on their merits, however they may (depending on the particular permit being applied for) 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.

### 5. Other miscellaneous issues

The applicant should also be mindful of the following possible control measures (depending on the particular permit being applied for) to minimise crime and disorder and the possibility of public nuisance as follows:

- Maintain an effective CCTV system to monitor the interior and exterior of the premises
- Keep the interior and exterior of the premises clean and tidy
- Ensure the external lighting is suitably positioned and operated so as not to cause nuisance to neighbouring and adjoining premises
- Consider the design and layout of the outside of the premises to deter the congregation of children and youths
- Restrict normal opening hours to 8.45am to midnight daily
- Not permit any person who is drunk and disorderly or under the influence of drugs, to enter or remain on the premises
- Take such steps as are reasonably practicable to eliminate the escape of noise from the premises
- Ensure, where possible the external doors to the premises remain closed, except when in use, by fitting them with a device for automatic closure or by similar means
- Ensure that the premises are under the supervision of at least one responsible, adequately trained person at all times the premises are open

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

Applicants may obtain an enhanced Disclosure Barring Service disclosure on application to Disclosure Scotland on 0870 609 6006 or online at [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk)

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Mrs Leeann Leeds  
 Licensing Officer and Acting Administration Team Leader  
 Sevenoaks District Council  
 Council Offices  
 Argyle Road  
 Sevenoaks  
 TN13 1HG

4<sup>th</sup> September 2015

Dear Mrs Leeds

**Consultation on Sevenoaks District Council's Statement of Principles – Gambling Act 2005**

Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.

We have detailed below our response:-

Coral Racing Limited are broadly supportive of the document; it again notes that the Board when considering applications are still required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives', additionally noting that it should not take into account of moral objections to gambling.

Coral Racing Limited recognise the requirement to supply risk assessments with future applications & variations following the consultation completion and are pleased to see this detail included within the document. Within Section 6 (page 9 & 10) it identifies a range of premises which by their inclusion, may suggest that applications near to such locations could be deemed high risk. Notably; schools, sixth form colleges, youth centres, hostels and support services for vulnerable people and similar venues. Whilst the narrative of the document correctly indicates '*The Licensing Authority does not have the evidence that there are specific risks at the moment....*', it is suitable to feedback our advice.

Coral knows of no evidence that the location of a licensed betting office within the proximity of the aforementioned causes harm to the licensing objectives. It involves a four-fold suggestion that a) those using such facilities are inherently problem gamblers, b) that having visited such facilities, users are more likely to visit a betting office than if they had not used such facilities, c) that if they do, that they are more likely to engage in problem gambling, and d) that the protective mechanisms arising from the Licence Conditions and Codes of Practice are insufficient to mitigate the risk. There is no evidence for any of these propositions.

- Coral knows of no evidence that children coming from schools are gaining access to betting offices. Coral's general experience, in common with other bookmakers, is that children are not interested in



Coral Racing Limited  
 One Stratford Place, Montfichet Road, London E20 1EJ  
 Registered Office: New Castle House, Castle Boulevard, Nottingham NG7 1FT  
 Registered in England No. 541600  
 Tel: 020 3288 7000 Fax: 020 3288 7050

a company



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betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges and no evidence whatsoever that they cause problems.

The reason for Coral's caution against making such perceptions, which we anticipate is similar to that of the other main bookmakers, is that it already operates systems which ensure that the licensing objectives are strongly promoted across its estate.

For example:

- Coral benefits from an operating licence granted by the national regulator, the Gambling Commission. Therefore, its corporate systems for the promotion of the licensing objectives have been approved by the Commission, which continues to exercise vigilance in this regard through inspections and examination of regulatory returns.
- Coral is subject to the Licence Conditions and Codes of Practice, which are effectively the national code of operation to ensure that the licensing objectives are promoted.
- It carries out health and safety risk assessments pursuant to its legal obligations. These assessments are shortly to be extended so that formal compliance assessments are conducted.
- It conducts risk assessments in relation to Exposure to Violence, Aggression and Conflict (EVAC assessments).
- It operates the assessment principles of the Safe Bet Alliance, the national code for safe premises. It was one of the architects of the code.
- It operates the ABB's Code for Responsible Gambling, and again was one of the architects of that code.
- It operates an extensive compliance manual, upon which all staff members are trained. Copies are available for your inspection if required.
- It contributes to the Responsible Gambling Trust, which seems to promote responsible gambling who in-turn contribute to GamCare, the national problem gambling charity.

Coral's experience is that, through all it does, it achieves an exemplary degree of compliance, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced with future premises licence applications from April 2016, Coral believe that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed. In other words, there should be no requirement to list the locations that are currently stated (as there is no evidence that there is a link between such venues and a betting office), however notwithstanding this, such locations would automatically be included with the operators risk assessment submitted when the application is considered.

If we can provide any further information, we would be pleased to do so.

Yours sincerely,

  
John Liddle  
Director of Development – Coral Retail

Licensing Partnership Team  
PO Box 182  
Sevenoaks  
Kent  
TN13 1GP

17<sup>th</sup> August 2015

**Ladbrokes consultation response – Local Council statement on Gambling Act Statement of Principles**

**Introduction**

Ladbrokes is one of the world's largest betting operators, employing around 13,000 across 2,200 shops in the UK. As a responsible business we are committed to providing our customers with a safe, fair and fun leisure experience, whilst helping the small number of individuals who suffer from gambling related harm.

Betting offices are also valuable contributors to the vitality and viability of high streets throughout the UK, employing local people, building relationships with local customers and supporting local good causes in the community:

- They are an established high street use.
- They generate footfall at least comparable to that of retail facilities.
- They generate linked trips so supporting the retail vitality and viability of town centres.
- In physical character terms they generate at least as lively an exterior aspect as retail facilities.
- They are compatible in scale with retail facilities.

We welcome the opportunity to respond to this consultation. As a highly regulated industry, we also devote significant resources to regulatory compliance and fully support both the principle and practice of better working partnerships between local betting operators and local authorities. In our view the current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.

We are therefore concerned that the guidance as currently drafted aims to alter the premises licence regime from that established in the Gambling Act and either intentionally or unintentionally increases the burdens on an already responsible business and prescribes additional conditions above and beyond what has been currently agreed by the independent regulator.

We hope that in responding to this consultation we can better support the implementation of an effective, consistent and clear local licensing regime which is mutually beneficial to operators and local authorities.

**Local Partnerships**

We welcome the focus on partnership working and that is one of the reasons we are a leading signatory to the 'ABB-LGA Framework for local partnerships on betting shops' which was published

in January this year. We also have Primary Authority agreements with Liverpool Council and Milton Keynes Council which has resulted in greater clarity and consistency of regulation at a local level. In contrast, we are concerned that this guidance as currently drafted would lead to variations and inconsistencies which prove burdensome and costly for a business that operates across a multi-site estate in numerous different local authorities.

#### **Local area risk assessments**

From April 2016, under new Gambling Commission LCCP provisions, we are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated. As a responsible business, we must take into account relevant matters identified in the licensing authority's statement of licensing policy in their risk assessment, and review our policies where there are significant local changes.

It is important that any changes or additional conditions are evidence based and as a result, deemed to have a real impact on the ability of betting operators to uphold any or all of the three licensing conditions. Such a list of factors, based on opinion rather than fact, and therefore open to interpretation in many different ways could result in an inconsistent licencing regime.

Operators already take certain factors into consideration to ensure compliance with the licensing objectives, both in relation to new applications and existing licensed premises, and therefore it should be, as it is now, a matter for the local operator to decide how this is determined and what should be included. This being the case, only local risks that are evidence based, would be included in the risk assessment. We would therefore caution against the inclusion of certain named categories which operators are prescribed to take into account by the local authority, including educational establishments and general levels of crime.

It is important to note that betting shops are often the victims of crime rather than a source of crime (burglaries, robberies etc). However, as a responsible business we would consider the existing levels of gambling and betting related crimes as well as the measures we can take to mitigate this risk before applying for a local licence. It is unclear and we would expect that other general levels of crime would not affect a licencing application.

Instead, each case should be considered on its own merits and therefore we would caution against general statements that gambling premises should automatically face a higher burden of proof in these areas. Without any clear requirements in the revised licencing policy statements that additional licence conditions should be accompanied by robust evidence, this process could lead to unintended consequences and local shop closures and job losses.

#### **Existing responsible practices**

Ladbrokes shops already operate strict age restrictions and we do not promote betting or gambling in our shop windows attractive to young children or vulnerable adults.

We accept the importance of the premises design to mitigate risk, which is one of the reasons we install CCTV cameras in specific places to monitor activity (for example at the entrance and exit of the shop) and it is our policy, unless physically impossible, to locate machines in line of sight of our cashiers. Where this is not possible, we implement alternative measures to ensure that shop team are in a position to monitor the activity in the machines area of the shop.

Security and health and safety risk assessments already detail control measures in this area which are effective in tackling these issues. Similarly, we do not accept the premise that the proximity of young people to betting shops should be regarded as an additional risk. We have strict policies and procedures in place to ensure that only those who are eligible to bet can do so. We have also invested in colleague training for the Challenge 21 policy, whereby any new customer who does not look old enough to bet is asked to provide identification. If official age verification is not provided, the customer will be asked to leave the premises. Ladbrokes also has a Primary Authority Partnership for age-restricted products.

Our policies regarding compliance with the licensing objectives are supported by thorough staff induction training programmes followed by annual refresher training in the higher risk areas such as the prevention of underage gambling (Think 21) and tested through internal audit processes and, in the case of Think 21, test purchasing conducted by a third party service provider and the fact that those results are and other associated information is shared with the Gambling Commission.

**Who should be an interested party?**

There is a clear, existing process in place for interested parties or responsible authorities to make representations and we would therefore caution against statements of theoretical risk without any evidence to support the argument.

**For further information please contact:**

Grainne Hurst  
Corporate Affairs Director, Ladbrokes  
[grainne.hurst@ladbrokes.co.uk](mailto:grainne.hurst@ladbrokes.co.uk)

## Sevenoaks District Council: Gambling Act 2005, Statement of Principles Gambling Policy consultation | ABB response

September 4 2015

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### **Introduction**

The Association of British Bookmakers (ABB) represents over 80% of the high street betting market. Our members include large national operators such as William Hill, Ladbrokes, Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

Please see below for the ABB's response to the current consultation on the Council's review of its gambling policy statement.

This sets out the ABB approach to partnership working with local authorities and details any areas of concern within the draft statement, including our views on the implementation of the new LCCP requirements, from April 2016, relating to operators' local area risk assessments and their impact on the licensing regime.

We are concerned to ensure these changes are not implemented in such a way as to fundamentally change the premises licence regime through undermining the "aim to permit" principle.

It is important that this is also set within the context of declining betting shop numbers. Over recent years betting shop numbers have been relatively stable at around 9,000 nationally, but more recently a trend of overall downwards decline can be seen. The latest [Gambling Commission industry statistics](#) show that numbers as at 31 Mar 2015 were 8,958 - a decline of 179 from the previous year, when there were 9,137 recorded as at 31 March 2014.

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### **Working in partnership with local authorities**

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and we welcome the opportunity to respond to this consultation.

#### ▪ **LGA – ABB Betting Partnership Framework**

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA), developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms, which established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the

*"...desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be."*

The framework builds on earlier examples of joint working between councils and the industry, for example the Ealing Southall Betwatch scheme and Medway Responsible Gambling Partnership.





In Ealing, the Southall Betwatch was set up to address concerns about crime and disorder linked to betting shops in the borough. As a result, crime within gambling premises reduced by 50 per cent alongside falls in public order and criminal damage offences.

In December last year, the Medway Responsible Gambling Partnership was launched by Medway Council and the ABB. The first of its kind in Britain, the voluntary agreement allows anyone who is concerned they are developing a problem with their gambling to exclude themselves from all betting shops in the area.

The initiative also saw the industry working together with representatives of Kent Police and with the Medway Community Safety Partnership to develop a Reporting of Crime Protocol that is helpful in informing both the industry, police and other interested parties about levels of crime and the best way to deal with any crime in a way that is proportionate and effective.

Learnings from the initial self-exclusion trial in Medway have been incorporated into a second trial in Glasgow city centre, launched in July this year with the support of Glasgow City Council, which it is hoped will form the basis of a national scheme to be rolled out in time for the LCCP deadline for such a scheme by April 2016.

Jane Chitty, Medway Council's Portfolio Holder for Planning, Economic Growth & Regulation, said:

*"The Council has implemented measures that work at a local level but I am pleased to note that the joint work we are doing here in Medway is going to help the development of a national scheme."*

Describing the project, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, Cllr Paul Rooney said:

*"This project breaks new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."*

- **Primary Authority Partnerships in place between the ABB and local authorities**

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities.

These Partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the Partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015.

By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

### **Local area risk assessments**

From April 2016, under new Gambling Commission LCCP provisions, operators are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated.

Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy and local area profile in their risk assessment, and these must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or a new premises licence.

The ABB supports this requirement as set out in the LCCP, as this will help sustain a transparent and open dialogue between operators and councils. The ABB is also committed to working pro-actively with local authorities to help drive the development of best practice in this area.

- **Evidence based approach**

It is important that any risks identified are supported by substantive evidence. Where risks are unsubstantiated there is a danger that the regulatory burden will be disproportionate. This may be the case where local authorities include perceived rather than evidenced risks in their local area profiles and licensing policy statements.

This would distort the aim to permit principle set out in the Gambling Act 2005 by moving the burden of proof onto operators. Under the Act, it is incumbent on licensing authorities to provide evidence as to any risks to the licensing objectives, and not on the operator to provide evidence as to how they may mitigate any potential risk.

A reversal of this would represent a significant increase in the resource required for operators to be compliant whilst failing to offer a clear route by which improvements in protections against gambling related harm can be made.

There is no evidence that proximity of young or vulnerable people to a betting premises would impact the ability of the shop to uphold the licensing objectives. This is because all operators already have strict policies and procedures in place to prevent the access of under-age people to the premises and to ensure the protection of vulnerable people. The mere increased proximity of either of those groups to the premises would not affect this.

We therefore object to the list of locations included on page 9/10, which would suggest these would be high risk areas for betting premises to be located in. However, as set out above, there is no empirical evidence this is the case and they should not be a factor when considering licensing applications.

The industry fully supports the development of proportionate and evidenced based regulation, and is committed to minimising the harmful effects of gambling. The ABB is continuing to work closely with the Gambling Commission and the government to further evaluate and build on the measures put in place under the ABB Code for Responsible Gambling, which is mandatory for all our members.

- **Concerns around increases in the regulatory burden on operators**

Any increase in the regulatory burden would severely impact on our members at a time when overall shop numbers are in decline, and operators are continuing to respond to and absorb significant recent regulatory change. This includes the increase to 25% of MGD, changes to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.



Moving away from an evidence based approach would lead to substantial variation between licensing authorities and increase regulatory compliance costs for our members. This is of particular concern for smaller operators, who do not have the same resources to be able to put into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.

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### **Conclusion**

The ABB and our members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, we already do this successfully in partnership with local authorities now. This includes through the ABB Code for Responsible Gambling, which is mandatory for all our members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff. We would encourage local authorities to engage with us as we continue to develop both these codes of practice which are in direct support of the licensing objectives.

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**Contact:** For any responses or requests for additional information please contact Lauren Hilton, Public Affairs Executive ([laurenhilton@abb.uk.com](mailto:laurenhilton@abb.uk.com) / [REDACTED]).

## Agenda Item 4

### Leeann Leeds

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**From:** Cllr Philip McGarvey <[REDACTED]>  
**Sent:** 03 August 2015 15:51  
**To:** Leeann Leeds  
**Cc:** Claire Perry  
**Subject:** RE: Draft statement of principles gambling policy for Gambling Act 2005

Thanks, Leeann, but as I have a personal opposition to any kind of gambling, I am probably the worst person to ask for comment (though I wouldn't bet on it).

I will say nothing!

Best regards,

Philip

Cllr Philip McGarvey

**From:** Leeann Leeds [mailto:[Leeann.Leeds@sevenoaks.gov.uk](mailto:Leeann.Leeds@sevenoaks.gov.uk)]  
**Sent:** 20 July 2015 15:30  
**To:** Councillors (except Cllr Halford) <[Councillors@sevenoaks.gov.uk](mailto:Councillors@sevenoaks.gov.uk)>  
**Cc:** Claire Perry <[Claire.Perry@sevenoaks.gov.uk](mailto:Claire.Perry@sevenoaks.gov.uk)>  
**Subject:** Draft statement of principles gambling policy for Gambling Act 2005

Dear Sir or Madam,

Sevenoaks District Council is pleased to present its draft statement of principles gambling policy for the Gambling Act 2005.

I invite you to read and feedback any comments you may have by 4th September 2015, so that they may be taken into consideration for inclusion in the final draft which will be presented to the Licensing Committee.

Kind regards

Leeann

Mrs. Leeann Leeds  
Licensing Officer and Acting Administration Team Leader  
Sevenoaks District Council | Council Offices | Argyle Road | Sevenoaks | TN13 1HG  
Direct dial: 01732 227270  
Fax: 01732 742339  
Email: [leeann.leeds@sevenoaks.gov.uk](mailto:leeann.leeds@sevenoaks.gov.uk)  
Online: [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk)

*Please don't print this e-mail unless you really need to*

#### **The Licensing Partnership**

*Sevenoaks District Council, Tunbridge Wells Borough Council and Maidstone Borough Council have a Licensing Partnership to process and issue licensing applications.*

*Applications should be sent to the address below where there is a central administration.*

*Licensing Officers are located at each local licensing authority, together with admin support to deal with people visiting the Gateways and Tunbridge Wells Town Hall.*

**Please send all licensing applications to:**

+ Licensing Partnership  
P.O. Box 182  
Sevenoaks

**Leeann Leeds**

---

**From:** Cllr Diana Esler <cllr.esler@sevenoaks.gov.uk>  
**Sent:** 20 July 2015 19:41  
**To:** Leeann Leeds  
**Subject:** Re: Draft statement of principles gambling policy for Gambling Act 2005

Dear Leeann

Thank you for this. I can see much work has gone on since you presented the draft at the Licensing Committee Meeting. I would like to comment it all reads excellently and I see no need to make any changes.

Regards  
Diana

On Monday, July 20, 2015, Leeann Leeds <[Leeann.Leeds@sevenoaks.gov.uk](mailto:Leeann.Leeds@sevenoaks.gov.uk)> wrote:

Dear Sir or Madam,

Sevenoaks District Council is pleased to present its draft statement of principles gambling policy for the Gambling Act 2005.

I invite you to read and feedback any comments you may have by 4th September 2015, so that they may be taken into consideration for inclusion in the final draft which will be presented to the Licensing Committee.

Kind regards

Leeann

Mrs. Leeann Leeds

Licensing Officer and Acting Administration Team Leader

Sevenoaks District Council | Council Offices | Argyle Road | Sevenoaks | TN13 1HG

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Email: [leeann.leeds@sevenoaks.gov.uk](mailto:leeann.leeds@sevenoaks.gov.uk)

## Agenda Item 4

Online: [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk)

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### **The Licensing Partnership**

*Sevenoaks District Council, Tunbridge Wells Borough Council and Maidstone Borough Council have a Licensing Partnership to process and issue licensing applications.*

*Applications should be sent to the address below where there is a central administration.*

*Licensing Officers are located at each local licensing authority, together with admin support to deal with people visiting the Gateways and Tunbridge Wells Town Hall.*

*Please send all licensing applications to:*

+ Licensing Partnership

P.O. Box 182

Sevenoaks

Kent TN13 1GP

email: [licensing@sevenoaks.gov.uk](mailto:licensing@sevenoaks.gov.uk)

( tel: 01732 227004

**Payments:** *For all licensing applications please make cheques payable to: "Sevenoaks District Council". Alternatively card payments may be made over the telephone on the number above.*

Help us to improve our licensing service to you by completing our online survey [Click here to comment](#)



- We value your feedback, comment online on the service you receive from us: [Click here to comment](#)

**REVISED DRAFT TAXI AND PRIVATE HIRE LICENSING POLICY**

**LICENSING COMMITTEE – 29 SEPTEMBER 2015**

Report of Chief Officer, Environmental and Operational Services

Status: For Decision

Key Decision: No

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**Executive Summary:** This report introduces the draft taxi licensing policy which has been prepared for consultation. This authority is required to regularly review its Taxi Licensing Policy and the last policy was published January 2012.

The draft policy attached as Appendix A has been prepared in conjunction with members of the Taxi Liaison Group and their views have been sought on the Local Authority's strategy to improve the number of wheelchair accessible vehicles within the Hackney Carriage fleet. The draft policy requires approval for public consultation and it will take place between the week beginning 5 October 2015 and 11 December 2015, a period of 10 weeks. The consultees will include the taxi trade, the Access Group for Sevenoaks District and the policy will be available on the Council's website. The responses will be collated and brought back to the Licensing Committee on 5 January 2016. The final draft will be presented to full Council for approval on 16 February 2016.

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**This report supports the Key Aim of** Safe and Caring Communities and Dynamic and Sustainable Economy

**Portfolio Holder** Cllr Mrs. Firth (Legal and Democratic)

**Contact Officer(s)** Mrs. Claire Perry 7325/07970 731616

**Recommendation to Licensing Committee:** That Members approve the draft Taxi and Private Hire policy for public consultation.

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**Reason for recommendation:** To enable the Council to make decisions for taxi and private hire licensing with an up to date Taxi and Private Hire policy.

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**Background**

- 1 Sevenoaks District Council has responsibility for licensing Hackney Carriage and Private Hire vehicles, drivers and operators within the District of Sevenoaks. The existing policy was published in January 2012 and it is due to be revised and updated in line with the introduction of the Council's online forms.

## Agenda Item 5

- 2 The policy will remain in existence for a period of five years, during which time it shall be kept under review and revised as appropriate or after any significant legislative change.
- 3 Consultation will take place over the next 10 weeks and consultees will include all current licensees, interested parties and Sevenoaks Access Group. The list of consultees is outlined in section 2.3, page 5 of the policy.
- 4 There have been a number of changes regarding the revised policy and these have been summarised in the table below.

5

<b>Policy section, page number or subject</b>	<b>Requirement in current policy</b>	<b>Recommendation in revised policy</b>
1, 4	DVLA mandate – not currently in place	DVLA mandate – all new and renewal drivers will be required to sign this mandate as there is no longer a paper part to the driver’s licence for Officers to check
2.4, 6	Original documents	Online forms have been included in the policy and the documents that will be required in scanned and hard copy outlined.
3, 7	DBS	A provision for applicants to submit a DBS within 1 month which has been provided by another registered body or to sign up to the DBS online service.
4.5, 15	WAVs – there is no provision regarding them.	WAVs – the Council will consult on a strategy to increase the number of WAVs within the Hackney Carriage fleet.
4.13, 18	Seating capacity	The minimum requirement of 4 seats has been removed. There is no longer a minimum number of seats stipulated.



## Agenda Item 5

5.3, 20	Drivers licence – 3 years Vehicle licence – 1 year Operators licence – 3 years	Drivers licence – 3 years Vehicle licence – 1 year Operators licence – 5 years (this has been changed due to a legislative change)
9, 23	Taxi Liaison meetings take place	There is a requirement within the policy for Taxi Liaison meetings to take place
Appendix 1, 26		There have been changes to the length of time that must elapse with some relevant conviction before an applicant will be considered to be licensed.
Appendix 2	Internal vehicle plates had to be in the rear window or quarter window of the vehicles	The internal plate must now be located in the front windscreen.
Appendix 4	No dress code	A voluntary dress code has been introduced.
Age of vehicle	Will not licence over 10 years old	Wheelchair accessible vehicles will not licence over 15 years old
CC of vehicles	1500 minimum	1400 minimum
Lost property	Hand in to the Police	Notify Licensing Authority and hand in to them
Category C insurance write offs	Not included	Will not be accepted
Disability training	Not included	To be introduced
Safeguarding training	Not included	To be introduced
Refunds for invalid/not completed applications	Not included	No refunds will be provided

## Agenda Item 5

Roof lights	Not included	Added - If the vehicle is available for hire the roof light must be illuminated.
Insurance	Not included	Requires all proprietors to provide evidence of continuous insurance cover throughout the period of the licence.
Seating dimensions	Not included	Minimum standards introduced
Good conduct letter for new applicants	Not included	Requirement for all applicants resident in the UK for less than 5 years
Diabetic drivers	Not included	Group 2 medical standards now include the licensing of drivers with insulin treated diabetes.
Departure from the policy	Not included	There may be instances whereby the Council may need to consider applications outside the policy. Where it is necessary to depart substantially from this policy, clear and compelling reasons for doing so will be given. Any such decision may be referred to the Licensing Committee.

- 6 Two meetings have been held with the taxi trade in August and September to discuss the introduction of a strategy to increase the number of wheelchair accessible vehicles within the Hackney Carriage fleet.
- 7 This strategy has been introduced as there are currently only 4 Hackney Carriage wheelchair accessible vehicles in a fleet of 204 vehicles. [ $< 2\%$ ] Sevenoaks District Council believes there should be equality for all users of the taxi transport system. With this lack of accessible vehicles there is clearly an issue that the District Council must address and rectify.
- 8 The District Council recognises that there is a greater financial burden to proprietors in providing wheelchair accessible vehicles and therefore consultation has been carried out with the trade and a number of options have been suggested some with a lead in period.

- 9 All 48 Maidstone Borough Council vehicles are wheelchair accessible vehicles. There is a limit on the number of Hackney Carriage vehicles determined by an Unmet Demand Survey paid for by the Hackney Carriage trade.
- 10 Currently 23% of the Tunbridge Wells Hackney Carriage vehicles (107) are wheelchair accessible. There is a limit on the number of Hackney Carriage vehicles determined by an Unmet Demand Survey paid for by the Hackney Carriage trade.
- 11 It is hoped that via consultation one or more options may be identified to be included in the strategy for increasing the number of wheelchair accessible vehicles within the Hackney Carriage fleet.

### **Other Options Considered and/or Rejected**

- 12 The council could choose to retain its current policy but to do so would be to keep an aging and incomplete policy that would quickly become open to challenge. Best practice suggests that having an up to date policy provides the most appropriate framework for ensuring a safe and effective service. Therefore keeping the existing system is not a course of action that is recommended.

### **Key Implications**

#### Financial

- 13 The failure of the Authority to review, consult and publish the Taxi Licensing Policy on a regular basis may result in a Judicial review being brought against the Council.

#### Legal Implications and Risk Assessment Statement

- 14 Decisions in relation to a licence are likely to amount to consideration of civil rights and obligations with the result that Article 6 (1) of the Human Rights Act 1998 is engaged.
- 15 Should parts of the industry believe the authority's Taxi Licensing Policy is not sound it would be open to them to undertake judicial review proceedings.
- 16 The Gambling Commission will change their draft guidance and more or other changes will need to be made at a later date.

#### Equalities Assessment

- 17 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper directly impact on end users. The impact has been analysed and varies between groups of people. The results of this analysis are provided as a background document.

## Agenda Item 5

**Appendices:** Draft Statement of Hackney Carriage and Private Hire Policy

**Background Papers:** Relevant legislation  
Equality Impact Assessment

**Contact Officer(s):** Claire Perry Ext. 7235

**Richard Wilson**  
**Chief Officer, Environmental and Operational Services**



SEVENOAKS DISTRICT COUNCIL

STATEMENT OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

DRAFT

Effective from\*\*\*\*\*

**The Role of Licensing: Policy Justification**

The aim of local authority licensing of Taxi and Private Hire Vehicle (PHV) trades is to protect the public. Sevenoaks District Council is also aware that the public should have reasonable access to taxi and PHV services because of the part they play in local transport provision. Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHV services, by putting up the cost of operation or otherwise restricting entry to the trade. Sevenoaks District Council recognises that too restrictive an approach can work against the public interest – and can, indeed, have safety implications.

For example, it is clearly important that somebody using a taxi or PHV to go home alone late at night should be confident that the driver is “fit and proper” and that the vehicle is safe. However, on the other hand if the supply of taxis or PHVs has been unduly constrained by onerous licensing conditions, then that person’s safety might be put at risk by having to wait on streets late at night for a taxi or PHV to arrive; he or she might even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire.

Sevenoaks District Council, therefore, wants to be sure that every licensing requirement is in proportion to the risk it aims to address; or to put it another way, whether the cost of a requirement in terms of its effect on the availability of transport to the public is at least matched by the benefit to the public, for example through increased safety. This is not to propose that a detailed, quantitative, cost-benefit assessment should be made in each case; but it is to say that Sevenoaks District Council does look carefully at the costs – financial and otherwise – imposed by all of its licensing policies.

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## 1. Introduction

The Licensing Authority at Sevenoaks District Council (“the Council”) is responsible for processing all applications for hackney carriage and private hire licences including drivers, vehicles and private hire operators. The team also deals with complaints and compliance in relation to hackney carriage and private hire matters.

The licensing of hackney carriage and private hire drivers, vehicles and operators aims to secure the following objectives:

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

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

- Up to three yearly licensing of drivers including medical checks, criminal record clearance, an appropriate level of driving ability and a sound knowledge of the area.
- DVLA checks of all drivers licences at first application and at renewal. Drivers will be required to sign a mandate form to allow the Licensing Authority to carry out the check with the DVLA.
- Five yearly licensing of private hire operators from April 2016. Until the new fees are set three year licences will be available.
- Annual licensing of vehicles, with routine inspections by council officers. Checks of documentation such as insurance certificates and strict mechanical testing;
- Investigation of complaints and enforcement of legislation and licence conditions with appropriate action taken in accordance with the Council’s enforcement policy statement.
- Ongoing training, development and monitoring of the Council’s Licensing staff.
- Provision of information to the private hire and hackney trades and members of the public through press releases and publications, the Council website and attendance at relevant forums.



## **2. Review of Policy and Procedures**

### **2.1 Legislation**

In undertaking its licensing function, the council will have particular regard for:

- Town Police Clauses Act 1847 and 1889
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1985 and 2000
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Equalities Act 2010
- Road Traffic Acts
- Health Act 2006
- Human Rights Act 1998
- Regulators Code

### **2.2 Taxi and Private Hire Licensing: Best Practice Guidance March 2010**

The Department for Transport has national responsibility for hackney carriage and private hire legislation in England and Wales. Following widespread consultation, the Department has produced Best Practice Guidance for licensing authorities which sets out standards which can be considered good practice in this area of licensing, although it also recognises that individual licensing authorities should produce their own policies in relation to specific licensing matters. This Guidance has been taken into consideration in preparing this policy. Also regard has been given to the Licensing Partnership and this has been seen as an opportunity to have some consistency across the three authorities. The Licensing Partnership currently includes Maidstone Borough Council, Sevenoaks District Council and Tunbridge Wells Borough Council.

### **2.3 Consultation**

The Council is keen to hear the views of persons who may be affected by this policy and has identified people and organisations that may be interested in commenting on this document. The Council has consulted widely and invited comments from any interested party in particular those listed below.

- ▶ Representatives of Sevenoaks licensed hackney & private hire drivers
- ▶ Representatives and trade groups of Sevenoaks taxi proprietors and private hire vehicle licence holders.
- ▶ Representatives of the district's taxi and private hire operators
- ▶ Sevenoaks District Councillors
- ▶ Town and Parish Councils
- ▶ Neighbouring Authorities
- ▶ Community Safety Unit
- ▶ Access Group
- ▶ Local businesses and residents
- ▶ The National Private Hire Association

- ▶ The National Taxi Association
- ▶ Members of the Public through the Council Website
- ▶ Public Health Kent
- ▶ Chamber of Commerce
- ▶ Kent Police
- ▶ Kent County Council Traffic & Road Safety
- ▶ Kent County Council (School Contracts)
- ▶ Citizens Advice Bureau
- ▶ Age UK

The Policy and associated documentation are available for inspection on the Council's website and a hard copy can be viewed at Sevenoaks District Council Offices, Argyle Road, Sevenoaks, Kent TN13 1HG.

The policy will remain in existence for a period of five years, during which time it shall be kept under review and revised as appropriate or after any significant legislative change.

Upon implementation of this policy, the Authority expects licence-holders to comply with its terms immediately.

### **2.4 Online Forms**

Sevenoaks District Council has introduced online forms to facilitate applications. The authority is committed to keeping the cost of providing the licensing service down and online forms assist with this aim.

All new applications that are made online will require an applicant to meet with an officer to complete the application process.

We are happy to accept scanned accompanying documents or photograph images with online applications. However, if the submitted images do not match with the electronic images that are held by the authority, this authority reserves the right to require the original documentation to be presented to the Licensing Authority.

### **3. Hackney Carriage and/or Private Hire Driver Licence – New and Renewal applications**

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

In order for the Council to establish whether an applicant is fit and proper the applicant must provide evidence of:

- . Honesty and trustworthiness
- . Driving standard
- . Medical fitness
- . Criminal history
- . Relevant knowledge of the district
- . Understanding of English (spoken, written and reading)

All applicants must read the Council's Statement of Policy about Relevant Convictions before considering whether to apply for a Hackney Carriage or Private Hire Vehicle driver's licence.

Application forms must be completed in full. Any incomplete forms will be returned to the applicant as invalid.

Applications will only be accepted as valid if they include and/or are accompanied by the following:

- Correct application form provided by the Council, completed in its entirety and signed by the applicant.
- The appropriate fee. The current fees are available online <http://www.sevenoaks.gov.uk/services/business/licence-and-permits/Taxis-and-Private-Hire>
- The applicant's original DVLA driving licence. Applicants must have held a full DVLA or EU licence for at least 1 year. (para.3.2) for a new application
- A completed medical certificate (para.3.4)
- Driving Standard Agency practical taxi test and wheelchair test (where applicable)
- Evidence of passing Sevenoaks District Council's knowledge test/alternative suitability and knowledge test for all new hackney carriage drivers
- One recently taken, colour, passport sized photograph of the applicant (no sunglasses and no hats, unless they are worn for religious reasons).
- DVLA mandate completed and signed by the applicant.
- Application for a Disclosure and Barring Service Enhanced Check completed by the applicant with accompanying identification or a current valid disclosure certificate completed within 1 month and obtained via an approved body which will allow an

update service check to be performed (para.3.5). This must include a check for with adults and child workforce.

- For all applicants who have lived in the United Kingdom for less than 5 years continuously, a certificate of good conduct from the appropriate embassy is required (new applications only) (para.3.5)
- For those not holding an EU passport, evidence will need to be provided of the applicant's right to work in the United Kingdom, which will include a relevant VISA or letter from the appropriate Embassy/Authority. The Licensing Authority may also contact the Home Office to carry out immigration checks when it is appropriate to do so.
- All applicants must provide documentary evidence confirming their right to live and work in the UK. Any licence granted to drivers whose leave to remain in the UK is time limited will only be valid for the period which they are entitled to work in the UK. In order for the licence to be extended drivers must produce further evidence to prove that they have the right to work in the UK
- Two items confirming the applicants address
- Documentary proof of their National Insurance number.

### **3.1 Fee**

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

No refunds are payable where applications are not pursued or completed or where applications are refused e.g. as a result of relevant criminal records, where relevant information has been withheld or where applicants fail to meet application requirements. The Licensing Department can advise individual applicants who have queries in relation to this issue and any such information is strictly confidential.

Any outstanding application older than 12 months will be destroyed. Should the applicant wish to pursue the application after 12 months a new application will need to be submitted with a fee and a new DBS application will be required.

A holder of a Hackney Carriage Driver's licence is able to drive a Private Hire vehicle. However, a holder of a Private Hire Driver's licence may not drive a Hackney Carriage vehicle.

### **3.2 Driving Standards**

It is a statutory requirement that a licence will not be issued to any person who at the time of the application has not held a full driving licence for a continuous period of one year immediately prior to the date of receipt of a valid application by the Council.

Driving licences issued by EU / EEA States and Countries detailed in the Driving Licences (Exchangeable Licences) Orders are also permitted to count towards the 1 year period qualification requirement for the grant of a private hire and/or hackney carriage licence.

In order to establish that an applicant has reached an acceptable driving standard, new applicants will also be required to have successfully undertaken the Driving Standards Agency's practical taxi test or Kent County Council transport test, should this be introduced. Existing drivers may also be required to undertake this test where serious concerns are raised about the standard of their driving.

All new applications for a driver's licence will be required to successfully undertake a DSA practical taxi test (or Council approved alternative) without exception.

Drivers of wheelchair accessible vehicle must have undertaken the enhanced DSA practical taxi test which includes the wheelchair exercise. If a driver changes his vehicle to a wheelchair accessible one then they must undertake the element that includes the wheelchair exercise.

Driver assessments can be taken at your local Driving Standards Agency (DSA) test centre (or Council approved alternative – details of which will be available on the website) - should this be introduced). You can find your nearest DSA test centre on the DSA website.

A first time Hackney carriage driver applicant must demonstrate by means of a test, an acceptable knowledge of places, road and routes within the Council's area. The Licensing Authority may also require the applicant to demonstrate knowledge of the Hackney Carriage byelaws, rules that apply to all drivers on the highway and conditions for the licence types.

### **3.3 Age**

All applicants for HC/PHV driver licences will be assessed on their individual merits. Sevenoaks District Council does not consider it necessary to set a maximum age limit for drivers provided that regular medical checks are made (see 3.4), nor does it consider a minimum age limit, beyond the statutory limitations, to be appropriate.

### **3.4 Medical Fitness**

There is a general recognition that it is appropriate for HC/PHV drivers to have more stringent medical standards than those applicable to normal car drivers because:

- . they carry members of the public who have expectations of a safe journey;
- . they are on the road for longer hours than most drivers; and
- . they may have to assist disabled passengers and handle luggage.

Sevenoaks District Council supports the widely held view that Group 2 medical standards should also be applied by local authorities to HC/PH drivers.

All applicants will be required to obtain a Group 2 medical standards certificate signed by Sevenoaks District Council's appointed surgery.

Once licensed, a new medical will be required to be undertaken at renewal (every 3 years) or annually once the driver reaches the age of 65 years.

The Group 2 medical standards now include the licensing of drivers with insulin treated diabetes. It is the policy of Sevenoaks District Council to apply the standards to taxi and PHV drivers with insulin treated diabetes. The criteria is summarised in Appendix 3.

Should concerns arise regarding the health of a licensed driver, the Council at any time may request further information or a further medical examination to be carried out and submitted. The Council reserves the right to revoke or suspend a licence if requested information is not submitted within 4 weeks of the request and a satisfactory explanation is not given for the failure to provide such information or where the information provided raises further concerns as to the applicant's fitness to carry out his/her duties as a licensed driver.

### **3.5 Criminal Record**

Prior to consideration of any application, the Council will obtain from the applicant a Disclosure & Barring Service Enhanced Certificate in respect of the applicant, to be assessed in accordance with the Council's statement of policy about relevant convictions. This must include a check for with adults and child workforce.

It is recognised that many vehicles are used for the carriage of children and vulnerable persons and the Enhanced Disclosure is most appropriate.

Existing drivers will be required to submit an Enhanced Certificate, which includes whether an applicant is barred from working with children or adults, every 3 years at renewal unless they are signed up to the online service which will enable the Licensing Department to check directly with the DBS. The licence holder will be responsible for paying the relevant fee. All applicants are strongly advised to sign up to the DBS online checking service as the cost every 3 years is less, the certificate is portable and may be taken to another Licensing Authority and applications for the renewal of their taxi driver's licence may be made more easily online without the need to make an appointment to see a Licensing Officer.

Prior to consideration of any new application, overseas applicants who have lived in the United Kingdom for a continuous period of less than five years are required to provide a certificate of good conduct from their previous country or countries of residence (within the previous five years) in addition to an Enhanced Certificate from the Disclosure & Barring Service which includes whether an applicant is barred from working with children or adults.

A licence will generally not be granted to any applicant who does not comply with the minimum requirements as set out in the Council's Statement of Policy about Relevant Convictions (see Appendix 2). Where several minor offences have been committed the Council will take into consideration any pattern of offending. The Council can also take into consideration spent convictions and cautions when determining an application for a driver's licence.

A licence may be suspended or revoked pending the outcome of any investigation or trial where an existing driver is found to be awaiting trial or has been charged with a serious crime relating to;

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

- ▶ Indecent exposure, indecent assault or any of the more serious sexual offences or,
- ▶ Grievous bodily harm, wounding or assault or,
- ▶ Dishonesty

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

Any application from a new applicant charged with a serious offence as outlined above will not be determined until the outcome of that matter has been determined.

Where an existing driver commits an offence and/or breaches the licence conditions/byelaws, the nature and number of incidents will be taken into consideration when considering if the driver continues to be considered "fit and proper".

Complaints in relation to existing drivers will generally be held on file and taken into consideration for a period of three years from receipt. Although where a further warning is issued during this period, the original warning will be kept on file from the date of the most recent warning. Where a licence is revoked for persistent breach of licence conditions a period of 3 to 5 years should generally elapse before a further application is favourably considered.

A licence holder or applicant shall immediately notify the Council of any charges/convictions/cautions (including motoring offences) imposed during the term of their current licence or application.

### **3.6 Renewal of Licences**

It is the driver's responsibility to ensure that their licence is renewed prior to the expiry of their current licence.

A licence may be renewed up to 6 weeks prior to the expiry date.

Any licence that is not renewed within 1 month following expiry will not be renewed and a new application in full will be required. A DSA pass certificate will also need to be provided. Any licence that is renewed within the 1 month grace period may be subject to a late fee.

Where a licence holder will not be available at the time of renewal, for example due to an extended holiday, then they may apply in writing to the Licensing Office, prior to the expiry date, explaining their circumstances and request a waiver. If granted, this waiver will allow the licence holder to renew their licence after the expiry date or depending on the circumstances the licence can be renewed early. The date of renewal of the licence will start from the day after the expiry of the previous licence.

In any case, following expiry of a licence, the driver will not be considered licensed and will not be permitted to drive a licensed vehicle until such time as the licence has been renewed and a new licence has been issued.

The Council will endeavour to issue reminder letters at least six weeks prior to the expiry of a licence although there is no statutory duty for the Council to do so and the responsibility

ultimately lies with the licensee to ensure that complete applications for renewal are submitted on time. Applicants are encouraged to submit their applications as soon as possible.

At each renewal a current correct driving licence, DBS enhanced check, Medical and DVLA Mandate will be required.

Applicants are encouraged to make their renewal application online.

### **3.7 Change of Type of Licence**

Licensees wishing to change from holding a private hire licence to a hackney carriage licence will be required to undertake a knowledge test and the wheelchair element of the Driving Standards Assessment (or equivalent) before the licence is issued. The required fee will need to be paid with the application and no refund will be payable in respect of an existing licence.

### **3.8 Surrender/Suspension/Revocation of Licence or Failure to Complete Application**

In the event of the surrender of a driver's licence before its expiry or failure to complete the application process, there shall be no refund of the licence fee.

In the event of a driver's licence being suspended or revoked there shall be no refund of the licence fee.

### **3.9 Drivers Dress Code**

Sevenoaks District Council is committed to encouraging the professional image of the hackney carriage and private hire trade, and considers that drivers of licensed vehicles are vocational drivers. Therefore, the Council considers that drivers should conform to a minimum standard of dress, as set out in Appendix 4, in order to raise and maintain the profile of the licensed trade. The Authority does not impose such standards by way of conditions to any licence. However, it is expected that such standards will be maintained at all times.

### **3.10 Right of appeal**

Where refusal, suspension or revocation of an application/licence has been advised by an Officer, the applicant/driver will be entitled to request the matter be referred to the Licensing Committee to discuss the concerns, unless the driver has lost his DVLA driving licence in which case revocation will be automatic. During this meeting the applicant/driver will be given every opportunity to state their case in relation to the issue(s) of concern. The Committee on hearing all the facts will decide whether to grant any licence or not.

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

In line with s61(2B) of the Local Government (Miscellaneous Provisions) Act 1976, as amended by s.52 of the Road Safety Act 2006, where it appears to the Council that it is in the interests of public safety for any revocation to have immediate effect there will be no right to drive as a private hire or hackney carriage driver pending an appeal. This power will



only generally be invoked where there are allegations of serious violence offences, offences of a sexual nature or where there is considered to be a serious risk to passengers or members of the public in allowing the driver to continue as a hackney carriage/private hire driver.

### **3.11 Duration of Drivers' Licences**

A Hackney Carriage or Private Hire Driver's Licence shall be valid for a standard term of three years (unless, for administrative reasons, a shorter period is appropriate).

## **4. Hackney Carriage / Private Hire Vehicle Licences**

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

### **4.1 Environmental Considerations**

The Best Practice Guidance asks licensing authorities to consider how far their vehicle licensing policies can and should support any local environmental policies that they have adopted, bearing in mind the need to ensure that the benefits outweigh costs (in whatever form). They suggest that authorities may, for example, wish to consider setting vehicle emissions standards, perhaps by promoting cleaner fuels.

It is considered that efforts should be made, through the licensing policy, to improve, as far as possible, the efficiency of vehicles licensed in the District by, in particular, reducing the levels of CO<sub>2</sub> emitted from petrol vehicles and the equivalent from diesel. There is a movement towards the use of alternative fuels and in many areas LPG conversions to vehicles are perfectly acceptable and encouraged. This will, however, be dependent on supplies of such fuel being made readily available. It may also be the case that the installation of storage tanks into vehicles may affect the ability to carry luggage.

Clearly, emissions from hackney carriages and private hire vehicles could be reduced further, by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at hackney carriage ranks. It is proposed that this aspect be tackled through education and promotion.

In view of the above detail, unless more urgent measures are introduced by central government in the meantime, this Council will monitor any research published and Government guidelines with a view to specifying vehicle emissions standards and promoting cleaner vehicles.

To help consider the environmental impact, any petrol electric vehicle with an engine size under 1400cc will be considered to be licensed on a case by case basis. Sevenoaks District Council suggests that, in order to promote a greener environment, any vehicle that promotes cleaner fuel emissions may be entitled to pay a reduced fee at the time of having the vehicle tested by Sevenoaks District Council's appointed workshop.

#### 4.2 Taximeters

The Authority requires every vehicle licensed as a Hackney Carriage to be fitted with a taximeter. The Taximeter shall be of a type which is EU approved or specifically authorised by the Council.

A Private Hire vehicle may be fitted with a taximeter. If a taximeter is fitted it shall be of a type which is EU approved or specifically authorised by the Council.

#### 4.3 Roof Signs

The Authority requires all Hackney Carriage vehicles to be fitted with working roof-mounted signs. If the illuminated roof lights have red in them, they must be fitted so that the red light is visible from the rear. If the vehicle is available for hire the roof light must be illuminated.

The Authority requires that no Private Hire vehicle be fitted with a roof-mounted sign of any kind.

#### 4.4 Numbers Limit

At the moment there is no restriction on how many hackney carriage vehicles can be licensed, Sevenoaks District Council will seek to address this matter when the need arises and may carry out a demand survey to seek clarification whether there is unmet demand for Hackney carriage vehicles within the whole district.

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

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

Once licensed, a hackney carriage or private hire vehicle remains a hackney carriage or private hire vehicle until the licence either expires, is suspended or revoked. A licensed vehicle can, subject to very limited exemptions, only ever be legally driven by a driver who holds the relevant hackney carriage or private hire drivers' licence and appropriate insurance.

Sevenoaks District Council will not permit dual plating, therefore once a vehicle is licensed by Sevenoaks District Council it cannot be licensed with any other authority or Transport for London.

#### 4.5 Wheelchair Accessible Vehicles

Below is a list of possible solutions to increase the number of Hackney Carriage vehicles within the Sevenoaks fleet. It is intended that during consultation consultees will be asked to select one or more preferences for inclusion in the final policy

- 1 From 1st January 2016 all additional hackney carriage licenses must be wheelchair accessible. That is those that require the issue of a new Hackney Carriage plate number. This does not apply to replacement vehicles, change of ownership of vehicles or vehicles that are replacing damaged vehicles.

This requirement will remain in place until 35% of the Hackney Carriage vehicle fleet are wheelchair accessible.

- 2 Offer from Southeastern rail is: If a taxi driver already has a permit at the station and they upgrade their vehicle to be a wheelchair accessible vehicle they would get a Meteor permit free for a year.
- 3 From 1st January 2018 all vehicles that reach the end of the life with respect to being eligible for licensing as a licensed vehicle (i.e. it is 10 years since the date of its first registration) must be replaced by a wheelchair accessible vehicle. This does not apply to change of ownership of vehicles or vehicles that are replacing damaged vehicles or a total loss.

This requirement will remain in place until 35% of the Hackney Carriage vehicle fleet are wheelchair accessible.

Wheelchair accessible vehicles may be either rear or side loading.

These options below have been suggested by the trade and are also for consideration.

- 4 As from 1<sup>st</sup> September 2016 all new taxi drivers entering into the industry will need to purchase a wheelchair accessible vehicle if they wish to operate as an owner driver.
- 5 All existing plates before 1<sup>st</sup> December 2015 (this has been altered from the trade's suggestion of 1<sup>st</sup> September 2015) should be exempt from wheelchair accessible under Grandfather rights. This will allow the Council to monitor all new drivers/vehicles coming into the industry.
- 6 Hackney Carriage vehicles subject to renewal of plate. The plate owner should be allowed to choose the vehicle they wish to work with (i.e. car or wheelchair accessible vehicles) under the Grandfather rights.
- 7 The change of car ownership from Private Hire driver to a driver for a Hackney Carriage vehicle should be allowed after 1<sup>st</sup> September 2016. Once a driver has lost

his rights to the Grandfather rights he/she will be classed as a new driver entering into the industry and subject to purchase a purpose built vehicle. Once the vehicle has finished its life span of 10 years the plate is subject to renewal to a wheelchair accessible vehicle.

- 8 All Hackney Carriage plates purchased before 1<sup>st</sup> September 2016 will be allowed under Grandfather rights to purchase a vehicle of their choice either a saloon car or wheelchair accessible vehicle.

The following suggestion cannot be included in the policy without prior agreement by Southeastern Rail and Meteor Parking Services as this is a matter entirely for them and cannot be set by the Licensing Authority.

- 9 Sevenoaks Station permits – as from 1<sup>st</sup> September 2016 all wheelchair accessible vehicles to take precedence in allocation of station permits. Due to retirement/leaving the industry or misconduct. This will keep station permits to the same amount and will increase the wheelchair accessible vehicles in the District.

This requirement has been introduced as there are currently only 4 Hackney Carriage wheelchair accessible vehicles in a fleet of 204 vehicles. Sevenoaks District Council believes there should be equality for all users of the taxi transport system. With this lack of accessible vehicles there is clearly an issue that the District Council must address and rectify.

The District Council recognises that there is a greater financial burden to proprietors in providing wheelchair accessible vehicles and therefore consultation has been carried out with the trade and a number of options have been suggested some with a lead in period.

All 48 Maidstone Borough Council vehicles are wheelchair accessible vehicles. There is a limit on the number of Hackney Carriage vehicles determined by an Unmet Demand Survey paid for by the Hackney Carriage trade.

Currently 23% of the Tunbridge Wells Hackney Carriage vehicles (107) are wheelchair accessible. There is a limit on the number of Hackney Carriage vehicles determined by an Unmet Demand Survey paid for by the Hackney Carriage trade.

#### **4.6 Applications**

All applications submitted for the initial grant of a licence are advised to apply **at least 10 working days** before the licence is required to allow time for the vehicle to be tested and the licence to be processed.

Application forms must be completed in full, accompanied by all required documents and signed by the applicant and the operator where relevant. Any incomplete forms will be deemed invalid and returned immediately to the applicant.

Applications will only be acceptable as valid if they include and/or are accompanied by the following:

- Application form provided by the Council completed in its entirety and signed by the applicant and operator where relevant.

- Original vehicle registration document showing the applicant to be the registered keeper or other acceptable proof of ownership (the V5 New Keeper Supplement completed by the applicant or an official receipt from a registered company in the case of newly manufactured vehicles).
- When a renewal application is made online the authority will accept scanned documentation or a photograph of the documentation.
- Original documentation will only be required for new vehicles or if there is a discrepancy between the scanned copy held on file by the authority and the scanned/photograph submitted with an online renewal application.
- Certificate of insurance for the vehicle which covers the activity required (i.e. public or private hire - para.4.2) and which is valid on the date that the licence is due to come into force. With online applications we will accept emails from the insurance company sent to [licensing@sevenoaks.gov.uk](mailto:licensing@sevenoaks.gov.uk)

#### **4.7 Licence Fee**

- All applications must be accompanied by the appropriate fee as prescribed by the Council; the current scale of fees is available from the Council or at <http://www.sevenoaks.gov.uk/services/business/licence-and-permits/Taxis-and-Private-Hire>

Licensing fees are reviewed on an annual basis and adopted by the Council following advertisement by a notice in a local newspaper. The notice will also be displayed at the Council Offices to allow for any comments to be made.

In the event of the surrender of a vehicle licence before its expiry there is no refund made.

#### **4.8 Insurance**

All hackney carriage and private hire vehicles must be insured for public hire and reward, such insurance to provide cover for fully comprehensive.

The Council considers vehicle insurance to be a high priority and, therefore, requires all proprietors to provide evidence of continuous insurance cover throughout the period of the licence. Failure to provide evidence of insurance will result in the vehicle licence being suspended.

#### **4.9 Testing of vehicles**

In addition to the MOT testing requirements, all licensed vehicles are required to be tested at the Council's nominated testing station for compliance with the Council's policy.

Where concerns arise during the period of the licence regarding the mechanical fitness of a licensed vehicle the Council may request a further test to be undertaken. However, the Licensing Authority cannot require a vehicle to have more than 3 tests per year.

Where an application for a vehicle renewal is made 28 days after the expiry of the licence the application will be considered as a new application and any age restrictions will apply.

Any vehicle failing its examination test will be required to undertake and pass a further examination test before it can be licensed or, in the case of an existing licensed vehicle, before it can continue to be used as a licensed vehicle. This further examination is known as a retest. The proprietor is responsible for the cost of the retest and it must be paid in full prior to further testing taking place.

The Council will suspend a vehicle licence if the vehicle is not presented for its interim test (6 month) by the due date.

#### **4.10 Re-allocation of Expired Hackney Carriage Vehicle Plates**

If, when a hackney carriage licence expires, the vehicle is not re-licensed within twenty-eight days and the owner does not take steps to inform the Council of his/her intentions, then the plate will be re-allocated. A letter will be sent to the owner of the vehicle advising them that the licence has expired.

#### **4.11 Type of vehicle**

In order to assess vehicle suitability, the Council will take into account passenger safety, comfort and the design of the vehicle.

In order to be considered suitable to be licensed as a Hackney Carriage the vehicle must comply with the basic specification set out in Appendix 5A and 5B and pass the Council's vehicle inspection test.

Any vehicle complying with the basic specification set out in Appendix 5 and 5B will be considered suitable to be licensed as a Private Hire Vehicle subject to it complying with the conditions listed in Appendix 5C and passing the Council's vehicle inspection test.

#### **4.12 Vehicles Powered by Liquid Petroleum Gas (LPG)**

An applicant for a licence involving a vehicle which has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming that the LPG installation conforms with the Association's Code of Practice and is, therefore, considered safe.

If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage, and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle. Where relocation of the spare wheel is not possible an acceptable alternative, as supplied by the conversion company, will be permitted.

In exceptional circumstances the Council's basic requirements for vehicles may be waived to facilitate the licensing of Novelty Vehicles although confirmation should be sought from the Licensing Office prior to any application being made. All applications for Novelty Vehicles will be considered on their own merits.

In addition to meeting the relevant vehicle specifications all Private Hire Vehicles, including Novelty Vehicles, will have to comply with the private hire vehicle conditions (Appendix 5C). In the case of novelty vehicles further specific conditions may be applied to the licence.

#### **4.13 Seating Capacity**

No vehicle capable of carrying more than 8 passengers can be licensed by the Council.

In order to facilitate the licensing of a wide variety of vehicle types and to encourage more environmentally friendly vehicles the Council has not set a limit on the minimum number of seats but instead requires a minimum space standard per passenger as detailed in the basic specifications for vehicles.

It is the proprietor's and operator's responsibility to ensure that they establish the number of passengers at the time of booking. This is particularly important for those proprietors and operators who choose to utilise smaller vehicles.

#### **4.14 Seating dimensions**

Passenger seats must be at least 400mm wide for each passenger measured along the front of each seat. This criteria also applies where there are folding arms. The front seat of the vehicle next to the driver will be regarded as a seat for one passenger only.

Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of the elderly and disabled.

#### **4.15 Tinted windows**

The Authority will not license a hackney carriage vehicle if any window of it contains glass which has been treated so that less than 50% of light is transmitted through it. The area within the vehicle where there is no seating and is used for luggage only may have tinted glass as per manufacturing but must not be 'blacked out'.

Private hire vehicles with any tinted window of less than 50% transmission of light must not be used for the carriage of children and young persons who are, or will be, travelling without a parent or independent adult supervision.

The only exception is that where a child or young person is to be carried as a passenger unaccompanied by an adult then it will be for the proprietor of the vehicle, and/or the operator, to satisfy themselves that such a journey in a vehicle with tinted windows is with the knowledge and consent of that child or young person's parent or guardian and the details of such knowledge and consent, whether verbal or written, will form part of the Operator's records required to be kept by licence condition.

It is good practice to always advise a person making a booking for a private hire vehicle of the vehicle type and description, including whether it has tinted windows - without prejudice to the Road Vehicles (Construction & Use) Regulations 1986.

### **5. Private Hire Operators Licence**

The objective of licensing Private Hire Vehicle Operators is, again, the safety of the public, who will be using operator premises, vehicles and drivers arranged through them. The Council will grant a private hire operator licence provided the Council is satisfied that the applicant is a fit and proper person to hold such a licence.

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

- are of good repute;
- have adequate arrangements for monitoring drivers, vehicles and the keeping of records;
- are capable of ensuring that both themselves and their staff/drivers obey all the rules.

All applicants for initial grant of a licence should allow at least four weeks before the licence is required to enable the local authority to undertake the necessary vetting procedures as detailed in this document.

Planning consent may be required and all applicants must ensure that they obtain all the correct and necessary permissions before trading.

Any application for the renewal of a licence which is not made before the expiry of the previous licence will be treated as an application for a new licence.

Applications will only be acceptable if they include the following:

- Application form completed in its entirety and signed by the applicant along with all the information prescribed.
- Application for a Disclosure and Barring Service Basic Check, which can be obtained from DBS or Disclosure Scotland, completed by the applicant with accompanying identification or a current valid disclosure certificate completed within 1 month and obtained via an approved body which will allow an update service check to be performed.
- The appropriate fee. The current fees are available online <http://www.sevenoaks.gov.uk/services/business/licence-and-permits/Taxis-and-Private-Hire>

**5.1 Criminal Records Checks**

Private Hire Vehicle operators are not exceptions to the Rehabilitation of Offenders Act 1974. However, Private hire operators' that are not licensed drivers, cannot be required to produce an enhanced DBS disclosure. A Basic Disclosure from the DBS or Scottish Disclosure, or a certificate of good conduct from the relevant embassy for overseas applicants, is however, considered appropriate in promoting the objective of public safety.

Before an application for a private hire operators' licence will be considered, the applicant must provide a current (less than one months old) Basic DBS or Scottish Disclosure of Criminal Convictions (issued specifically for Sevenoaks District Council), or a Certificate of Good Conduct from the relevant embassy in the case of an overseas applicant. Applicants that hold a current Drivers Licence with the Council will be exempt from this requirement.



Prior to consideration of any new application, overseas applicants who have lived in the United Kingdom for a continuous period of less than five years are required to provide a certificate of good conduct from their previous country or countries of residence (within the previous five years) in addition to a Basic Disclosure Certificate. A certificate of good conduct authenticated by the relevant embassy will satisfy this requirement.

## **5.2 Record Keeping**

It is a requirement for operators to keep comprehensive records of each booking. All bookings will be kept for a period of 6 months.

## **5.3 Licence Duration**

The Department of Transport considers that annual licence renewal is not necessary or appropriate for private hire operators. They recommend, as good practice, that a licence period of five years would be reasonable.

The Council will, therefore, issue a successful applicant for a Private Hire Operator's Licence with a five-year licence from the date of grant; subject to the power to grant a licence for a shorter period of time should this be appropriate in the circumstances. (The issue of 5 year licences will not commence until April 2016. Three year licenses will continue to be issued until then).

## **5.4 Fees**

On receipt of the appropriate fee, the permitted number of vehicles can be increased at any time during the period of the licence.

## **5.5 Operation**

A private hire operator must ensure that every private hire vehicle is driven by a person who holds a private hire driver's licence.

All three licences:

- private hire operator's licence,
- private hire driver's licence and
- private hire vehicle licence

must be issued by the same Licensing Authority.

## **5.6 Conditions**

The Council has power to impose such conditions on a private hire operator's licence as it considers reasonable, necessary and proportionate.

The Council consider the conditions detailed in Appendix 7 to be reasonable, necessary and proportionate. All private hire operator's licences will be issued with these conditions attached.

## **5.7 Insurance**

It is considered appropriate for a Licensing Authority to check that appropriate public liability insurance has been taken out for premises that are open to the public.

Before an application for a private hire operator's licence is granted, the applicant must produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed.

The conditions applicable to Private Hire Operator's Licences, as detailed in Appendix 7 require that the operator produces an appropriate certificate of motor insurance which covers every private hire vehicle they operate as well as appropriate public liability insurance for their premises.

### **5.8 Address from which an Operator may operate**

Upon the grant of an operator's licence, the Council will specify on the licence the address from which the operator may operate. This address will be the address stated on the application form. The operator must notify the Council in writing of any change of address during the period of the licence, whether this is a home address or the operating address, within seven days of such a change taking place.

### **5.9 Gaming Machines**

Operators that provide a waiting facility for members of the public and/or drivers should be aware that they cannot make gaming machines available for use. This action would be a criminal offence under the Gambling Act 2005.

## **6. Penalty Points Scheme**

Any vehicle that is approached by an Authorised Officer of Sevenoaks District Council in order to carry out a vehicle inspection/driver check must remain until the inspection has been carried out. An exemption to this is if a fare arrives, which the driver is obliged to take or the driver informs the officer of a pre-booked fare prior to the inspection taking place.

Alternatively an Authorised Officer of Sevenoaks District Council may request that you attend the Council offices with the licensed vehicle in order to carry out an inspection.

Sevenoaks District Council's have implemented a Penalty points system in order to regulate enforcement and any action required.

This scheme is used to enforce current legislation and any future bye laws in respect of Hackney Carriage Drivers and will be operated as follows:

- The Council's Taxi Licensing and Enforcement Policy will be fully considered by an authorised officer when determining the manner on which any breach of legislation or the requirements of this Policy are dealt with.
- Where it is decided that the use of the penalty points system is appropriate, the points are issued in accordance with the appendix. If the appendix allows a range

of points for a particular incident, the authorised officer will determine the appropriate number of points proportionate to the offence.

- Penalty points will only be imposed where the licensee agrees the breach or offence has taken place. Where the licensee does not agree that the breach or offence has taken place, the matter will be referred in the first instance to the Licensing Manager for consideration regarding further action. The Licensee may be required to appear before the Licensing Committee.
- 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. However the Council retains the discretion to issue penalty points to drivers, 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.
- Points issued to either a proprietor or driver will be confirmed in writing within ten working days from the discovery of the contravention.
- When issued, the penalty points will remain “live” for a period of one year from the date they are imposed so that only points accumulated in a rolling twelve month period will be taken into account.
- There is no financial penalty associated with the system and the licensee may continue to work. However, the licensee may be asked to attend either a meeting with the Licensing Manager or attend a hearing of the Licensing Committee if 12 penalty points are imposed on an individual licence in any one 12 month period, where appropriate action will be taken in accordance with this policy.
- Where a driver, proprietor or operator attains more than 12 penalty points, disciplinary options available to the Licensing Committee will include suspension or revocation of the driver’s licence, where appropriate.
- If it is felt that the matter does not warrant suspension or revocation of the licence, the period for which the points are to remain “live” may be extended or a written warning may be issued to the driver as to his future conduct.
- Periods of suspension of a licence will be dependent on the nature of the breaches of the legislation or the requirements of this Policy and the compliance history of the licence holder.
- A driver will always have the right to be represented at any meeting, either legally or otherwise, and to state any mitigating circumstances he/she deems necessary.
- 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.
- The penalty points system will operate without prejudice to the Council’s ability to take other action under appropriate legislation or as provided for by this policy.

The penalty points system outlined in Appendix 10 identifies a number of breaches of conditions, byelaws and/or statutory provisions. It then indicates the number of points to be invoked should the breach be proven.

## **7. Taxi ranks**

### **7.1. Appointed Stands**

Comments are welcomed from either the trade or the public on the need for additional bays in specific locations, the potential for re-locating or extending existing bays or indeed arguments for the removal of bays which no longer fulfil a useful purpose.

### **7.2 Waiting on Stands**

It is an offence for any person to cause or permit any vehicle other than a hackney carriage to wait on any rank or stand for hackney carriages. Drivers of hackney carriages may only wait on a rank or stand whilst plying for hire or waiting for a fare; drivers who park on a rank or stand and leave their vehicle unattended are committing an offence.

Whilst the law states it is an offence to leave a vehicle unattended on a hackney stand, discretion will be allowed for drivers leaving their vehicles in acceptable circumstances, for example "comfort breaks. Should a hackney carriage vehicle be left unattended on a bay for any other circumstances, for example "shopping", it will be dealt with as an offence in accordance with this Policy.

## **8. Plying for Hire**

For the avoidance of doubt, the Council does not have a byelaw requiring hackney carriages to return to a taxi rank between fares. Hackney carriages can, therefore, park and be available for hire in any position where an ordinary member of the public can lawfully park. Hackney carriages are, however, subject to road traffic regulations and should not park in any position that obstructs the highway, the highway being both the road and the footway.

## **9. Taxi/ Private Hire Meetings**

The Council wishes to encourage discussions between the trade and the Licensing Authority, in order to promote a successful working relationship taxi/private hire liaison meetings will take place.

## **10. Departure from the Policy**

There may be instances whereby the Council may need to consider applications outside the policy. Where it is necessary to depart substantially from this policy, clear and compelling reasons for doing so will be given. Any such decision may be referred to the Licensing Committee.

## **11. Amendments to the Policy**

All changes to the Policy are made by the Licensing Committee only.

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**Appendix 1 - Statement of policy about relevant convictions**

When submitting an application for a licence to drive a hackney carriage or private hire vehicle you are required to declare any motoring offences and any non motoring convictions or cautions you may have in addition to completing a Disclosure & Barring Service check. The information received will be treated in confidence.

The disclosure of a criminal record or other information will not debar you from gaining a licence unless the Authority considers that the conviction(s) renders you unsuitable. In

making this decision the authority will consider the nature of the offence, how long ago and what age you were when it was committed and any other factors which may be relevant. To facilitate a consistent approach the licensing authority has devised guidelines relating to the relevance of convictions and cautions. Any applicant refused a driver's licence on the ground that he/she is not a fit and proper person to hold such a licence has a right of appeal to Magistrates Court.

If you would like to discuss what effect a conviction might have on your application you may telephone the Licensing Department, in confidence, on 01732 227004 for advice.

### **General**

Notwithstanding the existence of this Policy, each application will be determined on its own merits. Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons will be given for doing so. The purpose of this appendix is to formulate guidelines, consistent with national guidance, which detail the Council's current stance on the relevance of convictions and cautions in respect of applications for the grant of new licences, and the renewal of existing licences, for hackney carriage and private vehicle, driver and operator licences.

If a court has found an applicant guilty of an offence, that person cannot subsequently claim to the Council that they did not commit the offence. If they seek to do so, their representation will not be considered as this is entirely a matter for the courts. The applicant can, however, offer any mitigating circumstances relating to the offence that they wish the Council to consider.

For the purpose of this Policy, the acceptance of a fixed penalty notice will be treated as a conviction depending on the individual merits and mitigating circumstances of each case.

### **“Fit and proper” person**

The legislation clearly states that the Council may grant a licence only if it is satisfied that the applicant is a “fit and proper” person.

The onus is on the applicant to demonstrate that they meet this requirement, not on the Council to demonstrate that the applicant does not.

In the absence of a judicially approved definition of “fit and proper”, the Council use the test of:

Would the Officer charged with the ability to grant a licence allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter, or any other person for whom they care, to get into a licensed vehicle with the applicant alone?

The wording of this test originates from Mr J T H Button BA, Solicitor, MIL, MClarb, a well known and respected solicitor widely acknowledged as an authority in licensing legislation, particularly that of hackney carriages and private hire.

In order to further assist in understanding the interpretation of this definition, the Council will be considering issues that assist them in determining whether or not applicants are safe drivers with a good driving record, are mentally and physically fit, are honest, and that

they are persons who would not take advantage of their position to abuse, assault or defraud members of the public.

It should be borne in mind that drivers may carry vulnerable members of the public such as elderly persons, unaccompanied children, disabled persons, persons who are incapacitated from alcohol, lone women and foreign visitors. Some examples of areas of concern that the Council will consider include, but are not limited to:

### **Honest and trustworthiness**

Drivers often have knowledge that a customer is leaving a property empty; they have opportunities to defraud drunken, vulnerable or foreign person; or they have opportunities to abuse their position of trust. For example, all passengers would expect to be charged the correct fare of the journey and be given the correct change; they would expect any lost property to be handed in to the Licensing Authority; and they would expect confidentiality to be maintained between themselves and the driver.

### **Professionalism**

Drivers are often subject to unpleasant, abusive or dishonest behaviour, albeit from a small minority of passengers. Although this is clearly unacceptable behaviour by passengers, it does not excuse in any way aggressive or abusive conduct by drivers. Confrontation should be avoided and all disputes should be resolved through the formal legal channels. Under no circumstances must drivers take the law into their own hands.

### **Good and safe driving ability**

Passengers are paying for a service whereby they expect to reach their chosen destination promptly and safely. Drivers must be fully conversant with all road traffic legislation and this Policy and drive in a professional, lawful and safe manner at all times.

### **Protecting the Public**

The over-riding consideration for the Council in its determination of applications is the promotion of the licensing objectives detailed within this policy, in particular the protection of public safety.

### **History**

The Council may take into account an applicant's history as a licence holder with this, or any other Council. In considering whether or not a person is "fit and proper the Council may consider such matters as the applicant's complaint history, their compliance with this Policy, their co-operation with Licensing Officer's requests and any other reasonable matters.

### **Driving Offences**

Hackney carriage and private hire drivers should provide a professional service to the public and must be aware of the safety of passengers and other road users at all times. Any traffic offence shows a lack of responsibility whilst driving either in terms of vehicle maintenance or the level of driving standards.

Convictions or cautions for traffic offences will not automatically preclude any applicant from obtaining a licence, however, the number, nature and frequency of such offences will be considered. In some circumstances it may be appropriate to issue a licence together with a written warning as to future driving standards detailing the likely effect of further offences. Where there is a significant history of driving offences, an application is likely to be refused.

In cases of six penalty points or less on an applicant's DVLA driving licence, an application will be granted.

A licence granted under these circumstances is likely to be issued together with a verbal warning as to future driving standards detailing the likely effect of further offences.

In cases of seven penalty points or more on an applicant's DVLA driving licence, an application may be referred to the Licensing Committee for decision.

### **Major traffic offences**

For the purposes of this section, major traffic offences includes, but is not limited to, dangerous driving, driving whilst disqualified, failure to stop after an accident, driving with no/invalid insurance, careless driving, and driving a vehicle with mechanical defectives (such as brakes, steering, tyres, etc..).

The driving offences of causing death by dangerous or careless driving, due to their nature, will be considered by the Council to be violent offences and should be considered in conjunction with the section of this appendix relating to violent offences.

If the applicant has been convicted of more than one major traffic offence then a licence application will normally be refused until the applicant has completed a period of at least five years free from conviction. Where the combination of offences are considered to be of increased risk to the public, a period longer than five years may be substituted by the Council dependant of the extent of the risk to the public.

### **“Totting Up” under section 35 of the Road Traffic Offenders Act 1988**

Where an applicant has been disqualified from driving by the courts under the “totting up” procedure, the Council will normally refuse an application until there has been a period of three years free of relevant convictions.

If the applicant has demonstrated to the court “exceptional hardship” and avoided a driving disqualification, applications will still normally be refused until there has been a period of three years free of relevant convictions. The Council believe that the risk to the public is sufficient to maintain this consistent stance.

### **Motor Insurance Offences**

An isolated motor insurance offence will not automatically preclude an application form being granted, however the Council deem such offences to be serious given the risk to the public.

More than one conviction for motor insurance offences will be considered to raise serious doubts as to an applicant's suitability to hold a hackney carriage/private hire driver's



licence. Ordinarily in these circumstances, an application will be refused until such time as a period of three years has elapsed since the restoration of the applicant's DVLA driving licence.

### **Failure to Declare Motoring Offences**

Where an applicant fails to disclose motoring offences on their application form, even if they have been declared on previous applications or are spent, the Council will normally deal with this by way of issuing of penalty points.

If, however, the Council determines that there was a premeditated intention to deceive, the matter will be considered as an offence of dishonesty and dealt with in accordance with that section of this Policy.

### **Drunkenness**

Separate consideration will be given to convictions for drunkenness whilst in charge of a vehicle as opposed to drunkenness whilst not in charge of a vehicle due to the differing risk to the public.

#### **In Charge of a Motor Vehicle**

The Council considers driving or being in charge of a vehicle whilst under the influence of alcohol as a serious offence causing a high element of risk to the public.

A single conviction for any alcohol-related driving offence will normally preclude an application from being granted for a period of five years from the restoration of the DVLA driving licence.

If there is a suggestion that the applicant is an alcoholic, a special medical examination is likely to be required before the application is considered. If the applicant is confirmed as an alcoholic, a period of three years must elapse after treatment is complete before an application can be considered.

More than one conviction for any alcohol-related driving offence represents an unacceptable risk to the public and an application will normally be refused.

#### **Not in Charge of a Motor Vehicle**

An isolated conviction for drunkenness not associated with driving or being in charge of a motor vehicle will not automatically preclude an application.

Where there is an isolated conviction for disorder and/or drunkenness, a licence will normally be granted together with a written warning as to future driving standards detailing the likely effect of further offences.

More than two convictions for disorder and/or drunkenness will normally lead to refusal of an application until such time as a period of three years free of convictions has elapsed.

### **Drug Offences**

The Council considers all offences related to controlled substances as a serious risk to the public.

An applicant with a conviction of any Class A or Class B drug related offence, including supplying or trafficking, will be required to show a period of five to ten years free of convictions before an application is considered. The length of period over and above the minimum five years will be dependent on factors such as the nature and severity of the offence, and the length of any custodial sentence.

An applicant with a conviction of any Class C drug related offence will be required to show a period of at least three years free of conviction

In all cases, where an applicant has been medically classed as an addict, an application will be precluded until such time as a period of five years has elapsed since the completion of a recognised detoxification programme.

### **Sexual or Indecency Offences**

As hackney carriage and private hire drivers often carry unaccompanied and/or vulnerable people, any applicant with a conviction or caution for any sexual or indecency offence will normally be refused a licence until they have been free of convictions for a period of at least ten years. The length of period over and above the minimum ten years will be dependent on factors such as the nature and severity of the offence, and the length of any custodial sentence.

Existing licence holders should be aware that if the Council receives notification from the police that the driver is being investigated for a sexual or indecency offence, their licence will normally be revoked with immediate effect pending the outcome of the investigation.

### **Major Sexual or Indecency Offences**

For the purpose of the Policy, the following offences will be considered as major sexual or indecency offences with the highest of risk to the public.

- rape;
- indecent assault;
- gross indecency;
- possession of child pornography;
- buggery; or
- indecent assault of a child

Any applicant with a conviction for a major sexual or indecency offence will be considered an unacceptable risk to the public and any application will be refused, save for exceptional circumstances.

### **Violent Offences**

The Council considers all violence related offences as a serious risk to the public.

An application will normally be refused where the applicant has been convicted of murder, manslaughter or causing death by careless or dangerous driving.

An application will normally be refused where the applicant has a conviction for a violent offence, other than those listed above, unless there has been a period of five to ten years free of convictions. The length of period over and above the minimum five years will be dependent on factors such as the nature and severity of the offence, and the length of any custodial sentence.

Offences of criminal damage and public order will be treated as violent offences for the purposes of this Policy.

Whilst an isolated conviction for a violent offence, other than those listed above will not necessarily permanently preclude an application, the Council will have grave concern for public safety if an applicant has committed multiple violent offences.

### **Multiple Offences**

In all cases where an applicant has more than two convictions for violent offences, as application will normally be refused. In the case of an existing driver, their licence will normally be revoked.

### **Possession of a Weapon**

If an applicant has been convicted of an offence involving the possession of a weapon, or any other weapon-related offence, the Council considers this to be an unacceptable risk to members of the public and the application will normally be refused. In the case of an existing driver, their licence will normally be revoked.

### **Dishonesty**

Hackney carriage and private hire drivers are expected to be persons of trust. It is comparatively easy for dishonest drivers to defraud the public, for example, by demanding more than the legal fare or giving incorrect change. Overseas visitors can be confused by the change in currency and become vulnerable to an unscrupulous driver. Equally, any customers can be defrauded by a driver taking them by any other than the shortest route or by them retaining lost property left in the vehicle.

As members of the public entrust themselves to the care of licensed drivers, the council consider offences involving dishonesty as a serious risk to public safety.

An applicant that has been convicted of an offence related to dishonesty will normally be refused a licence until such time as they have been free of convictions for a period of five to ten years. The length of period over and above the minimum five years will be dependent of factors such as the nature and severity of the offence, and the length of any custodial sentence.

### **Other Offences**

If the applicant has declared any other offences not specifically covered by this policy on the relevance of convictions, the application may be referred to the Licensing Committee for determination in line with the Policy Objectives.

Receipt of any of the following may result in the licence holder being required to provide annual DBS disclosures until a period of five years has expired.

- criminal conviction;
- final warning letter from the Council;
- period of suspension of an existing licence.

### **Outstanding charges or summonses**

If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings. Where information is received through the Notifiable Occupations Scheme on existing licence holders, consideration may be made at committee.

If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver. [Road Safety Act 2006, s 52, 2A&2B]

### **Non-conviction information**

If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application. Such offences would include serious violent offences and serious sex offences.

In assessing the action to take, the safety of the travelling public must be the paramount concern.

### **Cautions**

Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.

### **Summary**

Except in the most serious of circumstances, an applicant having a previous or current conviction will not normally be permanently precluded from obtaining a hackney carriage/private hire driver's licence.

The Council believe that a person convicted of an offence, who is required to wait for the expiry of a rehabilitation period prior to their application being considered, is more likely to value their licence and ensure that future convictions are avoided.

The Council consider that there are, however, certain offences that are so serious in nature or frequency that an applicant should be precluded from obtaining or retaining a licence. The Council's over-riding policy objective is to safeguard the safety of the general public by ensuring that all licensed drivers are safe, competent, and are able to maintain their vehicles to an acceptable standard.

By producing clear and transparent guidelines on the relevance of convictions, the Council is seeking to maintain the high standard of hackney carriage and private hire drivers, proprietors and operators within Sevenoaks.

### **Existing Licence Holders**

Any existing licence holder convicted of an offence during the period of their current licence will be subject to the above policy relating to the relevance of convictions. In circumstances where a new applicant would normally have their application refused, an existing licence holder would normally have their licence revoked.

### **Principles of the Rehabilitation of Offenders Act 1974 ("the 1974 Act")**

Under the 1974 Act, criminal convictions can become spent after a certain period of time, and once spent, for many purposes, can be disregarded completely. The possibility of rehabilitation, and the length of time before the rehabilitation occurs, depends on the sentence imposed and not the offence committed. Where a person is sentenced to imprisonment for a period exceeding thirty months, the convictions can never be spent.

Despite the above general principles, the Act does not apply to applicants for hackney carriage and private hire driver's licences. This is because the driving of these vehicles is listed as a "regulated occupation" in relation to which questions may be asked as to the suitability of individuals to be granted a licence.

Although the 1974 Act does not prevent any judicial authority, including the Council acting as the licensing authority, from taking spent convictions into account, such convictions are only admissible in so far as they are relevant to the issue as to whether the applicant is a "fit and proper" person to hold a licence.

### **Appendix 2 - Vehicle Test Standards**

Sevenoaks District Council will not licence any vehicle that is classed as a Category C insurance write off.

### **Licence Plates - currently licensed vehicles**

Where vehicles are presented with licence plates affixed such licence plates in the case of both Hackney Carriages and Private Hire vehicles shall be securely affixed as follows;

External Plate – should be fixed under the rear number plate. Elsewhere on the rear exterior bodywork is acceptable (i.e. bumper, boot) subject to the agreement of the Council, provided always that the plate is fixed in the vertical plane; the external plate should never be displayed inside the rear window of the vehicle.

Internal Plate - inside the vehicle on the left hand side of the front windscreen and in plain view of the passengers but avoiding the windscreen wiper area.

Internal Drivers Badge - inside the vehicle on the left hand side of the front windscreen and in plain view of the passengers but avoiding the windscreen wiper area.

Fare Plate or Chart - securely affixed inside the vehicle in such a position that it is clearly visible to passengers and shall contain a copy of the current maximum Hackney Carriage Fare Tariff as currently adopted by the Council (or, if vehicle is Private Hire, the Operator's fares if they are displayed). The vehicle plate number will be shown on the fare chart together with details of how the passenger(s) can make a complaint regarding the vehicle or driver.

### **Insurance**

A valid copy of the insurance certificate appertaining to the tested vehicle shall be available inside the vehicle.

### **The Standard of the Test**

Any vehicle tested must reach the standards specified within this appendix and be certified roadworthy to MOT standards.

Vehicles of a class that are not subject to EU Type' approval, and are being tested for the first time will be additionally tested to ensure tyres, weight limits and any other aspect of the vehicle are safe and mechanically sound as possible for the safety of the passenger. Costs of such additional testing must be paid by the person wishing to licence the vehicle. In addition the history of the vehicle will be taken into consideration when determining whether the vehicle should be licensed.

### **Exterior Bodywork and Wheel Trims**

The bodywork of the vehicle shall be in good condition and shall be as originally fitted by the manufacturer. Minor paint chipping, scuffmarks or very small dents may be accepted, provided that their extent does not impinge materially on the overall appearance of the vehicle. Wheel trims must be fitted to all road wheels where part of a manufacturer's original

### **Upholstery**

All upholstery shall be clean and in a well maintained condition. No tear, crack, hole or burn will be acceptable if greater than 25 mm in any dimension. Upholstery includes seats, headrests, armrests, carpets and other trim.

### **Fittings**

All fittings shall be properly maintained and in good working order. Fittings include clocks, interior lights, sun blinds, door surrounds, grab handles, other equipment provided for passenger comfort and any equipment in, on or forming part of the vehicle including wheelchair ramps and securing fittings where the vehicle is to be licensed to carry wheelchair bound passengers.

### **'No Smoking' signs**

In accordance with legislative requirements a 'No Smoking' sign(s) will be exhibited within the vehicle and such sign(s) will be of the approved type.

### **Roof and Floor Coverings**

Shall be clean and in good condition. No tear or other damage shall exceed 25 mm in length.

### **Number of Passengers allowed (the term "passenger" or "person" includes a child or young person)**

At the time of testing a vehicle, the number of passengers which may be carried, (up to a maximum of 8 persons), will be calculated as follows subject to there being one seat belt provided per passenger:

- a. where separate seats for each person are provided, one person for each seat:
- b. where continuous seats are fitted, one person for each complete length of 400mm measured along the front of each seat, and this criterion also applies where there are folding arms;
- c. where there is no separate seat for the driver, i.e. there is a continuous seat, for a right hand drive vehicle, the driver's seat shall comprise so much of the seat as extends from the right hand edge of the seat to a point 450 mm left of the point on the seat directly in front of the centre of the steering column.

### **Taximeters (and Fare Tables for Private Hire Vehicles)**

All Hackney Carriage vehicles licensed or to be licensed shall have a taximeter fitted. Private Hire vehicles, licensed or to be licensed, may have a taximeter fitted. Any vehicle fitted with a meter shall be tested on the road by reference to a measured distance to establish that the taximeter is accurate. In relation to Hackney Carriages the test shall be to establish that the meter does not produce a fare in excess of the maximums prescribed the current Hackney Carriage Fare Tariff approved by the Council. In relation to Private Hire vehicles the test shall be to establish that the meter does not produce a fare in excess of the operator's current fares. Where a Private Hire Vehicle is fitted with a taximeter a table showing the current fares of the operator shall be displayed inside the vehicle in such a position that it is clearly visible to passengers. In all cases taximeters shall be fitted in such way that they are visible to passengers.

Taximeters fitted to Hackney Carriages (and Private Hire vehicles, if provided with one), must be EU approved or specifically approved by the Council.

**Disabled Person's Facilities**

Where a vehicle is fitted with any facilities to assist disabled persons in entering or exiting the vehicle (i.e. swivel seats or similar or wheelchair facilities) such facilities shall be checked for proper operation. Wheelchair lifting equipment must comply with the Lifting Operations Lifting Equipment Regulations 1998 B.

**Roof Signs**

A Hackney Carriage must have a roof "TAXI" sign. Such wording shall be displayed conspicuously in either the front or the rear of the roof mounted display facing either the front or the rear. The sign may be in any position on the roof. The sign shall be illuminated and capable of being turned on and off (preferably via the meter but manual off/on is acceptable). No "TAXI" sign is allowed inside a vehicle. In addition to the word "TAXI" the sign may also contain the words "for Hire" and a taxi firm's telephone number and name. If the vehicle is available for hire the roof light must be illuminated.

A Private Hire vehicle shall not have any roof-mounted sign, or any similar sign inside the vehicle, or any other "thing" which may be mistaken/construed as a Hackney Carriage sign.

**Doors**

A vehicle shall have four side opening doors (designed for the purpose of permitting persons access to/from the interior) - any lift-up tailgate shall not be included;

or

A vehicle shall have three side opening doors (designed for the purpose of permitting persons access to/from the interior) and two rear opening doors (designed for the purpose of permitting persons access to/from the interior)

**Windows**

All windows designed to open shall operate in accordance with manufacturer's specification.

The Authority will not license a hackney carriage vehicle if any window of it contains glass which has been treated so that less than 50% of light is transmitted through it. The area within the vehicle where there is no seating and is used for luggage only may have tinted glass as per manufacturing but must not be 'blacked out'.

Private hire vehicles with any tinted window of less than 50% transmission of light must not be used for the carriage of children and young persons who are, or will be, travelling without a parent or independent adult supervision. The only exception is that where a child or young person is to be carried as a passenger unaccompanied by an adult then it will be for the proprietor of the vehicle, and/or the operator, to satisfy themselves that such a journey in a vehicle with tinted windows is with the knowledge and consent of that child or young person's parent or guardian and the details of such knowledge and consent, whether verbal or written, will form part of the Operator's Records required to be kept by licence condition. It is good practice to always advise a person making a booking for a



private hire vehicle of the vehicle type and description, including whether it has tinted windows. (Without prejudice to the Road Vehicles (Construction & Use) Regulations 1986).

### **Company Advertising**

For saloons and estate cars all advertising/graphics etc.. must be confined to the side, rear or bonnet. Where advertising appears on the side of such a vehicle it must be contained within the area between the centres of the wheels (wheel base).

For transit and people carrier type vehicles all advertising/graphics etc.. must be confined to the side, rear or bonnet. Where advertising appears on the side of such a vehicle it must be contained within the area to the rear of the centre of the front wheels and the rear light cluster.

Subject to the above a proprietor may have simple lettering and numbers on a vehicle in order to display a company name, address, telephone/fax number, E-mail/social media address or web site, or advisory notices to do with smoking, but lettering height must be a minimum of 75mm and maximum of 150mm.

No graphics/art works or slogans or other displays of any kind are permitted except with the consent of the Council.

In the case of Private Hire Vehicles company advertising is subject to the specific exclusion of the words "taxi" or "cab" the use of which is not permitted.

Advertising, not relating to a hackney carriage vehicle's proprietor or company, is allowed under certain circumstances and will have been approved by the Council in writing. The written approval must be carried in the vehicle. No such advertising is permitted on a private hire vehicle

### **Luggage Space - Vehicle Boots (and spare wheel in LPG powered vehicles)**

The space provided in the vehicle for luggage stowing whether or not the vehicle has a separate luggage boot shall be clean and tidy with space available for luggage to be stowed.

If the vehicle is powered by Liquid Petroleum Gas and the LPG fuel tank has been installed in the boot space there shall remain free an amount of space for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result of the tank installation must be stowed in a location that does not impinge on the passenger carrying area of a vehicle. Where relocation of the spare wheel is not possible an acceptable alternative, as supplied by the conversion company, will be permitted.

Any vehicle adapted or constructed for the use of liquid petroleum gas must be examined to ensure such adaptation or construction complies with the guide lines as laid down by the L P Gas Association and the appropriate certificate(s) and window display is shown.

### **Driving Position**

The vehicle must be right hand drive unless the vehicle is a 'stretched limousine'.

**Mechanical Person Lift**

If a mechanical person lift is fitted to the vehicle a current test certificate showing compliance with the Lifting Operations Lifting Equipment Regulations 1998 B must be produced at the time of the vehicle compliance test.

**Taximeters for Private hire vehicles**

A Private Hire vehicle may be fitted with a taximeter. If a taximeter is fitted it shall be of a type which is EU approved or specifically authorised by the Council.

**Roof Signs**

The Authority requires that no Private Hire vehicle be fitted with a roof-mounted sign of any kind.

**Appendix 3 - Assessing applicants and existing drivers for a Hackney Carriage/Private Hire Driver**

Assessing applicants and existing drivers for a Hackney Carriage Private Hire Vehicle driver licence in accordance with group 2 standards.

The following arrangements mean that those with good diabetic control and who have no significant complications can be treated as “exceptional cases” and are not therefore precluded from being licensed as HC/PHV drivers.

The criteria are:

- To have been taking insulin for at least 4 weeks
- Not to have suffered an episode of hypoglycaemia requiring the assistance of another person whilst driving in the last 12 months;
- To attend an examination by a hospital consultant specialising in the treatment of diabetes at intervals of not more than 12 months and to provide a report from such a consultant in support of the application which confirms a history of responsible diabetic control with a minimal risk of incapacity due to hypoglycaemia;
- To provide evidence of at least twice daily blood glucose monitoring at times when driving either a hackney carriage or PHV vehicle;
- To have no other condition which would render the driver a danger when driving a hackney carriage or PHV; and to sign an undertaking to comply with the directions of the doctor(s) treating the diabetes and to report immediately to the Licensing Authority any significant change in condition.

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#### **Appendix 4 - Drivers voluntary dress code.**

In order to raise and maintain the profile of the licensed trade Sevenoaks District Council is committed to encouraging the professional image of the trade and it considers that drivers should conform to a minimum standard of dress, as set out below. Whilst the Authority does not wish to impose such standards by way of conditions to any licence it expects, however, that such standards will be maintained at all times.

#### **Acceptable Standards of Dress**

- Shirts, blouses, T-shirts or sweat tops should cover the shoulders and be capable of being worn inside trousers or shorts.
- Shirts or blouses may be worn with a tie or open necked.
- Shorts of knee length or trousers / jeans may be worn.
- Footwear for all drivers shall fit around the heel of the foot.

### **Unacceptable Standard of Dress**

The following are deemed unacceptable:

- Clothing not kept in a clean condition, must be free from holes and rips.
- Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend.
- Sportswear (e.g. football/rugby kits, track suits) or beach wear etc.)
- Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
- Drivers not having either the top or bottom half of their bodies suitably clothed (see above).

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### **Appendix 5 - Specifications relating to Hackney Carriage Vehicles**

No vehicle shall be licensed as a hackney carriage unless it is fit for public service and complies with the specifications set out below.

Licences: All Vehicle Licences shall be valid for a standard term of one year (unless for administrative reasons a shorter period is appropriate).

#### **Age**

Subject to the exceptions below;

- The Authority will not license a vehicle, for the first time, if it is more than 6 years old and/or has travelled greater than 100,000 miles.
- The Authority will not re-license a vehicle if it is more than 10 years old (15 years for wheelchair accessible vehicles).

Exceptions

Subject to a vehicle being considered mechanically fit for a further year of service the following types of vehicle are exempt:

- Purpose built taxis
- Wheelchair accessible vehicles (these vehicles will be licensed until they are 15 years old but not older than 15 years old)
- Limousines, which must have a minimum engine capacity over 3,000 cc/Specialist Vehicles

### **Type Limitations**

The Authority will not license a vehicle unless it meets the following criteria:-

(a) The vehicle shall have four side opening doors (designed for the purpose of permitting persons access to/from the interior) – any lift-up tailgate shall not be included; or a vehicle shall have three side opening doors (designed for the purpose of permitting persons access to/from the interior) and two rear opening doors (designed for the purpose of permitting persons access to/from the interior). Any vehicle's suitability for licensing will also be determined by the positioning of its seating, fittings and fixtures for the ingress and egress of passengers and their safety.

(b) The vehicle is right-hand drive unless the vehicle is one known as a 'stretched limousine' licensed for private hire use and paragraphs (a), (c) and (d) of this part of the policy will be construed accordingly.

(c) The vehicle must have E.U Type Approval

(d) if (c) cannot be satisfied then a Department of Transport Certificate of Single Vehicle Approval must be produced.

The Authority will allow advertisements to be placed upon a vehicle subject to the following conditions:

- For saloons and estate cars all advertising/graphics etc. must be confined to the side, rear or bonnet. Where advertising appears on the side of such a vehicle it must be contained within the area between the centres of the wheels (wheel base).

- For transit and people carrier type vehicles all advertising/graphics etc. must be confined to the side, rear or bonnet. Where advertising appears on the side of such a vehicle it must be contained within the area to the rear of the centre of the front wheels and the rear light cluster.
- Subject to the above, a proprietor may have simple lettering and numbers on a vehicle in order to display a company name, address, telephone/fax number, E-mail/social media address or web site but lettering height must be a minimum of 75mm and maximum of 150mm.
- No graphics/art works or slogans or other displays of any kind are permitted except with the consent of the Council.
- In the case of Private Hire Vehicles advertising is subject to the specific exclusion of the words "taxi", "cab" or "hire" the use of which is not permitted.
- Advertising, not relating to the vehicle's proprietor or company, may, under certain circumstances, be allowed on a hackney carriage vehicle on submission of a written request and details of the advertisement to the Council. Each request will be considered entirely on its own merits and, if approved, the written authority must be carried in the vehicle. No such advertising is permitted on a private hire vehicle.

**Licence Plate Content**

The external and internal licence plate issued by the Authority will include the following information;

- a. Licence No.
- b. Registration No.
- c. Vehicle make/Type.
- d. Licence expiry date.
- e. No. of passengers.

**Minimum Number of Passengers to be carried**

No vehicle capable of carrying more than 8 passengers can be licensed by the Council.

In order to facilitate the licensing of a wide variety of vehicle types and to encourage more environmentally friendly vehicles the Council has not set a limit on the minimum number of seats but instead requires a minimum space standard per passenger as detailed in the basic specifications for vehicles.

**Vehicle Test Standards**

The Authority will not license a vehicle unless the person examining it (for the Authority) has confirmed that it meets the standards specified in Appendix 1 and, at the same time, the vehicle has been certified roadworthy to MOT standard.

Vehicles of a class that are not subject to 'EU Type approval' and are being tested for the first time will be additionally tested to ensure tyres, weight limits and any other aspect of the vehicle are safe and mechanically sound as possible for the passenger. Costs of such testing must be paid by the person wishing to licence the vehicle. In addition, the history of the vehicle will be taken into consideration when determining whether the vehicle should be licensed.

A vehicle is required to be re-examined, when the licence has been in force for six months, to ensure that it continues to meet the standards referred to above.

### **Vehicles Powered by Liquid Petroleum Gas (LPG)**

An applicant for a licence involving a vehicle which has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming that the LPG installation conforms with the Association's Code of Practice and is, therefore, considered safe.

If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage, and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle. Where relocation of the spare wheel is not possible an acceptable alternative, as supplied by the conversion company, will be permitted.

### **TINTED WINDOWS (Without prejudice to the Road Vehicles (Construction & Use) Regulations 1986)**

The Authority will not license a hackney carriage vehicle if any window of it contains glass which has been treated so that less than 50% of light is transmitted through it, unless it was first licensed prior to 1 November 2005.

Private hire vehicles with any tinted window of less than 50% transmission of light must not be used for the carriage of children and young persons who are, or will be, travelling without a parent or independent adult supervision. The only exception is that where a child or young person is to be carried as a passenger unaccompanied by an adult then it will be for the proprietor of the vehicle, and/or the operator, to satisfy themselves that such a journey in a vehicle with tinted windows is with the knowledge and consent of that child or young person's parent or guardian and the details of such knowledge and consent, whether verbal or written, will form part of the Operator's Records required to be kept by licence condition. It is good practice to always advise a person making a booking for a private hire vehicle of the vehicle type and description, including whether it has tinted windows.

### **Matters relating to Hackney Carriage vehicles only**

## Accessibility

This section of the policy also takes into account the 2007 report published by the European Conference of Ministers of Transport and the International Road Transport Union which recognised that it is impossible to provide for 100% of wheelchair users without reducing the operational viability of the vehicle for the taxi operator and other passengers. There will be a small proportion of people who, because of the size of their wheelchair or the nature of their disability, are unable to access taxis or indeed other forms of mainstream public transport. They will continue to need specialist door-to door services.

Sevenoaks District Council is committed to promoting inclusive and accessible environments and ensuring a wide range of opportunities are available to residents with disabilities to enjoy a high quality of life. Without the ability to travel, people with disabilities are denied access to life opportunities. Their access to education, shopping, employment, healthcare as well as social and family life is significantly improved when journeys become accessible. For this reason, Sevenoaks District Council considers it important that people with disabilities have access to all forms of public transportation. Accessibility is an important consideration in respect of vehicles licensed as hackney carriages. This Authority will therefore keep this section of the policy constantly under review.

Sevenoaks District Council is aware of the Government's proposals to implement the provisions of the Equality Act 2010 in relation to hackney carriages. The Government announced its proposals for taxis in 2003 and since that time has been consulting and gathering further information.

The Government is now considering how best to bring forward requirements for accessible taxis, and this includes evaluation of all options, both regulatory and non-regulatory approaches are being considered.

The ECMT-IRU recommendations for taxi vehicle accessibility are based on two design levels:

- Type One: Wheelchair Accessible Taxis: accessible vehicles capable of carrying the majority, but not all, passengers who travel in their wheelchair as well as people with other disabilities;
- Type Two: Standard Accessible Taxis: vehicles with features designed to make use by disabled people easier, but which would only be able to carry a wheelchair user who can transfer to a taxi seat.

### Restriction on Numbers of Licensed Vehicles

Although at the moment there is no restriction on how many hackney carriage vehicles can be licensed, Sevenoaks District Council will seek to address this matter when the need arises and may carry out a demand survey to seek clarification whether there is unmet demand for Hackney carriage vehicles within the whole district.



### Re-allocation of Expired Hackney Carriage Vehicle Plates

If, when a hackney carriage licence expires, the vehicle is not re-licensed within twenty-eight days and the owner does not take steps to inform the Council of his/her intentions, then the plate will be re-allocated. A letter will be sent to the owner of the vehicle advising them that the licence has expired.

### **Taximeters**

The Authority requires every vehicle licensed as a Hackney Carriage to be fitted with a taximeter. The Taximeter shall be of a type which is EU approved or specifically authorised by the Council.

### **Roof Signs**

The Authority requires all Hackney Carriage vehicles to be fitted with working roof-mounted signs. If the illuminated roof lights have red in them, they must be fitted so that the red light is visible from the rear. If the vehicle is available for hire the roof light must be illuminated.

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### **Appendix 5A - Hackney carriage vehicle conditions**

#### **Meanings**

In these conditions, unless otherwise indicated,

“the Council” means the Sevenoaks District Council; and

“the district” means the area of the Sevenoaks District Council

“proprietor” means a person who is the holder of a licence issued by the Council under section 37 of the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976

“vehicle “ means the vehicle that is specified on that licence

**Fixing of vehicle plates**

The proprietor must ensure that the identification plate and fare chart, which have been supplied by the Council, are fixed and maintained in the positions specified and are kept in a clean and legible condition.

Plate etc..	Position
External Licence Plate	Under the rear registration number plate or, in exceptional circumstances, another position near that location subject to the Council's prior approval.
Internal Licence Plate	Inside the vehicle on the left hand side of the front windscreen and in plain view of the passengers but avoiding the windscreen wiper area.
Fare Chart With Plate Number	In a conspicuous position inside the passenger compartment of the vehicle so that it can be read by passengers.

**Roof signs**

The Authority requires all Hackney Carriage vehicles to be fitted with working roof-mounted signs. The proprietor must fix a sign on the roof of the vehicle of a design acceptable to the Council. The sign must have the word TAXI printed on it. It may also have printed upon it the words FOR HIRE and the name and/or telephone number of the proprietor’s taxi firm. If the illuminated roof lights have red in them, they must be fitted so that the red light is visible from the rear. If the vehicle is available for hire the roof light must be illuminated.

**Advertising and other signs**

The proprietor must not permit any advertising on or in the vehicle which is not advertising his/her taxi firm unless authorised to do so by the Council in writing.

The proprietor must not permit any sign or mark other than those required or allowed in paragraphs 1 and 2 except with the express consent of the Council.

Advertisement of the proprietor’s taxi firm must be in accordance with the following criteria:

1. For saloons and estate cars all advertising/graphics etc.. must be confined to the side, rear or bonnet. Where advertising appears on the side of such a vehicle it must be contained within the area between the centres of the wheels (wheel base).

2. For transit and people carrier type vehicles all advertising/graphics etc.. must be confined to the side, rear or bonnet. Where advertising appears on the side of such a vehicle it must be contained within the area to the rear of the centre of the front wheels and the rear light cluster.
3. Subject to (i) and (ii) the above a proprietor may have simple lettering and numbers on a vehicle in order to display a company name, address, telephone/fax number, E-mail address or Web site, or advisory notices to do with smoking, but lettering height must be a minimum of 75mm and maximum of 150mm.
4. No graphics/art works or slogans or other displays of any kind are permitted except with the consent of the Council.

### **No smoking**

In accordance with legislative requirements a 'No Smoking' sign(s) will be exhibited within the vehicle and such sign(s) will be of the approved type.

### **Spoilage of the interior of the vehicle by passengers**

Where a passenger has spoiled the interior of the vehicle any dispute in this respect including any claim for damages shall be a matter between the proprietor and the passenger.

The wording in (a) above shall be reproduced in plainly visible lettering on the fare chart.

### **Wheelchair signs**

Subject to the provisions of paragraph 4 above the proprietor may affix a sign on the outside of the vehicle indicating that it is able to convey passengers in wheelchairs provided the vehicle has been manufactured or properly adapted for that purpose.

### **Carriage of animals other than guide/hearing/assistance dogs**

The proprietor has discretion as to whether the vehicle is used to convey an animal other than a guide or hearing dog within the meaning of Section 37 of the Disability Discrimination Act 1995. When a guide/hearing/assistance dog etc. is conveyed, no extra charge shall be made. Conveyance of a guide or hearing dog etc. may only be declined if the driver of the vehicle has been granted a statutory exemption on medical grounds.

### **Production of certain documents**

The proprietor must at any time by demand of an officer of the Council produce for inspection any or all of the following documents;

- A current, valid, certificate of motor insurance, or cover note valid for at least 28 days for the vehicle that provides insurance cover for it as a Hackney Carriage;

- A current, valid, MOT test certificate for the vehicle as required by S47 of the Road Traffic Act 1988;
- The current proprietor's Hackney Carriage Vehicle licence for the vehicle; and
- The vehicle's V.5 Registration Document.

### **Motor insurance certificate**

The proprietor must at all times ensure that the vehicle is properly insured for use as a Hackney Carriage and a copy of the insurance certificate should be available inside the vehicle whilst it is licensed as a Hackney Carriage.

### **Damage to the vehicle**

The proprietor must, in the event of any damage to the vehicle materially affecting its safety, performance, appearance or comfort or convenience of passengers, report the occurrence to the Council **with 72 hours** in accordance with Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976 and the vehicle must not be used for hire again without the approval of the Council.

### **Taximeter**

The proprietor must ensure that the vehicle is fitted with an EU or Council approved taximeter and the taximeter:

- Is calibrated at all times with a tariff not higher than the current Hackney Carriage Fare Tariff approved by the Council.
- Is not tampered with in any way so as to effect the production of a fare that exceeds the maximum fare laid down by the current Hackney Carriage Fare Tariff approved by the Council.
- When its machinery is in action, records on its face, in figures clearly legible and free from ambiguity, the fare which the driver is entitled to demand and take for the hiring of the carriage.
- Has the word 'fare' printed on its face in plain letters so that the word clearly applies to the fare recorded thereon.
- Is positioned so that all letters and figures on its face are plainly visible to any passengers and for that purpose the letters and figures are suitably illuminated during any period of hiring.

### **Maximum fare**

When the vehicle is hired the proprietor must not in any circumstances require or cause to be charged a fare which is greater than that authorised by the Council's current Hackney Carriage Fare Tariff.

### **Drivers**

The proprietor must ensure that each person who drives the vehicle;

- holds a current and valid Hackney Carriage Drivers Licence issued by the Council.
- is acquainted with and understands their licence conditions and related statutory provisions.
- observes Council Byelaws and related statutory provisions.

### **Breakdowns etc.**

If, whilst hired, the vehicle breaks down or otherwise becomes unfit or unable to carry the hirer to his/her destination, the proprietor must; secure, without delay, suitable alternative transport to carry the hirer to his/her destination, unless the hirer voluntarily elects to wait until the vehicle is repaired or is otherwise able to continue the journey and report the occurrence to the Council within **24 hours**.

### **Lost property**

In relation to property which has been left, or may have been left, in the vehicle by passengers the proprietor must;

- search the vehicle daily to establish whether or not there is any such property.
- if any such property is found, notify the Council within **72 hours** and provide a description of the property.
- take reasonable steps to secure the return of the property to its owner.

### **Presentation of the vehicle for inspection**

The proprietor must present the vehicle for inspection at any time and at any place required by the Council. If the vehicle is not presented at the place and time required by the Council then it may not be used as a Hackney Carriage without the Council's approval.

### **Disclosure of convictions/cautions**

The proprietor must notify the Council in writing of any convictions or cautions imposed on him/her whilst the licence is in force. Such notification must occur within **21 days** of the imposition of a conviction/caution.

### **Transfer of hackney carriage interest in the vehicle.**

If the proprietor, or part proprietor, transfers his/her Hackney Carriage interest in the vehicle to another person or persons the proprietor, or part proprietor, must notify the Council within 14 days of the date of the transfer and specify the name and address of each person to whom the interest has been transferred. (The Council may, with reasonable

cause, revoke, suspend or review the licence if it considers any transferee is not a suitable person to hold a Hackney Carriage Vehicle Licence).

A fee and change of ownership form must also be submitted to the Council with a valid insurance document, V5 registration document and a current MOT test certificate whenever a vehicle is sold to another licensed driver.

### **Complaints by hirers**

The proprietor of the vehicle must ensure that, should any complaint be made regarding the vehicle or its driver, then sufficient information must be given to the complainant for that person to be able to identify the driver and/or the vehicle and the means of pursuing such complaint with the Council if necessary by giving the details of the Officer Licensing 'Taxis' his/her office address, name and telephone number.

### **Use of trailers**

The vehicle may tow a trailer only when one is required in order to convey a hirer's luggage. If a trailer is towed it shall;

- comply with the towing weights specified by the vehicles' manufacturer;
- provide secure and weatherproof stowage for the luggage; and
- have displayed, upon its rear, the vehicle's licence plate.

The vehicle is not permitted to have a trailer in tow whilst it is standing on a taxi rank.

### **Other matters**

The proprietor must ensure that;

- the vehicle is provided with sufficient means by which passengers may communicate with the driver and such means of communication are maintained.
- the vehicle is maintained in a clean, comfortable, safe, watertight, mechanically sound and roadworthy condition.
- at all times windows that are designed to open shall do so in accordance with manufacturer's specifications.
- that, at all times, the area designed for the stowage of luggage is kept clear and available for the purpose.

### **Tinted windows**

The Hackney Carriage, once it has been licensed, is not permitted to have any treatment to its windscreen or windows which would cause the light transmission through the glass to be less than 50%.

## **Appendix 5B - Specifications relating to Private Hire Vehicles**

Licences: All Vehicle Licences shall be valid for a standard term of one year (unless for administrative reasons a shorter period is appropriate).

### **Age**

Subject to the exceptions below;

- The Authority will not license a vehicle, for the first time, if it is more than 6 years old and/or has travelled greater than 100,000 miles.
- The Authority will not re-license a vehicle if it is more than 10 years old (15 years for wheelchair accessible vehicles).

### **Exceptions**

Subject to a vehicle being considered mechanically fit for a further year of service the following types of vehicle are exempt:

- Purpose built taxis
- Wheelchair accessible vehicles (these vehicles will be licensed until they are 15 years old but not older than 15 years old)
- Limousines, which must have a minimum engine capacity over 3,000 cc/Specialist Vehicles

### **Type Limitations**

The Authority will not license a vehicle unless it meets the following criteria:-

- (a) The vehicle shall have four side opening doors (designed for the purpose of permitting persons access to/from the interior) - any lift-up tailgate shall not be included; or a vehicle shall have three side opening doors (designed for the purpose of permitting persons access to/from the interior) and two rear opening doors (designed for the purpose of permitting persons access to/from the interior). Any vehicle's suitability for licensing will also be determined by the positioning of its seating, fittings and fixtures for the ingress and egress of passengers and their safety.
- (b) The vehicle is right-hand drive unless the vehicle is one known as a 'stretched limousine' licensed for private hire use and paragraphs (a), (c) and (d) of this part of the policy will be construed accordingly.
- (c) The vehicle must have E.U Type Approval
- (d) If (c) cannot be satisfied then a Department of Transport Certificate of Single Vehicle Approval must be produced.

**Environmental Considerations**

The Best Practice Guidance asks licensing authorities to consider how far their vehicle licensing policies can and should support any local environmental policies that they have adopted, bearing in mind the need to ensure that the benefits outweigh costs (in whatever form). They suggest that authorities may, for example, wish to consider setting vehicle emissions standards, perhaps by promoting cleaner fuels.

It is considered that efforts should be made, through the licensing policy, to improve, as far as possible, the efficiency of vehicles licensed in the District by, in particular, reducing the levels of CO<sub>2</sub> emitted from petrol vehicles and the equivalent from diesel. There is a movement towards the use of alternative fuels and in many areas LPG conversions to vehicles are perfectly acceptable and encouraged. This will, however, be dependent on supplies of such fuel being made readily available. It may also be the case that the installation of storage tanks into vehicles may affect the ability to carry luggage.

Clearly, emissions from hackney carriages and private hire vehicles could be reduced further, by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at hackney carriage ranks. It is proposed that this aspect be tackled through education and promotion.

In view of the above detail, unless more urgent measures are introduced by central government in the meantime, this Council will monitor any research published and Government guidelines with a view to specifying vehicle emissions standards and promoting cleaner vehicles.

To help consider the environmental impact, any petrol electric vehicle with an engine size under 1500cc will be considered to be licensed on a case by case basis. Sevenoaks District Council suggests that, in order to promote a greener environment, any vehicle that promotes cleaner fuel emissions may be entitled to pay a reduced fee at the time of having the vehicle tested by Sevenoaks District Council's appointed workshop.

**Advertising**

The Authority will allow advertisements to be placed upon a vehicle subject to the following conditions:

- (a) For saloons and estate cars all advertising/graphics etc.. must be confined to the side, rear or bonnet. Where advertising appears on the side of such a vehicle it must be contained within the area between the centres of the wheels (wheel base).
- (b) For transit and people carrier type vehicles all advertising/graphics etc.. must be confined to the side, rear or bonnet. Where advertising appears on the side of such a vehicle it must be contained within the area to the rear of the centre of the front wheels and the rear light cluster.



(c) Subject to the above, a proprietor may have simple lettering and numbers on a vehicle in order to display a company name, address, telephone/fax number, E-mail address or Web site, but lettering height must be a minimum of 75mm and maximum of 150mm.

(e) No graphics/art works or slogans or other displays of any kind are permitted except with the consent of the Council.

(f) In the case of Private Hire Vehicles advertising is subject to the specific exclusion of the words "taxi", "cab" or "hire" the use of which is not permitted.

(g) Advertising, not relating to the vehicle's proprietor or company, may, under certain circumstances, be allowed on a hackney carriage vehicle on submission of a written request and details of the advertisement to the Council. Each request will be considered entirely on its own merits and, if approved, the written authority must be carried in the vehicle. No such advertising is permitted on a private hire vehicle.

### **Licence Plate Content**

The external and internal licence plate issued by the Authority will include the following information;

- a. Licence No.
- b. Registration No.
- c. Vehicle make/Type.
- d. Licence expiry date.
- e. No. of passengers.

### **Minimum Number of Passengers to be carried**

No vehicle capable of carrying more than 8 passengers can be licensed by the Council.

In order to facilitate the licensing of a wide variety of vehicle types and to encourage more environmentally friendly vehicles the Council has not set a limit on the minimum number of seats but instead requires a minimum space standard per passenger as detailed in the basic specifications for vehicles.

### **Vehicle Test Standards**

The Authority will not license a vehicle unless the person examining it (for the Authority) has confirmed that it meets the standards specified in Appendix 1 and, at the same time, the vehicle has been certified roadworthy to MOT standard.

Vehicles of a class that are not subject to 'EU Type approval' and are being tested for the first time will be additionally tested to ensure tyres, weight limits and any other aspect of the vehicle are safe and mechanically sound as possible for the passenger. Costs of such testing must be paid by the person wishing to licence the vehicle. In addition, the history of

the vehicle will be taken into consideration when determining whether the vehicle should be licensed.

A vehicle is required to be re-examined, when the licence has been in force for six months, to ensure that it continues to meet the standards referred to in (a) above.

### **Vehicles Powered by Liquid Petroleum Gas (LPG)**

An applicant for a licence involving a vehicle which has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming that the LPG installation conforms with the Association's Code of Practice and is, therefore, considered safe.

If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage, and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle. Where relocation of the spare wheel is not possible an acceptable alternative, as supplied by the conversion company, will be permitted.

### **Tinted windows**

Private hire vehicles with any tinted window of less than 50% transmission of light must not be used for the carriage of children and young persons who are, or will be, travelling without a parent or independent adult supervision. The only exception is that where a child or young person is to be carried as a passenger unaccompanied by an adult then it will be for the proprietor of the vehicle, and/or the operator, to satisfy themselves that such a journey in a vehicle with tinted windows is with the knowledge and consent of that child or young person's parent or guardian and the details of such knowledge and consent, whether verbal or written, will form part of the Operator's Records required to be kept by licence condition. It is good practice to always advise a person making a booking for a private hire vehicle of the vehicle type and description, including whether it has tinted windows. (Without prejudice to the Road Vehicles (Construction & Use) Regulations 1986)

**Appendix 5C**

**Private Hire Vehicle Conditions**

MEANINGS

In these conditions, unless otherwise indicated,

“the Council” means the Sevenoaks District Council; and

“the district” means the area of the Sevenoaks District Council

“proprietor” means a person who is the holder of a licence issued by the Council under section 48 of the Local Government (Miscellaneous Provisions) Act 1976

“vehicle “ means the vehicle that is specified on that licence

**Fixing of licence plates etc.**

The proprietor must ensure that the following plates etc. have been supplied by the Council and is responsible for their fixing and maintenance in the positions specified and keeping them in a clean and legible condition.

Plate etc.	Position
External Licence Plate	Under the rear registration number plate or, in exceptional circumstances, another position near that location subject to the Council's prior approval.
Internal Licence Plate	Inside the vehicle on the left hand side of the front windscreen and in plain view of the passengers but avoiding the windscreen wiper area.
Fare Chart and Plate Number when meter fitted	In a conspicuous position inside the passenger compartment of the vehicle so that it can be read by passengers.

**Advertising and other signs**

(a) the proprietor must not permit any advertising on or in the vehicle which is not advertising his/her taxi firm.

(b) the proprietor must not permit any sign or mark other than those required or allowed in paragraph 1 except with the express consent of the Council.

(c) advertisement of the proprietors taxi firm must be in accordance with the following criteria

1. For saloons and estate cars all advertising/graphics etc. must be confined to the side, rear or bonnet. Where advertising appears on the side of such a

vehicle it must be contained within the area between the centres of the wheels (wheel base).

2. For transit and people carrier type vehicles all advertising/graphics etc.. must be confined to the side, rear or bonnet. Where advertising appears on the side of such a vehicle it must be contained within the area to the rear of the centre of front the wheels and the rear light cluster.
3. Subject to (i) and (ii) the above a proprietor may have simple lettering and numbers on a vehicle in order to display a company name, address, telephone/fax number, E-mail/social media address or web site, or advisory notices to do with smoking, but lettering height must be a minimum of 75mm and maximum of 150mm.
4. No graphics/art works or slogans or other displays of any kind are permitted except with the consent of the Council.

**No smoking**

‘No Smoking’ signs will be fixed inside the vehicle in accordance with current legislative requirements.

**Spoilage of the interior of the vehicle by passengers**

(a) Where a passenger has spoiled the interior of the vehicle any dispute in this respect including any claim for damages shall be a matter between the proprietor and the passenger.

(b) The wording in (a) above shall be reproduced in plainly visible lettering within the vehicle (on or next to the fare chart if fitted).

**Wheelchair signs**

Subject to the provisions of paragraph 2 the proprietor may affix a sign on the outside of the vehicle indicating that it is able to convey passengers in wheelchairs provided the vehicle has been manufactured or properly adapted for that purpose.

**Carriage of animals other than guide/hearing/assistance dogs**

The proprietor has discretion as to whether the vehicle is used to convey an animal other than a guide/hearing or assistance dog within the meaning of Section 37 of the Disability Discrimination Act 1995. When a guide or hearing dog etc. is conveyed no extra charge shall be made. Conveyance of a guide/hearing or assistance dog etc. may only be declined if the driver of the vehicle has been granted a statutory exemption on medical grounds.

**Production of certain documents**

The proprietor must at any time by demand of an officer of the Council produce for inspection any or all of the following documents;

- (a) a current, valid, certificate of motor insurance or cover note valid for at least 28 days for the vehicle that provides insurance cover for it as a Private Hire Vehicle;
- (b) a current, valid, MOT test certificate for the vehicle as required by S47 of the Road Traffic Act 1988;
- (c) the current proprietor's Private Hire Vehicle licence for the vehicle; and
- (d) the vehicle's V.5 Registration Document.

### **Insurance certificate**

The proprietor must at all times ensure that the vehicle is properly insured for use as a Private Hire Vehicle and a copy of the insurance certificate should be available inside the vehicle whilst it is licensed as a Private Hire Vehicle.

### **Damage to vehicle**

The proprietor must, in the event of any damage to the vehicle materially affecting its safety, performance, appearance or comfort or convenience of passengers, report the occurrence to the Council **with 72 hours** in accordance with Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976 and the vehicle must not be used for hire again without the approval of the Council.

### **Taximeter**

If a taximeter is fitted to the vehicle;

The proprietor must ensure that the taximeter is EU type approved or specifically authorised by the Council and the taximeter;

- is calibrated at all times to include the current fare tariff of the Operator.
- is not tampered with in any way so as to effect the production of a fare that exceeds the maximum fare laid down by the current fare tariff of the Operator.
- when its machinery is in action, records on its face, in figures clearly legible and free from ambiguity, the fare which the driver is entitled to demand and take for the hiring of the carriage.
- has the word 'fare' printed on its face in plain letters so that the word clearly applies to the fare recorded thereon.
- is positioned so that all letters and figures on its face are plainly visible to any passengers and for that purpose the letters and figures are suitably illuminated during any period of hiring.

### **Drivers**

The proprietor must ensure that each person who drives the vehicle;

- (a) holds a current and valid Private Hire Drivers Licence issued by the Council.

(b) is acquainted with and understands their licence conditions and related statutory provisions.

(c) observes their licence conditions and related statutory provisions.

**Breakdowns etc.**

If, whilst hired, the vehicle breaks down or otherwise becomes unfit or unable to carry the hirer to his/her destination the proprietor must;

- secure, without delay, suitable alternative transport to carry the hirer to his/her destination unless the hirer voluntarily elects to wait until the vehicle is repaired or is otherwise able to continue the journey.
- report the occurrence to the Council within **24 hours**.

**Lost property**

In relation to property which has been left, or may have been left, in the vehicle by passengers the proprietor must;

- search the vehicle daily to establish whether or not there is any such property.
- if any such property is found, notify the Council within **72 hours** and provide a description of the property.
- take reasonable steps to secure the return of the property to its owner.

**Presentation of vehicle for inspection**

The proprietor must present the vehicle for inspection at any time and at any place required by the Council. If the vehicle is not presented at the place and time required by the Council then it may not be used as a Private Hire Vehicle without the Council's approval.

**Disclosure of convictions or cautions**

The proprietor must notify the Council in writing of any convictions or cautions imposed on him/her whilst the licence is in force. Such notification must occur within **21 days** of the imposition of a conviction/caution.

**Transfer of private hire interest in the vehicle**

If the proprietor, or part proprietor, transfers his/her Private Hire interest in the vehicle to another person or persons the proprietor, or part proprietor, must notify the Council within 14 days of the date of the transfer and specify the name and address of each person to whom the interest has been transferred. (The Council may, with reasonable cause, revoke, suspend or review the licence if it considers any transferee is not a suitable person to hold a Private Hire Vehicle Licence).

**Complaints by hirers**

The proprietor of the vehicle must ensure that, should any complaint be made regarding the vehicle or its driver, then sufficient information must be given to the complainant for that person to be able to identify the driver and/or the vehicle and the means of pursuing such complaint with the Council, if necessary, by giving also the details of the Officer licensing private hire vehicles, his/her office address, name and telephone number.

**Use of trailers**

The vehicle may tow a trailer only when one is required in order to convey a hirer's luggage. If a trailer is towed it shall;

- comply with the towing weights specified by the vehicle's manufacturer;
- provide secure and weatherproof stowage for the luggage. And
- have displayed, upon its rear, the vehicle's licence plate.

**Other matters**

The proprietor must ensure that;

- the vehicle is provided with sufficient means by which passengers may communicate with the driver and such means of communication are maintained.
- the vehicle is maintained in a clean, comfortable, safe, watertight, mechanically sound and roadworthy condition.
- at all times windows that are designed to open shall do so in accordance with manufacturers specifications.
- that, at all times, the area designed for the stowage of luggage is kept clear and available for the purpose.

**Tinted windows**

Private hire vehicles with any tinted window of less than 50% transmission of light must not be used for the carriage of children and young persons who are, or will be, travelling without a parent or independent adult supervision. The only exception is that where a child or young person is to be carried as a passenger unaccompanied by an adult then it will be for the proprietor of the vehicle, and/or the operator, to satisfy themselves that such a journey in a vehicle with tinted windows is with the knowledge and consent of that child or young person's parent or guardian and the details of such knowledge and consent, whether verbal or written, will form part of the Operator's Records required to be kept by licence condition. It is good practice to always advise a person making a booking for a private hire vehicle of the vehicle type and description, including whether it has tinted windows. (Without prejudice to the Road Vehicles (Construction & Use) Regulations 1986).

**Appendix 6**

**Private Hire Driver Conditions**

In these conditions, unless otherwise indicated,

“the Council” means the Sevenoaks District Council; and

“the district” means the area of the Sevenoaks District Council

“driver of a private hire vehicle “ means a person who has been granted a licence by the Council under section 51 of the Local Government (Miscellaneous Provisions) Act 1976

A driver of a private hire vehicle shall: -

- not wilfully or negligently cause or suffer the licence plate of the vehicle to be concealed from public view while the vehicle is licensed; and
- not cause or permit the vehicle to be used, whilst licensed, with any such plate so defaced that any figure or material particular is illegible.

The driver of a private hire vehicle provided with a taximeter shall: -

- when not hired, keep the machinery of the taximeter inactive so that no fare is recorded on the face of the taximeter;
- before beginning a journey for which a fare is charged bring the machinery of the taximeter into action and keep the machinery of the taximeter in action until the termination of the hiring; and
- cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.

A driver of a private hire vehicle shall not tamper with or permit any person to tamper with any taximeter with which the vehicle is provided, with the fittings thereof, or with the seals affixed thereto.

Where a vehicle is equipped with a taximeter and where such taximeter is to be used to record the fare for a hiring, the driver shall -

- ensure, during the continuance of such hiring, that the dial of the taximeter is not concealed in any manner or by any means and that such dial is distinctly and plainly visible and legible to any person hiring or being conveyed in the vehicle;
- cause the dial of the taximeter to be kept properly illuminated throughout the hiring;
- report immediately to the Council and to the Operator any failure of the taximeter;
- not wilfully or negligently cause or suffer the table of the Operator’s fares to be inverted or detached or altered or the letters or figures on such table to be in any manner or by any means concealed at any time.



The driver of a private hire vehicle shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

A driver of a private hire vehicle who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

A driver of a private hire vehicle shall not convey or permit to be conveyed in such vehicle any greater number of persons than the number of persons specified on the licence plate affixed to the vehicle.

If a badge has been provided by the Council and delivered to the driver of a private hire vehicle he shall, when working as such and when hired, wear that badge in such position and manner as to be plainly visible.

The driver of a private hire vehicle so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the vehicle: -

- convey a reasonable quantity of luggage;
- afford reasonable assistance in loading and unloading; and
- afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

The driver of a private hire vehicle shall be entitled to demand and take for the hire of the vehicle only;

- such fare as may be shown on the face of any taximeter provided in the vehicle (where the fare for the hiring is charged by reference to the Operator's table of fares) save for any extra charges authorised by the Operator which it may not be possible to record on the face of the taximeter; or
- such other fare as may have been agreed with the hirer prior to the commencement of the hiring

The driver of a private hire vehicle bearing a table of the Operator's fares shall not wilfully or negligently cause or suffer the letters or figures in that table to be concealed or rendered illegible at any time while the vehicle is licensed.

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

The driver of a private hire vehicle shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him: -

- carry it as soon as possible and in any even **within 48 hours** if not sooner claimed by or on behalf of its owner, to the office of the Council and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and

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

Private Hire Driver must comply at all times with the current legislation relating to no smoking in the vehicle whether it is used for the conveyance of the public or not.

**Informative**

If you accept bookings for the private hire vehicle, which you are driving, direct from a hirer you must ensure that you have a Private Hire Operator's Licence, as it is unlawful for you to accept bookings without such licence.

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## Appendix 7

### Private Hire operator Conditions

In these conditions, unless otherwise indicated

"the Council" means the "Sevenoaks District Council",

"the Operator" means the holder of a licence and

"Licence" means a licence granted by the Council under section 55 of the Local Government (Miscellaneous Provisions) Act 1976 to operate private hire vehicles.

### Record keeping

The operator shall keep (in a non-erasable form) comprehensive records as follows;

#### A. Drivers

The Operator must keep up to date records of the names and addresses of all licensed drivers who are used and shall notify the Council;

- when any new driver begins service,
- when any driver's service ceases; and
- of any change of address of any driver in service,
- if he/she becomes aware that any driver is suffering from any illness, disability or condition which may affect the driver's ability to safely carry out his/her duties.

#### B. Vehicles

- of all vehicles operated and the dates and times during which they are operated;
- the maintenance history of each vehicle, including details of all repairs carried out;

#### C. Bookings

All bookings made for private hire vehicles shall be recorded the same calendar day and kept for 6 months. The record of each booking must include;

- the source from which the booking came and the time it was received
- pick-up point and the time the journey commenced;
- destination point and the time the journey ended;
- the vehicle used;
- the driver employed;
- by whom the entry was made in the record

- the fare quoted (if quoted) at the time of booking
- the fare actually charged
- the reason(s) why the fare actually charged was different if it was different
- any other relevant information.

### **Disclosure of convictions**

The operator shall immediately disclose to the Council in writing details of any convictions imposed on him during the currency of this licence.

### **Taximeters**

Where a taximeter is used to record the fare for hiring, the Operator shall ensure that a table showing his/her current fare scale is displayed inside the vehicle in a position so that it is plainly and easily visible to any person being conveyed in the vehicle and that the table is kept in clean and legible condition.

### **Advertisement of business**

The operator must not use in any advertisement of his/her business the words "Hackney Carriage", "Taxi" or "Cab" if licensed Hackney Carriages cannot be supplied.

### **Surrender of licence**

If at any time during the period of the licence the operator for any reason does not wish to retain the licence (which is not transferable) or if at any time during the period of the licence it is suspended or revoked he must immediately surrender and return the licence to the Council.

### **Notification of accidents**

If any vehicle (licensed by the Council) which is used by the Operator is involved in an accident the Operator must notify the Council within **72 hours**.

### **Running of a business**

The Operator shall;

- provide a prompt, reliable and efficient service to the public at all reasonable times and in particular ensure that the premises to which the public have access for the purpose of making bookings or waiting for cars etc. are kept clean and provided with adequate seating facilities;
- ensure that the use of the premises which is used for the running of his/her business has no detrimental effect on the neighbourhood.
- notify the Council within **21 days** of any change of business address or change of company or trading name.

**Public liability insurance**

If the Operator has premises to which the public have access, in connection with the hiring of vehicles, he shall ensure that there is public liability insurance in force which indemnifies him against any claim for loss, damage or personal injury by any person using those premises.

**Driver – Medical fitness**

The Operator must not knowingly permit a driver to drive a licensed vehicle if he/she is aware that the person is suffering from any illness, disability or condition which may affect their ability to safely carry out their duties.

**Vehicle with tinted windows**

If a Private Hire Vehicle with tinted windows which have less than 50% light transmission through any of them is used for the carriage of children or young persons without adult supervision then it is the responsibility of the Operator to ensure that, when the booking for the vehicle is taken, the person accepting the booking has sought the knowledge and consent of the child or young persons parent or guardian for the journey and such knowledge and consent whether verbal or written is recorded in the Operator's 'Record of Journeys' as required by these licence conditions.

**Informative**

The Operator shall be aware that a booking accepted by telephone, or otherwise verbally, is a lawful agreement and he/she may be liable for breach of contract if a booking is not honoured. The accurate recording of booking details is a means of protecting yourself if such circumstances arise.

**Appendix 8**

**Hackney Carriage Byelaws**

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the District Council of Sevenoaks with respect to hackney carriages in the District of Sevenoaks.

**INTERPRETATION**

1. Throughout these byelaws “the Council” means the District Council of Sevenoaks and “the district” means the District of Sevenoaks.

**PROVISIONS REGULATING THE MANNER IN WHICH THE NUMBER OF EACH HACKNEY CARRIAGE, CORRESPONDING WITH THE NUMBER OF ITS LICENCE, SHALL BE DISPLAYED.**

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

A proprietor or driver of a hackney carriage shall:-

- not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
- not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

**PROVISIONS REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED.**

3. The proprietor of a hackney carriage shall:-

- provide sufficient means by which any person in the carriage may communicate with the driver;
- cause the roof or covering to be kept water-tight;
- provide any necessary windows and means of opening and closing not less than one window on each side;
- cause the seats to be properly cushioned or covered;
- cause the floor to be provided with a proper carpet, mat or other suitable covering;
- cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
- provide means for securing luggage if the hackney carriage is so constructed as to carry luggage;
- provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

4. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say: -

- (a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
- (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance and time in pursuance of the tariff fixed by the Council;
- (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
- (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

PROVISIONS REGULATING THE CONDUCT OF THE PROPRIETORS AND DRIVERS OF HACKNEY CARRIAGES PLYING WITHIN THE DISTRICT IN THEIR SEVERAL EMPLOYMENTS, AND DETERMINING WHETHER SUCH DRIVERS SHALL WEAR ANY AND WHAT BADGES.

5. The driver of a hackney carriage provided with a taximeter shall: -

- (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
- (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and
- (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half an hour after sunset and half an hour before sunrise, and also at any other time at the request of the hirer.

6. A proprietor or driver of a carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.

7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired: -

- (a) proceed with reasonable speed to one of the stands appointed by the Council;
- (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
- (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; and
- (d) from time to time, when any other carriage immediately in front is driven off or moved forward, cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

8. At no time is smoking permitted in any Hackney Carriage or Private Hire Vehicle.

9. A proprietor or driver of a hackney carriage, when standing or plying for hire shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.

10. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

11. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

12. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.

13. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.

14. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage: -

- (a) convey a reasonable quantity of luggage;
- (b) afford reasonable assistance in loading and unloading; and
- (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

**PROVISIONS FIXING THE RATES OR FARES TO BE PAID FOR HACKNEY CARRIAGES WITHIN THE DISTRICT, AND SECURING THE DUE PUBLICATION OF SUCH FARES.**

15. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being



calculated by distance and time unless the hirer expresses at the commencement of the hiring his desire to engage by time.

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

16.(a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by Council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.

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

PROVISIONS SECURING THE SAFE CUSTODY AND REDELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES, AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF.

17. The proprietor or driver of a hackney carriage shall, immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.

18. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:

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

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

#### PENALTIES

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

#### REPEAL OF BYELAWS

The byelaws relating to hackney carriages referred to in the following schedule are hereby repealed.

SCHEDULE

Date of Byelaws	By Whom Made	Date of Confirmation	By Whom Confirmed
17th December 1964	Sevenoaks Urban District Council	5th April 1965	An Assistant Under Secretary of State

GIVEN under the COMMON SEAL OF THE DISTRICT COUNCIL OF SEVENOAKS this 7th day of October 2004

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**Appendix 9**

**PENALTY POINTS SYSTEM  
LIST OF OFFENCES/BREACH OF LICENCE CONDITIONS**

<b>Town Police Clauses Act 1847</b>		
<b>Section</b>	<b>Offence</b>	<b>Penalty Points</b>
40	Giving false information on application for HC proprietor's licence.	12
44	Failure to notify change of address of HC proprietor.	2
45	Plying for hire without HC proprietor's licence.	8-12
47	Driving a HC without HC driver's licence.	8-12
47	Lending or parting with HC driver's licence.	4
47	HC proprietor employing unlicensed driver.	12
48	Failure by HC proprietor to hold HC driver's licence for person driving the vehicle.	6
48	Failure by HC proprietor to produce HC driver's licence.	3
52	Failure to display HC plate.	4
53	Refusal to take a fare without reasonable excuse	6-12
54	Charging more than the agreed fare.	6-12
55	Obtaining more than the legal fare. (Failure to refund)	6-12
56	Travelling less than the lawful distance for an agreed fare.	6-12
57	Failure to wait after a deposit to wait has been paid.	6-12
58	Charging more than the legal fare.	12
59	Carrying other person than the hirer without consent of hirer	8
60	Driving HC without proprietor's consent.	6-12
60	Allowing another to drive HC without proprietor's consent.	6-12
62	Driver leaving HC unattended.	2
64	HC driver obstructing other HC's.	3
<b>Local Government (Miscellaneous Provision) Act 1976</b>		
<b>Section</b>	<b>Offence</b>	<b>Points</b>
46(1)(a)	Using an unlicensed private hire vehicle	12
46(1)(b)	Driving a private hire vehicle without a private hire drivers" licence	12
46(1)(c)	Proprietor of a private hire vehicle using an unlicensed driver	8-12
46(1)(d)	Operating a private hire vehicle without a private hire operator's licence	8-12
46(1)(e)	Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle.	12
46(1)(e)	Operating a private hire vehicle when the driver is not licensed as a private hire operator.	8-12
48(6)	Failure to display a private hire vehicle plate	4

49	Failure to notify the transfer of a HC proprietor's licence.	3
50 (1)	Failure to present a HC for inspection, as required.	6-12
50 (2)	Failure to inform the Authority where the HC is stored.	3
50 (3)	Failure to report an accident to the Authority within 72hours.	6
50 (4)	Failure to produce the HC proprietor's licence and insurance cert	4
53 (3)	Failure to produce HC driver's licence.	3-4
54(2)	Failure to wear a private hire driver's badge	3-4
56(2)	Failure of a private hire operator to keep proper records of all bookings, or failure to produce them on request of an Authorised Officer of the Council or a Police Officer	6
56(3)	Failure of a private hire operator to keep records of all private hire vehicles, or failure to produce them on request of an Authorised Officer of the Council or a Police Officer	6
56(4)	Failure of a private hire operator to produce his licence on request	4
57	Making a false statement or withholding information to obtain a HC driver's licence.	12
58 (2)	Failure to return a plate after notice given following expiry, revocation or suspension of a HC proprietor's licence.	6
61 (2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	6
64	Permitting any vehicle other than a HC to wait on a HC stand.	6
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement.	6-12
67	Charging more than the meter fare when HC used as PH vehicle.	6-12
69	Unnecessarily prolonging a journey.	6-12
71	Interfering with a taximeter with intent to mislead.	12
73(1)(a)	Obstruction of an authorised Officer or Constable.	12
73(1)(b)	Failure to comply with a requirement of an authorised Officer or Constable.	6-12
73(1)(c)	Failure to give information or assistance to an authorised Officer or Constable.	6-12

Disability Discrimination Act 1995

Section	Offence	Points
37	Refusal to carry a guide, hearing, or other assistance dog in a hackney carriage without a valid certificate of exemption	4
37	Charging an additional cost for the carrying of an assistance dog in a hackney carriage	12
37a	Refusal to carry a guide, hearing, or other assistance dog in a private hire vehicle without a valid certificate of exemption	12
37a	Charging an additional cost for the carrying of an assistance dog in a private hire vehicle	12
<b>Transport Act 1980</b>		
Section	Offence	Points
64(2)(a)	Driving a vehicle with a sign above its roof which consists or includes the word "taxi" or "cab" whether alone or part of another word	10
64(2)(b)	Causes or permits a vehicle to have a sign above its roof which consists of or includes the word "taxi" or "cab" whether alone or part of another word	10

These points are dependant on adopting proposed conditions as per appendices

<b>Private Hire Driver's Licence Conditions – Appendix 9</b>		
Section	Offence	Points
	Not being respectably dressed and clean & tidy in appearance	2
	Failure to wear a badge.	4-6
	Failure to behave in a civil, polite and orderly manner.	3
	Failure to ensure the safety of passengers.	4
	Concealing or defacing a licence plate.	4
	Failure to attend on time for pre-arranged booking without sufficient cause.	3
	Conveying a greater number of passengers than permitted.	6
	Failure to give assistance with passenger's luggage.	3
	Soliciting for hire or accepting a fare that is not pre-booked.	6 -12
	Operating a vehicle that is not clean and tidy	2-6
	Driving without the consent of the proprietor.	5- 6
	Drinking or eating in the vehicle without permission of passenger.	2-3
	Causing excessive noise from any radio or sound-reproducing instrument, which annoys anyone in or outside the vehicle.	2
	Operating the horn as a means of signalling that the vehicle has arrived.	3
	Allowing the vehicle to stand in such a position as to suggest that it is plying for hire, or using a hackney carriage stand.	6
	Using a non-hands free mobile phone whilst driving	8
	Failure to provide medical certificate or not notifying a medical condition	6-12
	Failure to provide a receipt when requested.	2
	Failure to operate the meter from commencement of the journey and charging more than the fixed charge for hire of Hackney Carriages.	4-12

Failing to notify changes within 14 days.	3
Failure to produce a copy of the licence.	4
Failure to notify within 7 days of starting or terminating employment, the name and address of the proprietor and the date when the employment either started or ended.	3
Failure to show the private hire driver's licence to the proprietor at the beginning of an employment.	2
Failure to surrender a driver's licence, badge or plate on cessation of employment.	6
Failing to notify of change of address of any amendment to the details of a licence within 14 days	3
Failing to disclose convictions within 7 days.	8 -12
Failure to search vehicle daily or failure to take found property to the Council Offices within 72 hours of finding it.	3
Failure to report an accident within 72 hours	3
Carrying an animal other than one with passenger.	2
Carrying an animal not safely restrained.	3
Failure to carry assistance dog without an exemption certificate.	5-6
Failure to comply with wheelchair carriage requirements.	5-6

**Vehicle Specifications & Conditions of Licence – Appendix 5D**

Section	Offence	Points
	Operating a vehicle which does not comply with the Council's Vehicle Specification where such offence is not otherwise specified below	2 - 6
	Operating a vehicle, which is not maintained in a sound and roadworthy condition.	6
	Operating a vehicle, which is not maintained in a clean and safe condition inside and out.	3
	Modifying a vehicle without the consent of the Council	4
	Failure to display or maintain external licence plates which indicate the maximum number of passengers who may be conveyed.	4
	Hackney vehicle signage not in accordance with council requirements.	4
	Affixing or displaying on a private hire vehicle any roof sign.	6
	Displaying on a private hire vehicle any sign or notice which consists of or includes the word TAXI or CAB or FOR HIRE	4
	Displaying a sign or advertisement that does not comply with Council requirements or is not authorised by the Council.	3
	Taximeter which does not comply with the Council's Vehicle Specification.	5
	Trailer which does not comply the Council's Vehicle Specification	3
	Operating a vehicle which does not comply with the Council's policy requirements	6
	Operating a vehicle, which does not comply the Council's Vehicle Specification in respect of window tint.	4
	No insurance or inappropriate insurance for the vehicle.	12
	Failing to notify vehicle change or transfer within 14 days.	3

	Failing to make the vehicle licence available for inspection.	3
	Allowing a vehicle to be used for hire by a person who does not hold a current private hire or hackney driver's licence	8
	Failure to properly report an accident to the Authority.	3
	Permitting the vehicle to be used for any illegal or immoral purposes.	12

**PRIVATE HIRE OPERATORS**

**Local Government (Miscellaneous Provisions) Act 1976**

Section	Offence	Points
56 (2)	Failing to keep proper records of all bookings or failing to produce them. (also breach of conditions see below)	6
56 (3)	Failure to keep records of PH vehicles or failing to produce them. (also breach of conditions see below)	6
56 (4)	Failing to produce PH Operator' licence on request. (also breach of conditions see below)	4
46(1)(e)	Operating a PH vehicle when the driver is not licensed as a PH driver.	12
46(1)(e)	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle.	12
73(1)(c)	Failure to give information or assistance to an authorised officer or constable.	5

**Breach of Conditions attached to Operator's Licence - Appendix 7**

	Failure to provide a prompt, efficient and reliable service at all reasonable times.	3
	Failure to ensure that office staff employed by operator act in a civil and orderly manner at all times.	3
	Failure to ensure that a vehicle attends punctually at the appointed time and place unless prevented by some sufficient cause.	4
	Failure to keep the premises clean, adequately heated, ventilated, lit, and in accordance with the requirements of licence conditions.	3
	Failure to properly keep or produce records of private hire bookings, vehicles, drivers or other documents required to be kept or produced. (see LGMP s56(2) & (3) above)	6
	Failure to act properly upon the receipt of a complaint or to notify immediately the Licensing Officer.	4
	Failure to notify the Council of any changes, including change of address from where the business operates within 14 days.	3
	Failure to disclose in writing within 7 days details of any conviction or police caution imposed on him to the licensing section.	12
	Failure to ensure that an appropriate certificate of motor insurance covers every vehicle operated by him under the licence.	6
	Failure to obtain appropriate public liability insurance for the premises or to produce the same.	4
	Failure to ensure that every driver has a private hire licence and badge.	4
	Failure to keep a copy of the conditions at the premises or to make the same	4

	available for inspection by passengers.	
	Failure to make the Operator's licence available for inspection. (see LGMP s56 (4) above	6

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