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**WOKINGHAM
BOROUGH COUNCIL**

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To:- All Committee Members

LICENSING AND APPEALS COMMITTEE - TUESDAY, 23RD JANUARY, 2024

I am now able to enclose, for consideration at the next Tuesday, 23rd January, 2024 meeting of the Licensing and Appeals Committee, the following appendices that were marked as 'to follow' on the agenda sent out recently.

Agenda No	Item
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24.	<u>Hackney Carriage and Private Hire Licensing Policy 2024</u> (Pages 3 - 126)
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To receive and consider the Hackney Carriage and Private Hire Licensing Policy 2024 report.

25.	<u>Review of Statement of Licensing Policy 2024</u> (Pages 127 - 302)
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To receive and consider the Review of Statement of Licensing Policy 2024 report.

Yours sincerely

Susan Parsonage
Chief Executive

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TITLE	Hackney Carriage and Private Hire Licensing Policy 2024
FOR CONSIDERATION BY	Licensing and Appeals Committee on 23 January 2024
WARD	(All Wards);
LEAD OFFICER	Director, Place and Growth - Giorgio Framaliccio

OUTCOME / BENEFITS TO THE COMMUNITY

The Hackney Carriage (“taxi”) and Private Hire Licensing Policy (“the policy”) outlines a set of proposed standards and procedures to be used to process and determine applications for driver, vehicle, and operator licenses by Wokingham Borough Council (“the Council”).

The proposed policy is based on the principle that anyone using a licensed vehicle must be able to trust the driver; be assured the vehicle is safe; and trust any operator or driver to keep their information safe.

RECOMMENDATION

DETERMINE the revised policy, either approve it or make recommendations for amendment to the Director of Place & Growth for policy introduction on 31 January 2024.

SUMMARY OF REPORT

- a) The Department for Transport (DfT) recommends Licensing Authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a ‘fit and proper’ person test, licence conditions, and vehicle standards.
- b) In July 2020, DfT issued Statutory Taxi & Private Hire Vehicle Standards (“the 2020 standards”) which state that Licensing Authorities must use their licensing powers to protect children and vulnerable adults. This Council has already previously implemented a number of the recommendations in [its existing policy](#) on its own volition but the 2020 standards provide the opportunity to further tighten the current licensing scheme.
- c) This draft policy was commissioned in collaboration with the Public Protection Partnership in West Berkshire and Bracknell Forest Councils. Wokingham Borough Council will be first to introduce a reviewed policy.
- d) The Licensing and Appeals Committee is invited to comment on the draft policy following public consultation and consider relevant responses.

Appendix A Draft Hackney Carriage and Private Hire Licensing Policy 2024

Appendix B Summary of principle features of the draft policy

Appendix C Consultation responses

Appendix D Green Metro Cars Submission

Background

1. The Council is, under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, the Licensing Authority responsible for regulating the Hackney Carriage and Private Hire trades operating in the Borough. The terms Hackney Carriage, or taxi, usually refer to vehicles which are licensed to ply for hire and pick people up from the roadside or a rank. The origin of the term “Hackney Carriage” is believed to stem from the centuries-old word “hackney” (or “hack”) being a horse of medium size, intended for ordinary riding at moderate pace, and often available for hire. When attached to a carriage they were first licensed in 1662 on payment of a fee, as a consequence of their increasing number.
2. In contrast, Private Hire Vehicles are only permitted to pick up pre-arranged bookings and are not permitted to be hailed to stop by a passenger who has not pre-booked. However, in this report “taxi licensing” is intended to mean both Hackney Carriages and Private Hire Vehicles.
3. At [Licensing and Appeals Committee on 6 October 2020](#) members considered a report which set out the work required to review the existing policy in line with recommendations made by the Department for Transport (DfT) [Statutory Taxi and Private Hire Vehicle Standards \(July 2020\)](#). Members agreed to receive further reports detailing changes to the policy and licence conditions to comply with the statutory standards.
4. West Berkshire and Bracknell Forest Councils have undertaken to implement formal policies and commissioned this work to [James Button & Co](#), solicitors, who are experienced in Licensing law and were also commissioned to review the existing Wokingham policy at the same time.
5. This policy aims to protect the public and build public confidence in the licensed taxi trade, by promoting:
 - safeguarding children and vulnerable adults and the prevention of crime and disorder
 - vehicle safety, comfort and accessibility
 - environmental sustainability
 - Wokingham Borough as a place to live, work and visit
6. The Council recognises the important role that taxis play in enabling people to travel. In doing so they also have a role in portraying the image of the borough. The Council recognises that the majority of licence holders operate to a good standard and want to provide the best possible service to their customers. This policy should, therefore, help the trade and the local economy thrive.
7. The draft policy is attached as **Appendix A**.

8. The principal features of the draft policy are summarised in **Appendix B**.

Analysis of Issues

9. The [Statutory Taxi and Private Hire Vehicle Standards \(July 2020\)](#) was published by the Secretary of State for Transport under [section 177\(1\) of the Policing and Crime Act 2017](#) and sets out a framework of policies that licensing authorities must have regard to when exercising their functions. It states that:

- reports on child sexual abuse and exploitation made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing leave children and the public at risk, and
- licensing authorities should publish their consideration of the measures contained in the Standards, and the policies and delivery plans that stem from these.

10. The principal changes contained in the 2020 standards are:

- a) Fit and proper test - There is still no statutory definition of what amounts to a 'fit and proper' person for the purposes of the legislation, but there is now much more robust guidance in the new standards
- b) Administration - There should be sufficient training and adequate resource for all those involved with making licensing decisions. Any functions that are delegated should be set out in a clear scheme of delegation and whilst less contentious matters can be resolved by authorised officers, it is recommended that more serious matters are dealt with by committee
- c) Whistleblowing - It is recommended that authorities have effective internal procedures for staff to raise concerns and procedures in place for any concerns to be dealt with openly and fairly
- d) DBS checks - Subscription to the DBS Update Service by drivers and operators at their own expense and the records reviewed every six months.
- e) Oversees convictions – certificates of good character should be obtained where an applicant has previously lived outside the UK for more than 3 months
- f) Convictions policies - All authorities should have a clear policy that takes a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime
- g) Complaints against licensees - All authorities should have robust complaint recording systems and take action if necessary
- h) Mandatory safeguarding awareness training for all drivers. Training should include 'County Lines' drug trafficking awareness

- i) Literacy and numeracy - All licence holders to demonstrate proficiency in English language. Drivers should be able to provide correct change and produce a legibly written receipt upon request
- j) Enforcement - Suspension and revocation of driver licences. The guidance clarifies situations in which revocations and suspensions may be used. Drivers should be made aware of relevant policies
- k) Local consultation - It suggests it is good practice to consult when proposing significant changes in local licensing rules.

Licensing Committee on 22 June 2023 - Policy consultation results

- 11. The results of the policy consultation are attached as **Appendix C**.
- 12. The base of feedback to the policy consultation came from local residents. There is majority agreement and support for all measures detailed in the consultation questions.
- 13. One respondent brought the following to the attention of elected members:
- 14. "I have read the policy and would like to make some suggestions. Clause 3.29 states 6 months inspection for less than 5 years old vehicles and 3 inspections for more than 5 year old vehicles. I strongly disagree with this change as it will put us under more financial pressure. I think you should keep this as 1 inspection for less than 5 year old and 2 inspections for more than 5 year old and add a clause for 3 inspections for more than 10 year old vehicles."
- 15. A response was also received from Wokingham Borough Council's Community Transport Service:
- 16. "2.6 – Can we have further information on the required "driving proficiency certificate" please? If this is a second driving test, CTU can't support this for school contracts, as it is causing a massive delay in getting new drivers through. In the meantime our costs are going up due to limited supply of licenced drivers (drivers are asking for higher and higher wages by playing one company off against another). At the moment there is also a high risk that there will be insufficient supply of drivers to allow us to fulfil our statutory duty for September 23 on school transport."
- 17. Members discussed the driving proficiency test for new applicants and determined to maintain this standard in the policy renewal. Licensing authorities should require hackney and private hire drivers, as professional drivers, to display a higher degree of driving aptitude and diligence than a private motorist. This is considered appropriate and proportionate and is consistent with other elements of hackney and private hire driver licensing, for example, medical and vision assessments.

Licensing Committee Meeting 18 October 2023

- 18. At the meeting of the Licensing Committee on 22 June 2023, members requested for the policy to be circulated with the Council's Climate Emergency Officer. This

was actioned, it was acknowledged that the policy now moves towards a new reliance on Euro Emission Standards for the licensing of private hire vehicles, alongside more frequent inspections of vehicle standards.

19. During this time, a further response to the Policy consultation was received by Green Metro Cars. This included aspects concerning Medical Reports, Driver Proficiency Assessment, and Safeguarding Training, this is attached as **Appendix D**.
20. A representative of Green Metro Cars attended the Licensing Committee meeting to discuss their views on the revised policy before Members. The Licensing Committee recommended that officers could consider reviewing procedures around assessing the potential of widening the list of approved suppliers for the driving proficiency test, safeguarding, and disability training. This will be assessment will be actioned over the course of the year.
21. Advertising standards were discussed by the committee and an amendment to the policy was actioned.

Licensing Committee Meeting 23 January 2024

22. Members are requested to consider the following amended conditions regarding the licensing requirements for vehicles:

3.29 Vehicles up to five years old from the first date of registration will be subject to an inspection before grant or renewal, and at 12 months after the date of grant or renewal at one of the Council's nominated testing stations.

3.30 Where vehicles are five years or older, from the date of first registration, they will be subject to an inspection before grant or renewal and then at 6 monthly intervals for the duration of the licence. If an inspection is not carried out in the month that it is due, the licence will be suspended until such a test has been passed.

3.31 With exception to 3.32 and 3.33, all vehicles must meet by the Euro 5 or Euro 6 emissions standards if they are being submitted for grant or renewal of a licence.

3.32 For Hackney Carriage vehicles first with licensed with Wokingham Borough Council before 19 March 2019, no Hackney Carriage vehicle licence will be issued for a vehicle that exceeds 15 years old from the date of first registration, providing the vehicle complies with all other sections of this policy.

3.33 This requirement concerning Euro Emission Standards can be waived in respect of any vehicle which is specifically modified as a Wheelchair Accessible Vehicle to provide local education authority contracts. Non-adapted vehicles that exclusively undertake local education authority community transport, are now restricted to an age limit of 15 years from date of first registration providing the vehicle complies with all other sections of this policy.

23. Members are also requested to note an amendment to the convictions policy around plying for hire, touting, and driving without insurance offences to a

recommendation for 7 years to have elapsed since conviction or endorsement. And driving with a mobile phone to 5 years, which meets with the DfT statutory guidance on convictions for use of handheld devices.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

Other financial information relevant to the Recommendation/Decision

This report introduces a revised taxi licensing policy following public consultation. There are no financial implications.

Cross-Council Implications (how does this decision impact on other Council services, including properties and priorities?)

Community Transport have submitted a consultation response.

Public Sector Equality Duty

Self-employed people of Black, Asian and Minority Ethnicity are strongly represented among drivers and operators in the taxi and private hire trade. Customers of the trade are strongly represented by young women, people with disabilities and older people, and generally by people who do not own a car. For these reasons, it is important to ensure that this remains a profitable sector. An equalities impact statement will be completed prior to the implementation of a new policy.

Climate Emergency – *This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030*

A thriving taxi trade will contribute to carbon neutral objectives by assisting to reduce reliance on personal vehicle transport. At direction of the Committee, the policy was reviewed by the Climate Emergency Officer following the consultation period.

Reasons for considering the report in Part 2

N/A

List of Background Papers

- Department for Transport (DfT) [Taxi and Private Hire Vehicle Licensing Best Practice Guidance \(March 2010\)](#)
- DfT [Statutory Taxi and Private Hire Vehicle Standards \(July 2020\)](#)

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Appendix B Summary of principle features of the draft policy

Drivers (pages 3 to 13)

- 1) A licence will not be issued until the appropriate fee is paid
- 2) The Council issues dual or combined drivers' licences. These enable a licensee to drive a Hackney carriage or private hire vehicle licensed by the council
- 3) Drivers' licences will be granted for a period of 3 years unless an applicant requests a licence for a one-year period. An application for the renewal of a licence must be made prior to the expiry of the licence, and in sufficient time to enable it to be processed and renewed before the existing licence expires
- 4) Licensees must comply with their duties under the relevant parts of the Equalities Act 2010
- 5) Public protection will be the overriding consideration whenever the council considers taxi licensing matters
- 6) Licences are only granted to people who satisfy the council that they are fit and proper people to hold such a licence. It is for the applicant to demonstrate that they are a fit and proper person, and not for the council to prove that they are not
- 7) Unacceptable behaviour can lead to licences can be suspended, revoked or not renewed. There are rights of appeal against suspensions and revocations, together with refusals to grant and conditions attached to the licence
- 8) Every application for a licence must be accompanied by satisfactory evidence of the following:
 - a. A full UK, Northern Ireland, European Economic Area ("EEA") or Exchangeable driving licence (held for a period of at least 1 year prior to the date of application)
 - b. Evidence of the right to live and work in the country
 - c. An authenticated form of photographic identification
 - d. An enhanced criminal record check (DBS) including the child and adult barred list
 - e. A certificate of current medical fitness to DVLA Group 2 standard
 - f. The required post-qualification driving experience and the required level of competency
 - g. Sufficient ability to speak English and to understand spoken English to provide the service that they wish to be licensed for
 - h. That where specified the applicant has completed safeguarding awareness training

- i. To have passed a practical driving and wheelchair assessment before applying for a dual driving Licence. These assessments must be passed again every 6 years
 - j. A good knowledge of Wokingham Borough and the surrounding area. They will be required to pass a test on this knowledge prior to a licence being issued. This test must be passed again every 6 years
 - k. The requirements for operators and vehicles that only undertake school or community service contracts are the same as for all other private hire operators and vehicles but will be excluded from the requirement to undertake a knowledge test as they will be undertaking journeys on fixed routes.
 - l. A good knowledge of the Highway Code. This test must be passed again every 6 years.
 - m. To have undergone training in the assistance of disabled persons, to a standard acceptable to the Council. Refresher training will be required every three years.
 - n. Completion of a course in Safeguarding, Child Sexual Abuse and Exploitation (CSAE) and County Lines
- 9) The applicant will be given three attempts to pass each of the required tests to become a licensed driver. If they have not passed after the third attempt no new application will be accepted for a period of three calendar months
- 10) Where a licence is found to have been obtained using false or incomplete information enforcement action may be taken, and the matter may be reported to the police
- 11) The council provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a licence revoked, or an application for one refused.

Vehicles (pages 13 to 27)

- 12) No vehicle will be licensed unless it
- a. has undertaken and passed the Hackney Carriage and Private Hire Vehicle Test, at a Council nominated garage
 - b. has provision for every passenger to wear a seat belt. A sign must be displayed inside the vehicle requiring seat belts to be worn.
- 13) Vehicles up to five years old (or which have travelled less than 25,000 miles) will be subject to an inspection before grant or renewal, and at 6 months after the date of grant or renewal at one of the Council's nominated testing stations.
- 14) Where vehicles are five years or older, or which have travelled more than 25,000 miles, they will be subject to an inspection before grant or renewal and then at 4

monthly intervals for the duration of the licence. If an inspection is not carried out in the month that it is due, the licence will be suspended until such a test has been passed. The 10 year age limit (unless in “exceptional condition”) is repealed.

- 15) All vehicles must meet the Euro 5 or Euro 6 emissions standards if they are being submitted for grant or renewal of a licence
- 16) All Hackney Carriage vehicles must be wheelchair accessible in accordance with the specification. Wheelchair accessible Private Hire Vehicles must also comply with the specification
- 17) All applications for grant or renewal of vehicle licences must be accompanied by documentary evidence that the vehicle has been regularly serviced and maintained in line with the manufacturer’s servicing schedule
- 18) Detailed standards for vehicles are on pages 16 to 27 in the draft policy

General

- 19) Policy in relation to Private Hire Operators is on pages 28 to 33
- 20) Policy on Enforcement and Appeals is on page 34
- 21) Criminal Convictions Policy is on pages 36 to 45
- 22) Penalty Point Scheme is on pages 46 to 57
- 23) Code of Conduct is on pages 58 to 69
- 24) Licence Conditions:
 - a. Hackney Carriages - pages 70 to 78
 - b. Private Hire Vehicle - pages 79 to 87
 - c. Operators pages - pages 88 to 98



WOKINGHAM
BOROUGH COUNCIL



HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

2023 - 2028

*"The purpose of the Council's Licensing Service is to protect the public." –
Councillor Ian Shenton*

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Foreword by Cllr Ian Shenton Executive Member for Environment, Sport, and Leisure



“The purpose of Wokingham Borough Council as a Licensing Authority is to protect the public. We will do this by administering stringent processes with regards to applications for driver, vehicle, and operator licenses in our borough. This includes the checking of criminal records, DVLA Licence records, Tax Code checks, requiring medical reports for drivers, and checking their right to work.

“We manage a Local Area Knowledge Test for new drivers, require a certificate of driving proficiency, assess standards of English speaking and listening, and require training for all drivers covering disability awareness and safeguarding.”

“As the eyes and ears of the community, our licensed drivers have an important role to play in understanding signs of abuse and reporting them to Thames Valley Police and to Wokingham Borough Council.”

“As a Licensing Authority, we aim to enforce against non-compliance with the licence conditions by way of the Penalty Points System and delegated officer decisions to action licence suspensions and revocations, and refuse licence applications. All of which can be democratically reviewed on application to the Licensing and Appeals Sub-Committee. The Council will also take prosecutions concerning breach of licence conditions or cases of unauthorised plying for hire.”

“We will contribute to the protection of the public and clean air by regulating the type of vehicle that can be licensed in the Wokingham borough.”

Councillor Ian Shenton

Executive Member for Environment, Sport, and Leisure

1.0 Introduction

SCOPE

1.1 Hackney Carriage and Private Hire vehicles play a vital role in an integrated transport system. They provide services in situations where other forms of transport are not available or usable.

1.2 This document sets out the policy that Wokingham Borough Council (“the Authority” or “the Council”) will apply when making decisions about applications and details the requirements that will need to be met before any licence is issued by the Council. This policy applies to the following:

Hackney Carriages

1.3 A vehicle available to transport members of the public that has no more than 8 seats for passengers, which is licensed to stand at designated taxi ranks and on the street and/or be hailed in the street by members of the public within their designated zones. This is called “plying for hire”. They may also undertake pre booked journeys.

Private Hire Vehicles

1.4 These are licensed to carry no more than 8 passengers and must be booked in advanced through a licensed Private Hire operator. They cannot stand or ply for hire nor use any designated taxi ranks.

Private Hire Operators

1.5 Operators are required to take and record the bookings for Private Hire vehicles, and records must be made available for inspection. The Private Hire operator is responsible for the actions of the drivers that they use and the condition of the vehicles that they use.

Hackney Carriage and Private Hire Drivers

1.6 Licensed individuals who have undertaken certain tests and checks. Only a licensed driver can drive a licensed vehicle.

School or Community Service Contracts

1.7 The requirements for operators and vehicles that undertake school or community service contracts issued by the Council’s Corporate Transport Services Department are the same as for all other Private Hire operators and vehicles, except that drivers who only undertake work as part of such a contract will be excluded from the requirement to undertake a knowledge test. All other requirements remain in place. This alteration from the usual policy recognises that these drivers will be undertaking journeys on fixed routes and can only use their Private Hire driver’s licence when the vehicle is undertaking such a contract.

LEGISLATION, BYELAWS, GUIDANCE AND POLICY

1.8 Hackney Carriage and Private Hire activity are governed by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. In addition, the Council has byelaws relating to Hackney Carriage activity (Appendix Nine). The Council will have regard to guidance issued by the Department for Transport. Each application will be considered on its own merits, considering all the relevant circumstances, legislation, guidance, and this policy

1.9 Once a licence has been granted, the licensee will be subject to the conditions attached to the licence and (in the case of drivers) the code of conduct.

1.10 A licence will not be issued until the appropriate fee is paid and cleared funds have been received by the Council.

OBJECTIVES

1.11 The Council is responsible for the regulation of Hackney Carriage and Private Hire licensing within the borough of Wokingham, aiming to protect individuals, businesses and the environment and promote public safety. Public protection will be the overriding consideration whenever the Council considers Hackney Carriage and Private Hire licensing matters.

1.12 The Council will seek to promote the following objectives:

- The protection of the public, safeguarding children and the vulnerable
- The prevention of crime and disorder
- The health and safety of drivers and members of the public
- Vehicle safety, comfort and access for protected characteristics in the Equality Act 2010
- The establishment of professional and respected Hackney Carriage and Private Hire trades
- Access to an efficient and effective public transport service
- The protection of the environment

1.13 Holding a Hackney Carriage or Private Hire driver, vehicle or operator licence is a privilege and a responsibility. At all times a licensee's behaviour and conduct must be of a high standard. The Council will consider all aspects of an applicant and licensee's behaviour; not simply when they are using their licence, although unacceptable behaviour whilst using the licence will be seen as an aggravating factor.

THE FIT AND PROPER TEST

1.14 Licences are only granted to people who satisfy the Council that they are fit and proper people to hold such a licence. Being a fit and proper person is not simply a question at the time of the application; it is a continuing requirement, and if at any time the conduct or behaviour of the licensee falls below that acceptable standard, action may

be taken against the licence. There is no legal definition of the term 'fit and proper' However, in determining whether a person is fit and proper to hold a licence, those tasked with determining applications are effectively asking the following questions:

Drivers

1.15 Would you (as a member of the licensing committee or other person charged with the ability to grant a driver's licence) allow any person for whom you care, to travel alone in a vehicle with this person?

Operators

1.16 Would you be comfortable providing travel plans, movements of family or other sensitive information to this person and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?

Proprietors

1.17 Would you be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion and be satisfied that he or she would not allow it to be used for criminal or other unacceptable purposes?

1.18 The safety of all members of the public and in particular children, young people and vulnerable adults is paramount. In order to assess the suitability of an applicant (and to inform decision makers when answering the questions above), the Council will undertake checks and apply the processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people and that the public are not exposed to persons with a history of inappropriate behaviour which may question the person's 'fit and proper' status;

1.19 When applying for a licence, or at any point during the time in which they hold a licence, a person is required to declare all:

- Convictions and offences dealt with by way of fixed or financial penalty or Formal Caution
- Matters currently the subject of criminal investigation or pending prosecution.

1.20 The 'fit and proper' test is not solely based on convictions and the Council can take into account intelligence provided by the police or other agencies. The evidential threshold is based on the balance of probabilities which is lower than for a criminal conviction (beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction. This means that if the Council believes (on the information available) that an applicant is more likely than not to fail the fit and proper person test, they should not grant a licence.

1.21 Similarly, the disclosure of convictions, cautions, other formal action or behaviour which has not led to a convictions, may not automatically bar a person from being granted a licence, renewing a licence, or retaining a licence. This will depend on whether the person can satisfy the Council that they are ‘a fit and proper person’ to hold a licence. See Appendix One: Criminal Convictions Policy

1.22 If a person fails to provide satisfactory evidence that they are ‘a fit and proper person’, or if there is good reason to question or doubt the evidence provided, then this can amount to good reason to refuse, revoke or suspend a licence.

EQUALITY ACT 2010

1.23 The Council will comply with its duties under the Equality Act 2010. In addition, licensees must comply with their duties under the relevant parts of the legislation. In particular, they should not withhold a service purely due to one or more of the protected characteristics in the Act ¹.

DATA PROTECTION

1.24 All information provided by applicants will be treated in accordance with the Data Protection Act 2018, the General Data Protection Regulations, and any other relevant legislation. The Council has data-sharing protocols with local authorities, the police, immigration and border service, social services, and other bodies. This allows information to be shared where there is a risk to public safety or criminal activity.

APPEALS

1.25 There are rights of appeal against actions officer actions such as suspending, revoking, refusing to grant or renew a licence or attaching conditions to the licence. Details of any right of appeal will be contained in the written notification of the Council’s decision.

STATUS

1.26 In exercising its regulatory functions, the Council will have regard to this policy document and the objectives set out above. The Council will have regard to all other strategies, policies and guidance in its decision making. Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart from its policy, clear and compelling reasons will be given for doing so.

¹ Age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation

IMPLEMENTATION

1.27 This policy is effective from 01 April 2023 unless otherwise stated. The Council expects licence holders to comply with its terms from that date.

1.28 The Council will keep this policy and appendices under review and will consult where appropriate on proposed revisions to the policy with appendices amended when required under delegated powers.

1.29 From the effective date this policy will override and supersede all existing policies in relation to Hackney Carriage and Private Hire licensing.

2.0 Policy in relation to Dual Driver and Private Hire Driver Licenses

GENERAL

2.1 A Dual Driver licence enables a licensee to drive a Hackney Carriage or Private Hire vehicle. A Private Hire Driver Licence only enables a licensee to drive a Private Hire vehicle.

2.2 Driver licenses will be granted for a period of 3 years unless an applicant requests a licence for a one-year period.

2.3 Dual Driver Licence holders will be required to comply with the current Wokingham Borough Council Hackney Carriage Byelaws in addition to the Code of Conduct detailed in this policy. A copy of these byelaws can be seen at Appendix Nine.

2.4 Where a licence is found to have been obtained using false or incomplete information enforcement action may be taken, and the matter may be reported to the police.

2.5 Driving as a Private Hire or Hackney Carriage driver without a valid Private Hire or Dual Driver licence is a criminal offence.

PRE-REQUISITES TO MAKING AN APPLICATION

2.6 It is the policy of the Council that every application for a licence to drive a Hackney Carriage and/or Private Hire vehicle must be accompanied by satisfactory evidence of the following matters and that applications that are incomplete will not be deemed to have been made until such time as they are complete:

- A full UK DVLA, Northern Ireland, European Economic Area (“EEA”) or Exchangeable driving licence (held for a period of at least 1 year prior to the date of application)
- Evidence of the right to live and work in the UK
- An enhanced criminal record check (DBS) with a check of the children and adult barred list
- A certificate of their current medical fitness to DVLA Group 2 standard
- That the applicant meets the required post-qualification driving experience and demonstrates the required level of competency with a driving proficiency certificate
- That the applicant has sufficient ability to speak English and to understand spoken English to provide the service that they wish to be licensed for
- That the applicant has completed safeguarding and disability awareness training
- Proof of address (e.g. bank statement, utility bill less than three months old)
- A photograph

2.7 All applicants, aside from those who are renewing their licence, will have three calendar months from the initial interview to complete the application process. After this time any incomplete application will be closed, and any subsequent application will be

treated as a fresh application.

2.8 This time limit can be extended in exceptional circumstances, with the prior approval of an authorised officer of the Council.

2.9 The applicant will be given three attempts to pass each of the required tests to become a licensed driver. If they have not passed after the third attempt no new application will be accepted for a period of three calendar months from the date of the last test. If a new application is then made after the three months, the applicant will be required to pass all the tests required by the Council at the time of the new application.

2.10 An application for the renewal of a licence must be made at least 30 days prior to the expiry of the licence, to allow sufficient time to enable it to be processed and renewed before the existing licence expires. If this is not the case, it will be treated as a new application, but the licence holder can make representations in writing to the Council giving reasons in support of a request that an application, made after the expiry of the licence, to be treated as a renewal application.

2.11 However, permission will only be granted when exceptional circumstances exist, and the application has been made no more than 5 working days after the expiry date. An authorised officer will determine whether exceptional circumstances exist.

FITNESS AND PROPRIETY

2.12 Before the Council will grant or renew a driver licence, the applicant or licence holder must satisfy the following requirements.

IDENTITY

2.13 To prove their identity, all applicants must provide a photographic driving licence or passport or national identification card).

2.14 Applicants from outside the UK must provide:

- a passport with a valid stamp from the Home Office to say that they have leave to remain in the Country indefinitely or
- a passport with a valid UK visa, which allows the holder to work as a Private Hire or Hackney Carriage driver (student visas will not be accepted), and which has at least six calendar months remaining at the time of application.

2.15 A licence will only be granted until the expiry of the visa and will only be renewed or extended with the production of the passport and another valid visa issued by the Home Office. The Council reserves the right to verify, at any time, a licence holder's entitlement to remain in the UK. We will not accept letters issued by the Home Office when a visa application is pending.

2.16 To comply with the Immigration Act 2016, the Council is required to check eligibility to live and work in the UK for all applicants for driver and operator licenses. This could include the Council checking immigration status with the Home Office. Applicants will be

required to provide evidence of this on request. Examples of acceptable documentation include a British or Irish passport, or visa with the right to stay and work in the UK, permanent residence permit, work permit with a passport with correct authorisations, a UK birth certificate together with an official document giving the NI number such as a P45 or P60, or a biometric immigration document indicating a right to stay indefinitely in the UK or a right to do the work in question. For EU, EEA, and Swiss Passport Holders, you must now submit both a copy of your passport and proof of pre-settled status.

2.17 For applicants with a limited time to remain in the UK, the licence will only be granted for the period of permission to remain and may only be granted for a shorter period. If an applicant has extended leave to remain (pending a decision) the licence cannot be granted for more than six months, and again may only be granted for a shorter period. The licence may be extended should the applicant's right to remain in the UK be made permanent.

2.18 If a licence holder loses the right to remain in the UK during the currency of a licence, the licence ceases to have effect and the licence (and badge for drivers) must be returned within 7 days.

DISCLOSURE & BARRING SERVICE CHECKS (DBS)

2.19 Applicants must provide an Enhanced DBS Certificate (Disclosure & Barring Service) which includes a check of the Adult and Child Barred Lists which is no more than one calendar month old at the date of submission of the certificate.

2.20 Applicants/licensees will also have to sign up to the DBS update service to enable the Council to make periodic checks. Any driver that does not sign up to this service will only be granted a licence for 6 months and a fresh enhanced DBS check will be required on every application for a new licence.

CERTIFICATE OF GOOD CONDUCT

2.21 As DBS checks do not cover convictions in countries outside the United Kingdom, any applicant who has lived abroad for any period of more than 6 months from the age of 18 must also provide a Certificate of Good Conduct from the appropriate Embassy or High Commission and it must be in English. The Council may undertake checks to ensure the authenticity of any such documentation. If this cannot be provided, then the application will be refused.

2.22 Nothing in this policy shall preclude a licence holder from being required to undergo a further DBS check at any time as directed by an officer of the Council.

PREVIOUS CONVICTIONS

2.23 In relation to the consideration of previous convictions and cautions recorded against applicants and licence holders, the Council has adopted the policy set out in Appendix One. Applicants who would like to discuss what effect a conviction or caution

might have on their application, can contact the Taxi Licensing Service at licensing@wokingham.gov.uk

MEDICAL EXAMINATION

2.24 Each applicant, on first application and at the intervals indicated below, must complete a medical examination by the applicant's own GP (or a GP within their own practice) at the applicant's expense. The GP must certify that the applicant meets group 2 medical standards. Once a licence has been granted, medical examinations will be required at the following intervals in the table below.

AGE	FREQUENCY
First Licensing	And thereafter from age 45
45 years to 65 years	Every 5 years
65 years +	Annually

2.25 A medical examination may be required at any other time, as determined by the GP, or as requested by an officer of the Council. In addition, if an applicant or current driver has been diagnosed with type 1 diabetes requiring insulin a medical compliance form will need to be completed and issued to your doctor on a yearly basis.

2.26 If the licence holder cannot obtain a medical report from their own GP surgery and can provide written evidence that this is the case, they may submit a privately obtained medical report provided that they obtain a copy of the patient's medical summary to take to their appointment. A private medical report which was not completed with a summary of the patient's medical summary to hand will not be acceptable.

DRIVING LICENCE

2.27 Applicants must have held a full UK, Northern Ireland, European Economic Area (EEA) or exchangeable driving licence (a person can only use an exchangeable licence for 12 months, after which it must be exchanged for a UK licence) for at least 12 months prior to application (this excludes the holding of a provisional licence). A photocard driving licence meeting these requirements must be submitted with the application form (including renewal applications) and will be checked against the DVLA information issued. Any prospective applicant who does not hold a photocard driving licence must obtain one before the application is made. The address on the DVLA licence must be the same as the addresses on any other paperwork submitted with the application. We may carry out spot checks on a random basis to ascertain any changes to the status of the DVLA licence.

PRACTICAL ASSESSMENTS FOR LICENSED DRIVERS AND APPLICANTS

2.28 All applicants are required to have passed a practical driving and wheelchair assessment before applying for a Dual Driver Licence. Acceptable courses are currently provided by Blue Lamp Trust. The Council will accept written evidence of passing the providers assessment that is not more than 3 months old at the date of application.

2.29 If an existing driver is subject to enforcement action in relation to their driving, more than once within a period of 12 calendar months, including road traffic convictions, they will be required to undertake the practical driving assessment within three calendar months. The licence may be suspended until such time as this test has been passed.

2.30 Details of our current providers will be issued on application or will be issued to a driver requiring undertaking the practical driving assessment as part of enforcement action.

SPOKEN AND WRITTEN ENGLISH

2.31 It is essential for public safety that all licensed drivers are able to communicate by speaking and reading in English at an appropriate level. This is equivalent to level B1 on the Common European Framework of Reference for reading, writing, speaking, and listening.

PROOF OF ABILITY IN ENGLISH (SPEAKING AND LISTENING)

2.32 The Council does not accept Entry Level 1 or Entry Level 2. Only Entry Level 3 and above. The government has provided a list on [what qualification levels mean](#). This is the equivalent of B1 level of the Common European Framework of Reference (CEFR).

2.33 Ecctis (www.ecctis.com) is a UK national agency for the recognition and comparison of international qualifications and skills. We will accept an English Language Assessment completed by Ecctis showing the applicant has a qualification equivalent to Entry Level 3 English.

2.34 The Council reserve the right to refuse to accept a certificate of qualification as proof of an applicant meeting a requirement if the Licensing Authority is not satisfied as to the authenticity of the certificate, or the quality/reliability of any part of the process that lead to the certificate being issued or the Licensing Officer has concerns of an applicant's ability.

2.35 If a Licensing Officer has concerns over the applicant's ability, the Council may direct an applicant to complete a LanguageCert assessment to assess an applicant's speaking and listening skills.

2.36 Alternatively, a speaking and listening assessment which consists of a 11-13 minute conversation can take place at the Council's offices.

2.37 The assessment will be undertaken by a secure video or telephone link to our service provider, LanguageCert, and it will cost £36 when taken for the first time and £16 for a re-sit (2022 prices).

2.38 Please see [LanguageCert's](#) website for more information about the test and what to expect on the day. All applicants are advised to review this information prior to sitting the test.

READING AND WRITING ASSESSMENT

2.39 The Council do not have a specific reading and writing assessment. This element forms part of the application, and knowledge test.

2.40 If a Licensing Officer has concerns over the applicant's ability, the Council may direct an applicant to complete an SERU assessment to assess an applicant's reading and writing skills.

KNOWLEDGE OF AREA

2.41 All applicants are expected to have a good knowledge of Wokingham Borough and the surrounding area. New applicants will be required to pass a test on this knowledge prior to a licence being issued.

2.42 This requirement does not apply in relation to applicants for Private Hire drivers' licenses to undertake only school or community contracts.

HIGHWAY CODE AND RELEVANT LEGISLATION

2.43 All Applicants are expected to have a good knowledge of the Highway Code and the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1976 and the Town and Police Clauses Act 1847. This is tested as part of the local area knowledge test, or separately for School Contract Drivers, along with questions on relevant legislation such as licensing law. This is a requirement for all new drivers.

TRAINING IN THE ASSISTANCE OF DISABLED PERSONS

2.44 All applicants must be able to show that they have undergone training in the assistance of disabled persons, to a standard acceptable to the Council. Refresher training will be required every three years.

SAFEGUARDING, CHILD SEXUAL ABUSE AND EXPLOITATION (CSAE) AND COUNTY LINES TRAINING

2.45 All new applicants for a driver licence must complete safeguarding, child sexual abuse and exploitation (CSAE) and county lines training prior to the issue of a licence. Existing drivers must complete the training prior to the next renewal of their licence. Refresher training will be required every 3 years.

TEST OF FITNESS AND PROPRIETY

2.46 Once a valid application has been made, the Council will decide as to whether or not the applicant/licensee is fit and proper person to hold a Dual Driver or Private Hire driver

licence. The same test will be used in respect of any existing driver whose criminal convictions or behaviour fall below the Council's standards. The test used will be:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

2.47 This will be determined on the balance of probabilities, and if the Council is of the view that the applicant or licensee does not satisfy this test, a licence will not be granted, or action will be taken against the licence.

CODE OF CONDUCT

2.48 The Council has a Code of Conduct for taxi drivers. All drivers must always adhere to this. Failure to do so may lead to action being taken against the driver's licence.

THE NATIONAL REGISTER OF TAXI LICENCE REVOCATIONS AND REFUSALS

2.49 The Council provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a Hackney Carriage or Private Hire driver licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Council – that is, assessing whether an individual is a fit and proper person to hold a Hackney Carriage or Private Hire driver licence.

2.50 Where a Hackney Carriage or Private Hire driver licence is revoked, or an application for one refused, the Council will automatically record this decision on NR3.

2.51 All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the Council will seek further information about the entry on the register from the Council which recorded it. Any information received because of an NR3 search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.

2.52 The information recorded on NR3 itself will be limited to:

- Name
- Date of birth
- Address and contact details
- National Insurance number
- Driving licence number
- Decision taken
- Date of decision
- Date decision effective

2.53 Information will be retained on NR3 for a period of 25 years.

2.54 This is a mandatory part of applying for a Hackney Carriage and Private Hire driver licence. Further details can be found on the Council's website

2.55 Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision, or receipt of information of or under NR3 are necessary for the Council's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

LICENSES AND BADGES

2.56 Drivers are issued with two badges and an armband. One of the badges must be displayed in the armband which must be worn on the left-hand arm of the driver, so it is visible to passengers in the vehicle. The other badge must be displayed within the vehicle, so it is visible to passengers. Both the badges and the armband remain the property of the Council and must be returned immediately on expiry, suspension, or revocation of the licence.

EQUALITY ACT 2010

2.57 Drivers must comply with the requirements of the Equality Act 2010. These are carrying assistance dogs with their passenger and (in the case of a listed wheelchair accessible vehicle) providing mobility assistance to wheelchair bound passengers. This does not apply to drivers who have been granted an exemption from those requirements by the Council.

2.58 In addition, all drivers at all times must ensure that they do not discriminate against any person for any reason related to a protected characteristic under the Equality Act 2010 ².

ACTION AGAINST A LICENCE

2.59 Section 61 of the Local Government Miscellaneous Provisions Act 1976 allow the Council to suspend, revoke or refuse to renew a licence if the licensee has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; has been convicted of an immigration offence or had to pay an immigration penalty, or any other reasonable cause.

² Age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation

APPEALS

2.60 There is a right of appeal against a decision by an officer to refuse to grant, impose a licence condition, suspend, or revoke a licence. In the first instance, appeal can be made to the Licensing and Appeals Sub-Committee. Notification of appeal is required to be made to Democratic Services at democraticservices@wokingham.gov.uk. This must be within 21 days of the decision.

2.61 Appeal against a decision of a Licensing and Appeals Sub-Committee may be made to a Magistrates' Court, and further right of appeal to the Crown Court in relation to any refusal to grant or renew a driver's licence, or suspension or revocation of a driver's licence. An appeal against any such decision can also be made directly to the Magistrates' Court, and the same time limits apply. Full details will be contained in any decision notice.

ALLEGATION OF SERIOUS MISCONDUCT

2.62 Allegations of serious misconduct can be referred to officers for an emergency decision under delegated authority. Officers can take a decision to revoke a licence in the interests of public safety with immediate effect. This can then be appealed to the Licensing and Appeals Sub-Committee or directly to the Magistrates' Court (as per 2.56 & 2.57 above) but the driver will not be able to continue working during the appeal period.

2.63 A suspension or revocation can take immediate effect if that is necessary in the interest of public safety under section 61(2B). This will be clearly detailed in the decision notice.

SURRENDERING A LICENCE WHILST UNDER INVESTIGATION

2.64 If any licence holder seeks to surrender their licence whilst they are under investigation for a criminal offence or other conduct that could result in the suspension or revocation of their licence, we will usually refuse to accept the surrender; continue with the investigation and determine the outcome.

3.0 Policy in relation to Hackney Carriage and Private Hire Vehicle Licences

SINGLE LICENSES

3.1 Applications will not be accepted if the vehicle is already licensed by any other licensing authority (Council or transport for London).

CHARACTER OF THE APPLICANT/PROPRIETOR

3.2 In addition to the vehicle itself, the Council will take the character of the applicant or existing proprietor into account when determining an application for the grant or renewal of a Hackney Carriage or Private Hire vehicle licence. Applicants for the grant or renewal of a vehicle licence must produce a basic DBS certificate which is not more than 1 month old and provide details of all convictions (spent and live), cautions, fixed penalty notices, parking fines, Criminal Behaviour Orders, Community Protection Notices, injunctions, restraining orders and any other matter affecting their character on the application form and statutory declaration. This requirement does not apply if the applicant already holds a driver's licence issued by the Council.

3.3 The Council will then use the following test to determine whether the applicant/licensee is a suitable person to hold a vehicle licence:

Without any prejudice, and based on the information before you, would you be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that they would not allow it to be used for criminal or other unacceptable purposes, and be confident that they would maintain it to an acceptable standard throughout the period of the licence?

3.4 This will be determined on the balance of probabilities, and if the Council is of the view that the applicant or licensee does not satisfy this test, a licence will not be granted, or action will be taken against the licence.

GENERAL

3.5 The Council will not accept applications in relation to vehicles, which are licensed as a Hackney Carriage or Private Hire vehicle with another local authority or Transport for London.

3.6 A valid application for the renewal of a licence, including all the required original documentation, must be made at least 30 days prior to the expiry of the current licence or it will be treated as a new application. A valid application is one which is complete in all respects and can be processed immediately. Photocopies of documents will not be accepted. If the application is not made in time to enable the vehicle test to be undertaken and all relevant processes to be completed before the expiry of the current vehicle licence, there will be a period during which the vehicle will be unlicensed and cannot be used as a Hackney Carriage or Private Hire vehicle. If the application is not

made before the expiry of the current licence, but is made within 5 working days after expiry, the licence will only be renewed in exceptional circumstances. Using a vehicle, as a Private Hire vehicle or Hackney Carriage, when it does not have a valid Private Hire vehicle or Hackney Carriage proprietors' licence is a criminal offence.

3.7 Where a licence is found to have been obtained using false or incomplete information enforcement action may be taken.

3.8 It should be noted that once a licence has been granted, that licence relates to that vehicle. The licence and the vehicle must be owned by the same person and cannot be separated. In this context, "ownership" includes leasing a vehicle from a leasing company, but not from an individual or any former or current licensee. Evidence of such ownership will be required to accompany the application and on every renewal.

3.9 If a licensee wishes to change their vehicle during the currency of the licence, the existing licence must be surrendered, and a new application made for the replacement vehicle.

3.10 A licensee can transfer the licence to another person during the currency of the licence, and the Council will acknowledge that transfer and register the new licensee. The character of the new licensee will be considered when application is made to renew the licence and may be considered before that time. If the Council is not satisfied that the new licensee is a fit and proper person the licence will not be renewed or, in the case of an earlier review, action will be taken against that licence.

3.11 In order for an application to be considered the applicant must submit the following to the licensing authority:

- The completed vehicle licence application form
- Application Fee
- As the vehicle cannot be separated from the licence, the vehicle must be owned or leased by the licensee. Proof of ownership of the vehicle must include:
- The original of the Vehicle Registration Document (Log Book/V5) certificate of registration for the vehicle (the new keeper's supplement section of the V5 document will be accepted in the case of vehicles that are not licensed at the time that the application is made, and the vehicle has recently been purchased by the applicant (documentary evidence will be required). Licenses will not be renewed unless the full V5 document is made available to the Council at the time of application).
- Receipt for the purchase of the vehicle, or documentary evidence of any leasing arrangement with a vehicle leasing company must also be provided where the applicant does not own the vehicle. Any lease must be from a commercial leasing company, and leasing arrangements from individuals will not be accepted.

- The original insurance or insurance cover note for the vehicle. The document must state that the vehicle is insured for use as a Hackney Carriage or as a Private Hire vehicle (as appropriate).
- Confirmation from the Council appointed garages that the vehicle has passed the Council test and vehicle examination requirements
- Current MOT Certificate

VEHICLE TYPE AND DESIGN

3.12 All vehicles which are the subject of a licence application must have an appropriate ‘type approval’ which is one of the following:

- European Whole Vehicle Type Approval
- British National Type Approval
- Provisional GB Type Approval
- GB Type Approval or
- Individual Vehicle Approval

3.13 All vehicles which are the subject of a licence application must be manufactured or adapted to carry up to 8 passengers not including the driver; this number includes any passengers who may be seated in wheelchairs if the vehicle can transport such passengers. Where a vehicle has been altered, adapted, or modified ONLY Type Approval Certificates granted after alteration, adaptation or modification will be accepted.

3.14 With the exception of vehicles modified to carry wheelchairs, vehicles which have been modified in any way from the manufacturer’s standard construction will not be considered suitable for licensing purposes. Exceptions may be made depending upon the nature of the modification.

3.15 Any vehicle which resembles a Hackney Carriage licensed by the Council will not be considered for licensing as a Private Hire vehicle.

VEHICLE STANDARDS

3.16 No vehicle will be licensed unless it

- has undertaken and passed the Hackney Carriage and Private Hire Vehicle Test, at a Wokingham Borough Council nominated garage.
- has provision for every passenger to wear a seat belt. A sign must be displayed inside the vehicle requiring seat belts to be worn.

3.17 The Council licence 3 different types of vehicles:

- Wheelchair Accessible Vehicles (WAV)
- those which are not; and
- stretched limousines

3.18 In respect of all vehicles, there must be a minimum seating capacity for one adult passenger, and vehicles that seek more passengers must provide a width of at least 410 mm per person across any seat which accommodates more than one person.

3.19 There must be adequate legroom in front of any passenger seat and adequate headroom above any passenger seat. Adequate means that a 6-foot-tall person can sit comfortably.

3.20 The Council does not maintain a list of acceptable vehicles; the vehicle must comply all of section 3.0.

3.21 All licensed vehicles, except for Private Hire vehicles which are granted an exemption from displaying signage, must meet the following requirements:

- Light transmitted through the windscreen must be at least 75%
- All other windows (both front and rear) must allow at least 70% of light to be transmitted.

3.22 Where vehicles which are currently licensed have factory tinted/privacy glass fitted and can provide documentary evidence that this was fitted at the time of manufacturing has not been replaced since, they will remain licensed until the vehicle reaches the maximum licensable age in accordance with the existing age of vehicle policy.

3.23 No aftermarket tinted film can be attached to the windows of any licensed vehicle.

3.24 Any vehicles that have been involved in an accident, which have required repair, may have to pass a further inspection at one of our nominated testing stations.

ADDITIONAL REQUIREMENTS FOR STRETCH LIMOUSINES

3.25 The term “stretch limousine” in this policy will be taken to mean any vehicle that has been modified after manufacture with an additional body section.

3.26 Where any screen is fitted between the driver and the rear passenger compartment, passengers must be able to always communicate with the driver by means of an intercom system or suitable holes in the screen.

3.27 The seating in the vehicle must all face either forwards or backwards and a vehicle not be licensed if any sideways facing seats remain.

INSURANCE

3.28 Before a vehicle licence will be issued, evidence of adequate insurance for either Hackney Carriage or Private Hire use (as appropriate) must be produced; this must be in the form of original documents, photocopies will not be accepted.

AGE

3.29 Vehicles up to five years old from the first date of registration or which have travelled less than 25,000 miles since that date will be subject to an inspection before

grant or renewal, and at 6 months after the date of grant or renewal at one of the Council's nominated testing stations.

3.30 Where vehicles are five years or older, from the date of first registration, or which have travelled more than 25,000 miles since that date, they will be subject to an inspection before grant or renewal and then at 4 monthly intervals for the duration of the licence. If an inspection is not carried out in the month that it is due, the licence will be suspended until such a test has been passed.

3.31 All vehicles must meet by the Euro 5 or Euro 6 emissions standards if they are being submitted for grant or renewal of a licence.

3.32 This requirement can be waived in respect of specialist vehicles which have been modified or adapted to undertake local education authority contracts.

3.33 All applications for grant or renewal of vehicle licenses must be accompanied by documentary evidence that the vehicle has been regularly serviced and maintained in line with the manufacturer's servicing schedule.

3.34 In addition, all vehicles must meet the following minimum standards

EXTERIOR OF VEHICLE

3.35 The exterior paintwork on the vehicle must not:

- show signs of rusting
- be faded or show signs of mismatched paint repairs
- have 5 or more stone chips greater than 2mm in length in any direction
- have 8 or more stone chips of any size
- have any scratches, cracks, or abrasions where the top layer of paint has been removed.

3.36 The exterior bodywork of the vehicle must not:

- have 2 or more dents greater than 10mm in length in any direction
- have 4 or more dents less than 10mm in length in any direction
- have fittings that are missing, broken or damaged.

3.37 The vehicle must not have wheels and wheel trims that have significant damage which detracts from the overall excellent condition of the vehicle.

3.38 The vehicle must be submitted for inspection in a clean state such that an effective inspection is possible. Should the vehicle be submitted in a unclean state then the application shall be refused.

3.39 The engine compartment must not be in a dirty condition or have evidence of leaks including water, oil, or hydraulic fluids.

INTERIOR OF VEHICLE

3.40 The seating and carpet areas of the vehicle must not show signs of:

- staining
- damp
- fraying or ripping of the material
- seat covers that are loose or badly fitted

3.41 The seats must provide sufficient support for comfortable travel and should not demonstrate excessive compression of the seating area or wear within the support mechanism.

3.42 Interior panels and fittings within the vehicle must not be damaged nor show excessive wear, or staining.

3.43 The interior of the vehicle must not have damp or other obnoxious smells.

3.44 The emissions limits detailed in this policy do not apply to stretch limousines, vintage cars, or novelty vehicles (for example a fire engine) which have been adapted to become Private Hire or Hackney Carriage Vehicles.

ADVERTISING

3.45 Advertising on the outside of any licensed vehicle is restricted to the name and telephone number of the owner or operator of the Hackney Carriage/Private Hire Vehicle, such advertisements must not exceed 50 cm x 25 cm and can only be affixed to the front and rear passenger doors, the boot, and the bonnet.

3.46 Applications for departures from this limitation can be made in writing to the Council. For example, wheelchair accessible Hackney Carriages and Private Hire vehicles may carry all over “wrap” type advertising subject to the prior written approval of the Council and in line with specified advertising criteria.

3.47 Any advertisements on any vehicles must be legal and comply with the advertising standards agency code of practice.

TEMPORARY REPLACEMENT VEHICLES

3.48 If a licensed Hackney Carriage or private vehicle has been involved in an accident or is otherwise incapacitated, an application can be made for a replacement vehicle to be licensed on a temporary basis. The existing vehicle licence will be suspended, and the replacement vehicle will be granted the same licence number.

3.49 The temporary period will be determined by the Council when the application is made and will be based upon the estimated time for the repair of the original vehicle. No temporary licence will be granted for a period exceeding 3 months. Any replacement vehicle must meet the Council’s specification for Hackney Carriage or Private Hire vehicle,

and where the original vehicle was wheelchair accessible, the replacement must meet the same specification.

DISABLED ACCESS VEHICLE STANDARDS

3.50 All Hackney Carriage Vehicles must be wheelchair accessible in accordance with the following specification. Wheelchair accessible Private Hire Vehicles must also comply with the following specification in addition to those detailed above.

3.51 Approved anchorages must be provided for wheelchair tie downs and the wheelchair passenger restraint. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.

3.52 The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75cm. The minimum angle of a hinged door when opened must be 90 degrees.

3.53 The clear height of the doorway must be not less than 1.2 metres.

3.54 Grab handles must be placed at door entrances to assist the elderly and disabled. All grab handles must be in a contrasting colour.

3.55 The top of the tread for any entrance should normally be at floor level of the passenger compartment and comply with the following requirements:

- be not more than 380 mm from the ground, (measured at the centre of the tread width);
- the surface shall be covered in a slip-resistant material;
- have a band of colour across the entire width of the edge which shall contrast with the remainder of the tread and floor covering.

3.56 Should any entrance be more than 380 mm from the ground, an external interim step must be made available when the associated passenger door is opened and comply with the following requirements-

- not be more than 380 mm in height from the ground, (measured at the centre of the step width);
- not be less than 250 mm deep;
- the surface shall be covered in a slip-resistant material;
- have a band of colour across its leading edge which shall contrast with the remainder of the step and floor covering;
- not be capable of operation whilst the vehicle is in motion;

- if automatic or powered, be fitted with a safety device which stops the motion of the step if the step is subject to a reactive force not exceeding 150N in any direction and if that motion could cause injury to the passenger;
- can fold or retract so that it does not project beyond the side face of the vehicle and the vehicle is not capable of being driven away unless the step is so folded or retracted.

3.57 The vertical distance between the highest part of the floor and the roof in the passenger compartment must not be less than 1.3 metres.

3.58 Where seats are placed facing each other, there must be a minimum space of 42.5cm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level.

3.59 Where all seats are placed facing to the front of the vehicle, there must be clear space of at least 66cm in front of every part of each seat squab, measured along a horizontal plane at the centre of the cushion.

3.60 A ramp for the loading of a wheelchair and occupant must be always available for use, as a minimum, at the nearside passenger door on all new vehicles presented for licensing. The ramp must have a safety lip, be 70cm wide, as a minimum, and comprise a single non-slip surface. It is desirable for this facility to be available at the offside passenger door also. An adequate locking device must be fitted to ensure that the ramp does not slip or tilt when in use. Provision must be made for the ramp to be stowed safely when not in use.

VEHICLE TYPE APPROVAL

3.61 All vehicles that are designed to accommodate wheelchair users must have all modifications and adaptations, including all seats, seat belts and anchorages, retested to meet either the European Whole Vehicle Type Approval or the UK Low Volume Type Approval in the M1 category (evidence of this must be produced). Those vehicles which have not been “type approved” to the M1 category (e.g., conversions) must be presented with approved certification that the specific vehicle meets the requirements of that category. Vehicles may be inspected for suitability by an officer. It is recommended that prior to purchasing any new vehicle, advice be sought from the Licensing Officer.

ACCESS FOR WHEELCHAIR USERS TO TAXIS AND PRIVATE HIRE VEHICLES

3.62 See Guidance at: <https://www.gov.uk/government/publications/access-to-taxis-and-private-hire-vehicles-for-disabled-users>

ROOF SIGNS

3.63 No roof sign can be fitted to, attached, displayed, or used on any Private Hire vehicle.

3.64 A single roof sign must be fitted to each Hackney Carriage and meet the following conditions and specification. The roof sign must be connected to the taximeter to allow it

to be automatically controlled. The roof sign must be lit when the taximeter is not active and not lit when the taximeter is in use.

3.65 Roof signs must be always kept clean and in good repair and be securely mounted on the vehicle roof, with the main face showing the Council logo facing forward. The sign is to be positioned forward of the pillar between the front and rear doors (the B post), wherever possible. Vehicles with glass or fibreglass roofs or similar must attach the sign at the foremost point on the roof, where suitable magnetic adhesion is possible.

3.66 The proprietor must provide a roof sign to the following specification (unless the vehicle is a London Cab or other similar vehicle which was manufactured as a taxi and produced with a built-in sign):

3.67 The roof sign must have dimensions of: 60.5 centimetres long, 17.5 centimetres wide at the middle point, 11 centimetres high at the rear middle point and 3 centimetres high at the front middle point. These dimensions do not include any raised lip or edging. Reference should also be made to any illustrative artwork, or model signs, which can be provided by the Council if required.

3.68 The roof sign must be white in background colour. When lit, the sign must show red to the rear but not red to the front and sides.

3.69 The front face of the roof sign must show the words "TAXI LICENSED BY" followed by the Wokingham Borough Council Corporate Logo. The licence number must be shown, within a circle, on both sides of this wording. TAXI must be in capitals, in Arial font and approximately 65mm in height. The circles must be approximately 135mm in diameter and have the number cut out, 45mm high in Arial font. The rear side of the sign must show a wheelchair logo in white on a blue background. The wheelchair logo must be in reflex blue. The logo must be 100mmsquare. The words and the circles must be in the green colour code is 125/173/131.

3.70 Vehicles with raised roofs which are licensed as wheelchair accessible taxis must have a roof sign of the same dimensions and design.

3.71 The rear face of the roof sign on all vehicles must show the licence number (once only) to the same specifications as on the front. The number may be positioned anywhere on the rear face at the discretion of the licensee. The licensee may use the remaining space for a name and/or a telephone number which can include the word "TAXI". This text does not have to be green, (although the number does). All inappropriate or unauthorised signage will be required to be removed.

3.72 It may be necessary for some wheelchair accessible taxis to display the sign on the front bulkhead of the vehicle due to height restrictions. Other than this variation, there can be no other variations from the specification.

3.73 In the event of the Council's Licensing Officers not being satisfied that a roof sign meets the specification, the conditions of the vehicle licence will have been breached and

the proprietor requested to remedy the defect. The licence holder of the vehicle may then be subject to a penalty within any point's scheme should one be in existence at the time and if not suitably rectified may have the sanction of law imposed.

3.74 Vehicles which are purchased as custom constructed taxis that have a sign provided by the manufacturer, which is not a sign fitted into the fabric of the vehicle, must comply with the above specification.

ROOF RACKS

3.75 If required to carry additional luggage, a roof rack or roof box can be used. It must be securely fitted to the roof in accordance with the manufacturer's instructions. All luggage must be properly secured and in the case of a roof rack a waterproof cover must be fitted. Any roof box must be correctly closed before moving off.

3.76 In the case of a Hackney Carriage, a second roof sign must be fitted to enable the roof signs to be seen. The additional signs must be correctly fitted to the front and rear of the roof rack (or roof box).

3.77 Trailers cannot be used with any licensed vehicle.

DISPENSATION/EXEMPTION CERTIFICATES

3.78 There are several different circumstances in which the Council will consider granting an exemption from the requirement for a Private Hire vehicle to display the plates and additional signage (which will also remove the need for the driver to be wearing their badge). If an exemption certificate is granted, the vehicle cannot be used for regular Private Hire work: it can only be used under these specified contracts.

Novelty Vehicles

3.79 The Council will consider applications for Private Hire vehicle licenses for "novelty vehicles". These are vehicles other than regular saloon, estate, people carrier or SUV (sport utility vehicles) and may include vintage or classic cars, fire engines, military vehicles, but this is not an exhaustive list.

3.80 Any such vehicle must have passenger seats and seat belts for each seat unless these were not fitted at the time of manufacture.

3.81 All other requirements will apply, and the vehicles will be subject to 6 monthly tests.

Local Authority Contract

3.82 Vehicles that are used exclusively to transport passengers under a contract entered into with a local education authority may be granted an exemption. This is in recognition of the fact that so far as is possible, children who are transported by such vehicles should not be identified or stigmatised. An operator will need to demonstrate the existence of one or more contracts with education authorities or other educational establishments, and where the operator does not own the vehicle, will also have to demonstrate a contract

with the vehicle owner. All such contracts must specify which vehicles will be used to discharge those contracts.

Executive hire

3.83 This term is used in relation to vehicles that are used exclusively for contracts made between an operator and other businesses (excluding subcontracting Private Hire bookings). This type of activity includes chauffeur services. An operator will need to demonstrate the existence of one or more contracts with identified businesses. To qualify for the exemption, any such contract must be for a minimum period of 3 months.

3.84 The operator can hold more than one contract, but where that is the case, the operator must explain how those contracts will be serviced with the specified vehicle, and where the operator does not own the vehicle, will also have to demonstrate a contract with the vehicle owner. All such contracts must specify which vehicles will be used to discharge those contracts.

3.85 It is not possible to specify the makes and models of vehicle that will be considered for an executive hire exemption, but in general they must be luxury vehicles that provide significant amounts of space and comfort for passengers. Examples would include vehicles made by Rolls-Royce, Bentley, and vehicles of a similar nature to Mercedes S class, BMW 7 series, Jaguar XF, Range Rover.

3.86 An application for an exemption in any category must be made in writing on the form provided by the Council. There is no right of appeal against a refusal to grant an exemption certificate.

3.87 If an exemption certificate is granted, a notice will be issued by the Council which must be always carried in the glove compartment of the vehicle. In addition, the vehicle plate must be fixed inside the boot lid/tailgate in such a way that it can be examined by an authorised officer of the Council or a police officer.

3.88 The identification cards provided by the Council, must be displayed in the front and rear windscreen of the vehicle.

3.89 Any exemption certificate that is issued will only last for the duration of the vehicle licence and a further exemption certificate will be required when the licence is renewed. The Council must be issued with records relating to the contracted work undertaken by that vehicle when a renewal application is submitted.

4.0 Policy in relation to a Private Hire Operator Licence

GENERAL

4.1 A valid application for the renewal of a licence, including all the required original documentation, must be made at least 30 days prior to the expiry of the current licence or it will be treated as a new application. A valid application is one which is complete in all respects and can be processed immediately. Photocopies of documents will not be accepted.

4.2 If the application is not made in time to enable all the relevant processes to be completed before the expiry of the current operator's licence, there will be a period during which the operator will be unlicensed and cannot make a provision for the invitation of bookings for Private Hire vehicle. If the application is not made before the expiry of the current licence but is made no more than 5 working days after the expiry, the licence will only be renewed in exceptional circumstances. Operating Private Hire Drivers and Vehicles without a valid licence is a criminal offence.

4.3 Where a licence is found to have been obtained using false or incomplete information enforcement action may be taken.

OPERATOR'S BASE

4.4 An operator's licence relates to one or more addresses (bases) within Wokingham Borough. Every address that is being used must be detailed on the licence, and if a licence does not relate to the address or addresses being used, that licence is void. Continued use of that licence will be a criminal offence.

4.5 An operator who has more than one operating office or base within Wokingham Borough does not require a separate licence for each premises but must submit a list to the Council containing all the addresses from which they run their business. An updated list must be sent to the Council whenever any of those addresses change.

4.6 Planning permission or a Certificate of Lawful Use for the use or change of use of premises, whether home or commercial is not required before an application can be made for an operator's licence. However, it may be unlawful to use those premises as an operator's base and advice, should be sought from the Council's Development Control Services if required.

4.7 Anyone who is making a provision for the invitation of bookings (evidenced by a Private Hire office or base) in more than one local authority area will be required to hold an operator's licence with the local authority in each of those areas.

FITNESS AND PROPRIETY

4.8 Before the Council will grant or renew an operator licence, the applicant or licence holder must satisfy the following requirements.

IDENTITY

4.9 To prove their identity, all applicants must provide an authenticated form of photographic identification (for example photographic driving licence or national identification card).

4.10 Applicants from outside the UK must provide:

- a passport with a valid stamp from the Home Office to say that they have leave to remain in the Country indefinitely or
- a passport with a valid UK visa, which allows the holder to work as a Private Hire Operator (student visas will not be accepted) and which has at least six calendar months remaining at the time of application.

4.11 A licence will only be granted until the expiry of the visa and will only be renewed or extended with the production of the passport and another valid visa issued by the Home Office. The Council reserves the right to verify, at any time, a Licence Holder's entitlement to remain in the UK. We will not accept letters issued by the Home Office when a visa application is pending.

4.12 To comply with the Immigration Act 2016, the Council is required to check eligibility to live and work in the UK for all applicants for driver and operator licenses. Applicants will be required to provide evidence of this on request. Examples of acceptable documentation include a British passport, EU, EEA, or Swiss passport with the right to stay and work in the UK, permanent residence permit, work permit with a passport with correct authorisations, a UK birth certificate together with an official document giving the NI number such as a P45 or P60, or a biometric immigration document indicating a right to stay indefinitely in the UK or a right to do the work in question.

4.13 For applicants with a limited time to remain in the UK, the licence will only be granted for the period of permission to remain and may only be granted for a shorter period. The licence may be extended should the applicant's right to remain in the UK be made permanent.

4.14 If an applicant has extended leave to remain (pending a decision) the licence cannot be granted for more than six months, and again may only be granted for a shorter period. The licence may be extended should the applicant's right to remain in the UK be made permanent.

4.15 If a licence holder loses the right to remain in the UK during the currency of a licence, the licence ceases to have effect and the licence (and badge for drivers) must be returned within 7 days.

DISCLOSURE & BARRING SERVICE CHECKS

4.16 An applicant must provide a basic DBS check which is no more than 1 calendar month old at the time of application. In addition, the Council will require an applicant to complete an application form/statutory declaration listing all criminal convictions

(including spent convictions, and other noncriminal matters) to enable the Council to consider the applicant's fitness and propriety.

4.17 Licensees must provide a basic DBS which is not more than 30 days old on or before each anniversary of the grant of the licence. Failure to do so will lead to the licence being suspended.

4.18 Where an application is made by a partnership, limited liability partnership or limited company, the same requirements apply to all partners, directors, and secretary (if any).

4.19 This requirement will not apply to any applicant who already holds a driver's licence with this Council.

4.20 Where a licence is held by a partnership, limited liability partnership or limited company, the Council must be notified within one week of any change of partners, directors, or secretary. In those circumstances a basic DBS not more than one calendar month old must be provided with that notification.

4.21 Operators must maintain and apply a previous convictions policy in the same terms as the one contained within this policy for all staff that they use. This includes employees, workers, and independent contractors. The operator must not engage the services of any person whose previous convictions or other matters lie outside that policy without the written authorisation of the Council.

CERTIFICATE OF GOOD CONDUCT

4.22 As DBS checks do not cover convictions in countries outside the United Kingdom, any applicant who has lived abroad for any period of more than 6 months from the age of 18 must also provide a Certificate of Good Conduct from the appropriate Embassy or High Commission and it must be in English. The Council may undertake checks to ensure the authenticity of any such documentation. If this cannot be provided, then the application will be refused.

4.23 Nothing in this policy shall preclude a licence holder from being required to undergo a further DBS check at any time as directed by an authorised officer of the Council.

PREVIOUS CONVICTIONS

4.24 In relation to the consideration of previous convictions and cautions recorded against applicants and licence holders, the Council has adopted the policy set out in Appendix One. Applicants who would like to discuss what effect a conviction or caution might have on their application, can contact the Licensing Officer at licensing@wokingham.gov.uk.

TEST OF FITNESS AND PROPRIETY

4.25 Once a valid application has been made, the Council will decide as to whether or not the applicant/licensee is fit and proper person to hold a Private Hire operator's licence. The same test will be used in respect of any existing driver whose criminal convictions or behaviour fall below the Council's standards. The test used will be:

Without any prejudice, and based on the information before you, would you be comfortable providing sensitive information such as holiday plans, movements of your family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?"

4.26 This will be determined on the balance of probabilities, and if the Council is of the view that the applicant or licensee does not satisfy this test, a licence will not be granted, or action will be taken against the licence.

DRIVERS AND VEHICLES

4.27 The operator must ensure that any Private Hire driver or Private Hire vehicle operated, employed, or used by them holds a current Private Hire driver or vehicle licence issued by the Council. The operator must hold the licence for the duration of the time that the driver or vehicle is being operated by that operator.

5.0 Enforcement and Appeals

GENERAL

5.1 This policy will be considered in conjunction with the Council's Enforcement Policy.

5.2 The Council will ensure that all licence holders comply with the law and conditions attached to their licenses.

ENFORCEMENT OPTIONS

5.3 The Council aims to maintain a consistent approach when making all decisions in relation to Hackney Carriage and Private Hire licensing. To maintain a consistent approach, this policy is always considered, in addition to the Council's Enforcement Policy, and followed where appropriate. In reaching any decision the Council will also have regard to the following:

- the seriousness of any offences
- the licence holder's history
- the consequences of non-compliance
- likely effectiveness of the various enforcement options
- danger to the public

5.4 Once the Council has considered all the evidence and relevant information, the following options will be considered:

- Take no action
- Impose penalty points on the licence (see Appendix Two)
- Suspend the licence
- Revoke the licence
- Prosecute

APPEALS

5.5 If a licence application or renewal is refused or enforcement action is taken, the applicant or licence holder will be informed in writing. That notification will detail the rights of appeal and the appropriate court or Licensing and Appeals Sub-Committee in which an appeal should be brought.

Appendix One: Criminal Convictions Policy

INTRODUCTION

1.1 The purpose of this policy is to provide guidance on the criteria considered by the Council when determining whether an applicant or an existing licence holder is a fit and proper person to hold a Hackney Carriage and/or Private Hire vehicle driver's licence or a Private Hire vehicle operator's licence.

1.2 Ideally, all Hackney Carriage and Private Hire drivers, Hackney Carriage and Private Hire vehicle owners and Private Hire operators would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.

1.3 The purpose of this this policy is to lay down guidelines as to what the Council regard as unacceptable previous conduct on the part of an applicant or licensee. This will then assist the Council in determining whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence.

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

1.5 “Fit and proper” means that the individual (or in the case of a Private Hire operator’s licence or vehicle proprietors’ licence, the limited company together with its directors and secretary, or all members of a partnership³) is “safe and suitable” to hold the licence.

1.6 In determining safety and suitability the Council is entitled to consider all matters concerning that applicant or licensee. They are not simply concerned with that person’s behaviour whilst working in the Hackney Carriage or Private Hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament.

1.7 Where an applicant has been convicted of a criminal offence, the Council should not review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)]. What this means is that Wokingham Borough Council will take the conviction at face value, regardless of whether the Applicant disputes it.

POWERS

1.8 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 excludes applicants or holders of a Private Hire vehicle or Hackney Carriage driver's licence from the

³ Section 57(1) and 57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows a local authority to consider the character of a company director or secretary, or any partner.

provisions of the Rehabilitation of Offenders Act 1974. This means that the Council can take account of all convictions, whether spent or not, and will have regard to all relevant convictions. As detailed below, this will be particularly important where there is a long history of offending or a recent pattern of repeat offending.

1.9 In this policy the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

CONSIDERATION OF DISCLOSED CRIMINAL HISTORY

1.10 Applicants can discuss what effect their offending history may have on any application by contacting the licensing team in confidence.

1.11 Applicants for the grant of a driver licence will be required to obtain an enhanced disclosure from the Disclosure and Barring Service (DBS). This must include a check of the adult and child barred lists. Drivers will then be required to sign up to the DBS update service. If a driver refuses to sign up to the update service, a driver's licence will only be granted for 6 months, and a fresh application (together with fees etc) will have to be made. All applicants for a renewal of a driver's licence must provide an enhanced DBS with a check of the adult and child barred lists Council

1.12 Applicants for the grant of Hackney Carriage or Private Hire vehicle licence, where that person is not the holder of a current driver licence issued by the Council, must provide a basic DBS certificate to accompany every application and renewal of the vehicle licence.

1.13 Applicants for the grant of an operator licence, where that person is not the holder of a current driver licence issued by the Council, must provide a basic DBS certificate annually throughout the currency of the licence.

1.14 The Council is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other licensing authorities, and information disclosed by the police.

1.15 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the application will normally be refused, and if the licence has been granted it will normally be revoked.

1.16 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction⁴. Fixed penalties and community resolutions will also be considered in the same way as a conviction⁵.

1.17 Allegations which come to the attention of the council will be taken into account, even if the matter did not result in a conviction. Examples of this could include where an individual is on bail or under investigation, or where an individual has been acquitted, or a prosecution withdrawn. Each case will be considered on its own merits, with the question of the safety of the travelling public being paramount.

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

1.19 In all cases, the Council will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.

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

1.21 As the Council will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.

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

1.23 It is accepted that people make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience. Accordingly, an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

⁴ This is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution.

⁵ This is because payment of a fixed penalty indicates acceptance of guilt, and a community resolution can only be imposed following an admission of guilt.

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

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

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

1.27 Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The Council is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.

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

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

DRIVERS

1.32 As the Council issues dual licenses (permitting the licensee to drive either a Hackney Carriage or Private Hire vehicle) and the criteria for determining whether an individual should be granted or retain a Hackney Carriage driver's licence are identical to the criteria for a Private Hire driver's licence, the two are considered together.

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

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

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

CRIMES RESULTING IN DEATH

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

EXPLOITATION

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

OFFENCES INVOLVING VIOLENCE

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

POSSESSION OF A WEAPON

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

SEX AND INDECENCY OFFENCES

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

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

DISHONESTY

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

DRUGS

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

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

DISCRIMINATION

1.44 Where an applicant has a conviction where discrimination was a feature, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

MOTORING CONVICTIONS

1.45 Hackney Carriage and Private Hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence.

1.46 Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

DRINK DRIVING/DRIVING UNDER THE INFLUENCE OF DRUGS/USING A HAND-HELD TELEPHONE OR HANDHELD DEVICE WHILST DRIVING

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

1.48 Where an applicant has a conviction for, or has points on their licence for using a held-hand mobile phone or other hand-held device whilst driving, a licence will not be granted until at least 5 years (4/5 years?) have elapsed since the date the endorsement was made.

OTHER MOTORING OFFENCES

1.49 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and

has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years (4 years?) have elapsed since since the date the endorsement was incurred.

1.50 A major traffic or vehicle related offence is one which is not covered above and any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance, or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

HACKNEY CARRIAGE AND PRIVATE HIRE OFFENCES

1.51 Where an applicant has a conviction for an offence concerned with or connected to Hackney Carriage or Private Hire activity, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

PLYING FOR HIRE, STANDING FOR HIRE, AND TOUTING

1.52 Where an applicant has a conviction for any offence such as touting, plying for hire or standing for hire, a licence will not be granted until at least 1 year has elapsed since the date of conviction.

PRIVATE HIRE OPERATORS

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

1.54 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.

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

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

VEHICLE PROPRIETORS

1.57 Vehicle proprietors (both Hackney Carriage and Private Hire) have two principal responsibilities.

1.58 Firstly, they must ensure that the vehicle is always maintained to an acceptable standard.

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

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

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

LICENSES ISSUED BY OTHER LICENSING AUTHORITIES

1.62 Applicants who hold a licence with another Council should not automatically assume that their application will be granted by this Council. Each case will be decided on its own merits.

1.63 Licensees who are licensed by multiple authorities are expected to inform all such authorities of the authorities that they are licensed by and to advise each authority of any changes in this respect; and should expect those authorities to share information regarding their conduct and to take it into account as appropriate.

SUMMARY

1.64 To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime may not bar an applicant permanently from becoming licensed. However as public safety is the sole consideration, applicants with criminal convictions must recognise that the Council will give careful and serious consideration to any such application.

Appendix Two: Penalty Points Scheme

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1. Penalty Points Scheme
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1.0 PENALTY POINTS SCHEME

1.1 Hackney Carriage and Private Hire Operators, Drivers and Vehicles are principally governed by the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976, Council Byelaws (in respect of Hackney Carriages) and the Policy and Conditions set by the Council.

1.2 The primary objective of the Penalty points scheme is improving the levels of compliance and help improve the standards, safety and protection of the travelling public.

1.3 The penalty points scheme works in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of licensee's behaviour and conduct so as to ascertain whether they remain a safe and suitable person to be a vehicle driver or operator and/or suitable to hold a vehicle licence. It does not prejudice the Council's ability to take other actions.

1.4 The Scheme will be used where Operators, Drivers or Proprietors of Vehicles fail to comply with any legislative requirement, commit a criminal offence (under legislation or byelaws) or breach those conditions of licence, and following complaints from the public.

1.5 Licensees involved will be asked to attend the offices for an interview. Once investigations are completed, letters will be sent out detailing the outcome and a permanent record will be kept on the person's file. The outcome of investigations may result in officers determining that: no further action be taken; penalty points be imposed; a formal warning be issued; the licensee be referred to the Regulatory Committee/Officers and/or prosecution.

1.6 If a licensee wishes to challenge the imposition of penalty points, an appeal will be referred to the Service Manager. At that hearing the points (and this includes imposing more points than displayed on the tariff), suspend, or revoke the licence, or recommend prosecution. Drivers must appeal any points issued by Officers to the senior officer within

21 days. Details of the appeal mechanism will be contained in the letter confirming the imposition of points.

1.7 Penalty points remain live or current for twelve months from the date the penalty points were imposed. If the decision was appealed to the regulatory committee/senior officer, and the committee/senior officer uphold an imposition of points, those points will remain live for 12 months from the date of the committee/senior officer decision. The 12-month period is on a roll forward basis, so as to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licensee.

1.8 Where a licensee accumulates more than 12 penalty points in any 12-month period, the matter will be referred to the Service Manager to decide whether the driver remains a fit and proper person. The Service Manager may then suspend or revoke a licence, or issue a warning to the Licensee, depending upon the circumstances. Periods of suspension of a licence by an officer will be dependent on the nature of the breaches of the legislation/conditions/behaviour and the compliance history of the individual. Suspension periods will normally vary between 7 to 31 days. There is a right of appeal to the Licensing and Appeals Sub-committee.

1.9 The system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, byelaws, and conditions.

1.10 If points are issued to a proprietor/driver for a matter which is also a criminal offence which the Council could prosecute for, e.g., not wearing a driver's badge, failure to maintain operators records, those person(s) will not then be the subject of a prosecution by the Council.

2.0 LIST OF OFFENCES/BREACH OF VEHICLE LICENCE CONDITIONS/BYELAWS

<u>Offence</u>	<i>Code</i>	<i>Points</i>
Failure to supply interim MOT test when vehicle is over six/twelve years of age	V1	4
Failure to have or maintain illuminated markings at entrances and exits	V2	2
Failure to have/maintain grab handles	V3	2

Failure to have a means of loading wheelchairs into the vehicle, available at all times.	V4	2
Failure to supply a current mechanical tail lift safety certificate to the Licensing Authority	V5	4

Failure to keep a wheelchair access vehicle available without modification at all times	V6	2
Failure to provide an annual LPG safety compliance Certificate	V7	4
Failure to maintain seat belts in a safe condition	V8	4
Undertaking alterations to equipment, dimensions or other specification to a licensed vehicle without consent	V9	4
Failure to display approved roof sign	V10	2
Failure to maintain roof sign in working order	V11	2
Failure to display roof sign on the front part of the roof, unless the vehicle type does not facilitate this, in which case it must be as near to the front as possible.	V12	2
Failure to display front door signs.	V13	4
Displaying incorrect signs i.e., wrong wording or magnetic	V14	4
Displaying other sign on front door	V15	4
Private Hire vehicles advertising incorrectly	V16	4
Display sign that does not comply	V17	4
Display web site address large lettering than permitted	V18	4
Failure to display three or more “no smoking” signs in the vehicle	V19	4
Private Hire displaying the word taxi	V20	4
Incorrectly displaying licence plate	V21	4
Failure to return plate on expiry of licence if requested to do so by Licensing Staff	V22	4
Failure to report loss or damage of a vehicle plate, following discovery of loss or damage.	V23	2
Failure to surrender vehicle licence and plate if proprietor does not wish to retain vehicle licence	V24	2
Advertising on vehicle without written authorisation from the Licensing Authority	V25	4
Failure to submit taximeter for testing when requested to do so by Licensing Authority	V26	2

Tampering or allowing an unauthorised person to tamper with taximeter	V27	4
Failure to display a statement of fares inside the HC	V28	2
Wilfully or neglectfully causing letters or figures in the statement to be obscured	V29	2
Failure to deposit copy of statement of fares which differ from the approved fares	V30	2
Failure to notify Licensing of accidents or damage affecting the safety, performance, or appearance of the vehicle	V31	2
Failure to supply steering geometry and alignment reports following an accident if required	V32	2
Failure to get authorisation for a temporary transfer vehicle or leaving the vehicle on for more than two weeks	V33	2
Failure to have insurance for the licensed vehicle	V34	12
Failure to provide evidence of insurance prior to expiry	V35	6
Failure to keep copy of insurance/cover note in the vehicle	V36	2
Failure to notify Licensing Authority of change of insurer or particulars within 2 working days.	V37	2
Failure to produce details to the Licensing Authority of drivers permitted to drive	V38	2
Failure to notify change of drivers	V39	2
Failure to notify Licensing Authority of change of address or other contact details	V40	2
Failure to carry a suitably marked approved fire extinguisher within the vehicle	V41	2
Failure to carry marked first aid equipment as specified in conditions	V42	2
Failure to obtain written permission to use trailers on Licensed vehicles	V43	12
Failure to present vehicle and trailer for inspection	V44	4
Using a Dual Driver without the appropriate DVLA category code to tow a trailer	V45	6

Failure to maintain radio equipment in safe condition which poses a risk of injury to passengers	V46	2
Proprietor/Operator allowing a greater number of persons to be conveyed than is specified on the licence	V47	2
Failure to maintain a reasonable standard of behaviour	V48	2
Failure to provide information requested by an authorised officer	V49	4
Failure to provide assistance to an authorised officer	V50	4
Failure to provide evidence of insurance or interim MOT/compliance test prior to expiry (1 st instance)	V51	6
Failure to provide evidence of insurance or interim MOT/compliance test prior to expiry (2 nd instance)	V52	12
Failure to show evidence of continuous MOT, interim MOT or insurance.	V53	12
Providing alcoholic drinks not in accordance with the sale or supply of alcohol legislation	V59	12

3.0 BREACHES OF DUAL DRIVER LICENCE CODE OF CONDUCT

<u>Offence</u>	<u>Code</u>	<u>Points</u>
Driver not clean and respectable in their dress	D1	2
Driver not complying with the Dual Drivers Dress Code	D2	2
Driver not behaving in a civil and orderly manner	D3	3
Driver allowing noise from radio or other similar equipment to be a source of nuisance or annoyance to any person inside or outside the vehicle	D4	2
Driver smoking/vaping/similar whilst in the vehicle	D5	4
PH drivers parking in a position or location which gives the appearance of being for hire, whilst not on a prebooking	D6	3
Driver of P/H vehicle plying for hire	D7	12
Driver calling out or influencing person to travel in the vehicle for gain without a prior appointment	D8	3

Fail to have in possession drivers badge whilst driving a licensed vehicle	D9	2
Not displaying second badge in the vehicle which is visible to passengers being conveyed in the vehicle	D10	2
Failure to surrender drivers badge to the Licensing Authority upon expiry, revocation or suspension of their licence when requested by Licensing Staff	D11	2
Failure to supply annual self-declaration and fee (1 st Occasion)	D12	6
Failure to supply annual self-declaration and fee (2 nd occasion)	D13	12
Failure to carry evidence of insurance cover, this can be a cover note, in the vehicle whilst on duty	D14	2
Failure of driver to check vehicle proprietor has insurance on the vehicle	D15	2
Driver carrying greater number of persons than the number specified on the licence	D16	12
Carrying other persons in the vehicle without the consent of the hirer	D17	2
Carry a member of family/friend in a licensed vehicle when it is for hire/hired	D18	2
Failing to carry or ensure safety of passenger luggage	D19	4
Failing to offer reasonable assistance with luggage	D20	2
Failing to take steps to ensure passenger safety	D21	6
Failing to ensure passengers are dropped off safely, at the correct destination	D22	2
Fail to search vehicle after journey	D23	2
Fail to hand found property to the police	D24	2
Fail to operate taxi meter correctly	D25	4
Fail to use taximeter on pre booked journey or fail to charge fee less than meter fee	D26	2
Charging more than the metered fare	D27	4
Tampering or allowing tampering of a taximeter	D28	4

Cancelling the fare or concealing the fare on meter before the hirer has agreed the fare	D29	2
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Demanding more than the previously agreed fare	D30	4
Demanding more than the fare shown on the taxi meter or scale of charges on the tariff sheet	D31	4
Starting the fare before the hirer enters the vehicle unless specified in the tariff sheet	D32	4
Failure to notify proprietor of complaints made by the passengers	D33	2
Failure to notify passengers of their right to refer their complaint to the Licensing Authority	D34	2
Failure to attend at appointed time or place without sufficient cause	D35	2
Unnecessarily prolonging journey in distance or time	D36	4
Failure to provide copy of Dual Drivers licence to operator	D37	2
Failure to ensure insurance cover for them to drive vehicle	D38	4
Failure to ensure vehicle is licensed by Licensing Authority for the purpose used	D39	2
Failure to notify Licensing Authority of change of address/telephone number within 7 days	D40	4
Failure to notify Licensing Authority of motoring offences over 3 penalty points or criminal convictions during the period of licence	D41	12
Failure to notify Licensing Authority of motoring convictions up to 3 penalty points during the period of licence	D42	6
Failure to notify Licensing Authority of involvement in incidents which the Police are involved and may lead to a caution/conviction	D43	12
Failure to notify Licensing Authority in writing within 7 days of serious injury or illness	D44	12
Failure to notify the Licensing Authority of a DVLA notifiable condition	D45	12

Failure to carry assistance dog without exemption	D46	4
Making additional charge for carrying assistance dog	D47	4
Failure to apply for or provide an exemption certificate on medical grounds for not being medically fit to carry an assistance dog	D48	4
Not using mobile phone in accordance with The Road Vehicle (construction and use) (Amendment) (No.4) Regulation 2003	D49	2
Failure to keep vehicle reasonably clean	D50	2
Failure to notify Licensing Authority of vehicle damage within 72 hours or present vehicle if requested to do so	D51	4
Failure to provide a written receipt for the fare paid if requested to do so by the passenger	D52	2
Failure to co-operate with any authorised officer of the Licensing Authority, Constable or any other clearly identifiable person nominated by the Licensing Authority	D53	4
Failure to keep a record of bookings in the Private Hire Vehicle. This can be computerised/electronic or written	D54	2
Failure to comply the regulations governing the wearing of seat belts	D55	4

4.0 BREACHES OF OPERATOR LICENCE CONDITIONS - PRIVATE HIRE

<u>Offence</u>	<u>Code</u>	<u>Points</u>
Operating more vehicles than stated on licence	01	2
Failure to obtain and maintain insurance on vehicle	02	12
Failure to produce evidence of insurance cover to the Licensing Authority	03	6
Fail to provide valid insurance on expiry for any premises where the public have access	04	6
Failure to notify the Licensing Authority of change of insurer within 2 days	05	2
Fail to provide evidence of public liability insurance for premises	06	2
Failure to operate the business in a manner which does not cause nuisance to the public or to persons in nearby premises	07	2
Failure to provide a prompt, efficient or reliable service	08	2

Failure to attend a booking at appointed time or place without sufficient cause	09	2
Knowingly allowing a greater number of persons in the licensed vehicle than is prescribed on the licence	010	12
Fail to have necessary documents and equipment	011	2
Operating the business from a premises outside the District	012	12
Failure to keep booking or waiting areas which the public have access, clean, adequately heated, ventilated and lit	013	2
Failure to provide seating facilities in waiting areas	014	2
Failure to have in place planning permission if required at operators address	015	2
Failure to comply with planning permission or licence conditions for number of vehicles permitted	015	2

Failure to supply written confirmation within seven days of changes to the particulars shown on the application form relating to the licence	016	4
Fail to notify Licensing Authority of change of address	017	2
Failure to notify the Licensing Authority within seven days of any convictions imposed on them, during the period of the licence	018	6
Failure to keep proper records for a period of not less than six months	019	3
Failure to keep proper records	020	2
Fail to keep entries correctly	021	2
Fail to notify details of security arrangements	022	2
Fail to keep records of Private Hire vehicles operated	023	2
Displaying the word Taxi or Cab on a Private Hire vehicle	024	2
Failure to keep records of all drivers employed or failure to produce details of the drivers	025	2
Failure to notify Licensing Authority within seven days of the particulars of any driver who is no longer employed by the operator	026	2
Failure to maintain telephone or radio equipment in sound condition or failure to repair defects promptly	027	2
Failure to have or produce evidence of a Licence issued by the Department of Trade and Industry licence for all radio equipment	028	2
Using unlicensed drivers to drive a Licensing Authority licensed vehicle	029	12
Failure to keep a written record of all complaints or failure to make available to the Licensing Authority	030	2
Late to provide evidence of insurance or interim MOT (1 st Occasion)	031	6

Late to provide evidence of insurance or interim MOT (2 nd Occasion)	032	12
Failure to carry out or provide the required DBS checks on dispatch staff	033	12
Failure to record, maintain or provide details of checks on dispatch staff in a register	034	12
Failure to make appropriate checks of any operator for which work is outsourced	035	12
Failure to establish, maintain or provide a policy on employing ex-offenders to the licensing authority	036	12
Failure to require notification of convictions as part of the contract of employment	037	12
Failure to notify licensing authority of any conviction information relating to booking and dispatch staff in accordance with condition	038	12

5.0 BREACHES OF COUNCIL BYELAWS RELATING TO HACKNEY CARRIAGES

<u>Offence</u>	<u>Code</u>	<u>Points</u>
Wilfully or negligently causing licence number to be concealed from public view while the carriage is standing or plying for hire	B1	2
Causing or permitting the carriage to stand or ply for hire with an illegible plate	B2	2
Failure to furnish the Hackney Carriage in accordance with requirements of the Byelaw	B3	2
Failure to provide a taximeter in accordance with the requirements of the Byelaw	B4	2
Failure to operate taximeter in accordance with requirements of the Byelaw.	B5	2
Driver or proprietor tampering with meter or permitting any unauthorised person to tamper with meter	B6	4
Failure to proceed to another rank when at the time of arrival rank is full	B7	2

Failure to station or move the carriage immediately behind the carriage or carriages in front on the rank	B8	2
A proprietor or driver using the services of a person to importune a person to hire the vehicle	B9	2
Failure by driver to take reasonable precautions to ensure the safety of passengers	B10	4
Driver or proprietor allowing more persons to be conveyed than the licence allows	B11	12
Failure by driver to carry the badge provided by the Licensing Authority when plying for hire	B12	2
Failure to provide when requested reasonable assistance with luggage	B13	2
Failure to display statement of fares inside the carriage in a legible state	B14	2
Failure to notify lost property to the Police within 48 hours of discovery	B15	2

Appendix Three: Taxi Drivers Code of Conduct

1.1 This code of conduct relates to you as a licensed taxi driver. It outlines the standards of behaviour which are expected of you whilst you hold a taxi driver's licence. Failure to comply with these requirements may lead to enforcement action being taken. This could be by way of penalty points attached to your taxi drivers' licence, suspension, revocation, or refusal to renew your licence.

1.2 You are a licensed taxi driver for the duration of the licence, and always you should ensure that your conduct and behaviour is that of a fit and proper person. You must ensure that you do not act in any way, at any time, that might affect that. The Council will consider all your behaviour, and that is not limited to the times when you are driving a Hackney Carriage or Private Hire vehicle.

1.3 When you are driving a Hackney Carriage or Private Hire vehicle, that remains a licensed vehicle and you remain a licensed taxi driver wherever you may be located, and for whatever purpose you are using the vehicle (this includes social and domestic use). This Code of Conduct applies across the whole of the United Kingdom.

YOUR DRIVER'S LICENCE AND BADGE

1.4 You have been issued with two copies of your drivers badge and a coloured armband. You must always wear one driver badge in the armband on your left upper arm when you are driving or working with a Private Hire vehicle or Hackney Carriage and failure to do so is a criminal offence [under s54 of the 1976 Act when using a Private Hire vehicle and byelaw when using a Hackney Carriage]. You must display the second copy of your badge in a position which is always plainly and clearly visible to your passengers whilst you are working as a taxi driver.

1.5 You must return your licence, badge, and armband to the Licensing Section of the Council within 72 hours if:

- You change your home or business address
- the licence expires, is suspended, revoked
- you lose the right to work in the UK, or the right to remain in the UK
- You wish to surrender your Taxi Driver Licence
- required to do so by an "Authorised Officer of the Council"

1.5 You must inform the Licensing Section of the Council in writing, within seven days if you change your address.

1.6 In the event of the loss of your licence, badge, or armband you must report the loss to Regulatory Services immediately.

DEPOSIT OF DRIVER LICENCE WHEN WORKING FOR OTHERS

1.7 You must give your Driver Licence to the Private Hire operator when driving Private Hire vehicles, or proprietor of any Hackney Carriage which you will be using. They will keep your licence while you are driving for them.

PRODUCTION OF DOCUMENTS

1.8 If an Authorised Officer of the Council, an Authorised Officer of another Council with which the Council has a reciprocal arrangement or a police constable asks you, within five days of the request being made at the location that they specify, you must produce:

- Your DVLA driving licence
- Your Taxi Driver Licence
- The vehicle registration document
- A valid certificate of insurance

MEDICAL CONDITION

1.9 You must notify the Council, in writing within 14 days of any change in your medical condition that may adversely affect your ability to drive Private Hire or Hackney Carriage vehicles.

1.10 You must ensure that when you are working you are sober and not under the influence of any illegal drugs. If you are taking any prescription medication, you must ensure that it does not impair your driving ability.

1.11 If at any time you feel unwell you must discontinue work until such time as you feel better and able to return to work.

DECLARATION OF CONVICTION / CAUTION / PENALTY

1.12 You must declare all convictions, cautions, fixed penalty notices, CBO's (Criminal Behaviour Orders) CPNs (Community Protection Notices), requirements to attend a speed awareness course, injunctions, restraining orders to the Council on your initial application form.

1.13 If you are convicted of any offence, or accept a formal caution for an offence, or receive a fixed penalty notice for any offence or receive and accept an endorsable fixed penalty notice, or are made the subject of an CBO or CPN, are required to attend a speed awareness course, are made the subject on any injunction or restraining order, or you are arrested for any matter, you must give the Council details, in writing and within 72 hours of the event.

DRIVING

1.14 You must always comply with all road traffic regulations.

1.15 You must comply with all legislation and conditions relating to the Hackney Carriage or Private Hire vehicle that you are driving at all times. Those conditions are available on the Council website

1.16 You must not sound your vehicle horn –

- unnecessarily, i.e., unless in an emergency or to let other road users or pedestrians know you are there
- when your vehicle is stationary on a road, at any time, other than at times of danger due to another moving vehicle on or near the road
- on any road in a built-up area between 11.30 p.m. and 7.00 am

1.17 Your vehicle horn must not be used to signal your arrival to collect any pre-booked passenger.

1.18 You must not drive any Hackney Carriage or Private Hire vehicle in a dangerous or inconsiderate manner and in addition to complying with all road traffic regulations you must ensure that you're driving and behaviour on the road is of the highest standard.

1.19 When parking, or otherwise waiting for either a hiring (Hackney Carriage), a booking to be communicated to you (Private Hire and Hackney Carriage) or attending for a pre-booked hiring (Private Hire and Hackney Carriage) you must ensure that you do not obstruct other road users including pedestrians on pavements and in pedestrianised streets. You must also ensure that you do not block vehicle entrances, or any emergency exits for buildings. You must also comply with parking and waiting restrictions (if any).

1.20 When stopping to set passengers down you must do so in a manner which minimises the risk to those passengers as they alight from the vehicle. You must warn passengers clearly of any unusual or unexpected dangers within the vicinity.

1.21 When driving a Hackney Carriage, you must not demand a fare greater than that shown on the meter for a journey within the Council's area. Where a journey ends outside the Council's area, you must not demand a fare greater than that shown on the meter unless an agreement was made between yourself and the hirer before the hiring commenced.

1.22 When driving a Private Hire vehicle, you must not demand a fare greater than that shown on the meter (if that is how your operator calculates fares) or as agreed between the hirer and the operator.

1.23 You must always stop the engine of the vehicle when the vehicle is stationary otherwise than through the necessities of traffic.

1.24 It is a criminal offence to hold and use a mobile phone or other handheld device whilst driving. In addition, this will be regarded as a serious breach of the Code of Conduct.

DATA PROTECTION

1.25 You must ensure that you have the correct safeguards for storing personal data that comply with the Data Protection Act 2018 and the General Data Protection Regulations (GDPR). This will include details of hirers (pre-booked Hackney Carriages) and any dash cam footage (the use of dash cams is considered in relation to vehicle licenses).

CONDUCT AND BEHAVIOUR

1.26 You must be always honest and trustworthy.

1.27 You must be polite and courteous to your passengers, other road users and the public generally.

1.28 You must not use abusive or foul language, spit, or smoke in or near the vicinity of your vehicle.

1.29 You must not use aggressive language or behaviour or engage in any violent conduct.

1.30 You must not carry any form of weapon on your person or in your vehicle at any time and under no circumstances must you ever take the law into your own hands.

1.31 If the hirer requests, you must provide a written receipt for the fare paid for the hiring, including the amount of VAT (if applicable) shown separately if so requested. That receipt must also contain details of the journey including the date, pick up point and destination, vehicle licence number, operators name and driver name or licence number. You must then sign the receipt.

1.32 You must not cause or allow noise emitted by any radio or sound equipment in the vehicle which you are driving to be a source of nuisance or annoyance to any person or persons, whether inside or outside the vehicle.

1.33 If a passenger objects, you must not play any radio or sound reproducing instrument or equipment in the vehicle.

1.34 You must treat everybody decently, equally, and fairly.

1.35 You must always treat passengers, any potential passenger, members of the public, Police Officers and PCSOs, Council officers and all other public servants (NHS staff, fire fighters, HMRC staff etc) with courtesy and respect.

1.36 You must not discriminate against any person because of a protected characteristic in the Equality Act 2010 ⁶.

⁶ Age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation

1.37 You must not use abusive, racist, sexist, or any other offensive language or terms with passengers or other members of the public (remember that not everybody shares your sense of humour, or views).

1.38 You must protect passengers and yourself. Be wary about entering any premises, especially domestic premises unless you know the person as an established customer. Even then make sure that you take all steps to minimise any risk to yourself or your reputation.

1.39 You must not obtain the telephone numbers of or engage on any form of social media with anybody under the age of 18.

1.40 You must not engage in any kind of sexual activity within or in the vicinity of your licensed vehicle.

1.41 You must always behave in a civil and reasonable manner and must comply with any reasonable request made by the hirer.

1.42 You must always pick up your passengers on time unless unavoidably delayed. If the hiring has been arranged via a Private Hire operator or other 3rd party, you must immediately contact that operator or 3rd party to inform them of the delay and your estimated time of arrival.

1.43 You must always assist your passengers with their luggage. If they do not request this, you must ask whether they need help. This includes picking it up from the point of booking, removing it from your vehicle at the end of the journey and setting it down.

1.44 You must maintain a logbook in which to record any incidents that you feel are of concern (including but not limited to concerns about child abuse, abuse of any other person, people trafficking, drug carrying, violence or criminal behaviour) or which may result in a complaint being made about you. Such incidents must be recorded promptly with as much detail as possible (date, time, location, nature of the incident, names of the parties (if known) and identifying features).

1.45 This logbook must be kept securely in the vehicle and the details must be transferred to a storage medium which is not contained within the vehicle (i.e., a copy of the pages stored on a computer) as soon as possible. When you are driving a Private Hire vehicle all such incidents must be reported to your operator as soon as possible. If you are driving a Hackney Carriage that has been booked via a booking agent, all such incidents must be reported to that agent as soon as possible. Where you suspect that the incident involves criminal behaviour you must report this to the police and Council immediately.

1.46 You must maintain a logbook of any complaints that are made to you as a driver. All complaints must be recorded promptly with as much detail as possible (date, time, location, nature of the complaint, names of the parties (if known) and identifying features). This logbook must be kept securely in the vehicle and the details must be transferred to a storage medium which is not contained within the vehicle (i.e. a copy of

the pages stored on a computer) as soon as possible. When you are driving a Private Hire vehicle all such complaints must be reported to your operator as soon as possible. If you are driving a Hackney Carriage that has been booked via a booking agent, all such complaints must be reported to that agent as soon as possible.

PERSONAL APPEARANCE AND DRESS CODE

1.47 You must always maintain good standards of personal hygiene.

1.48 You must always be clean and respectable in your dress and present a professional image. To achieve this, you must ensure that all clothing is clean, of smart appearance and in good condition.

1.49 Footwear for all drivers must fit around the heel of the foot. Wooden soled footwear is not permitted.

1.50 The following will be regarded as breaches of the Code of Conduct:

- Clothing not being kept in a clean and fresh condition or any items which have holes or rips
- Words or graphics on any clothing that is of an offensive nature
- Sportswear, football or rugby kits, track suits, beach wear etc
- Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel
- Hoods worn up whilst in the vehicle

USE OF THE VEHICLE

1.51 Private Hire vehicles and Hackney Carriages are always smoke free vehicles under the Health Act 2006. It is a criminal offence to smoke in a Private Hire vehicle at any time (section 7) or to allow a person to smoke in a Private Hire vehicle (section 8) and you can be prosecuted for either or both offences. In addition, this will be regarded as a serious breach of the Code of Conduct.

1.52 You must not eat in the vehicle at any time or allow passengers to eat in the vehicle at any time.

1.53 Animals must not be carried in Private Hire vehicles or Hackney Carriages other than those belonging to or in the care of passengers. You may refuse to carry a hirer's animal at your discretion. However, you must not refuse to carry an assistance dog, unless you have a valid Exemption Certificate issued by the Council. Any animal must be kept under the hirer's control and must be carried in the rear of the vehicle (except assistance dogs). No animals can be carried in the luggage compartment of a vehicle unless the vehicle is an estate car or hatchback, and the animal can be seen from outside the vehicle through a window.

1.54 You must not carry more passengers than the maximum number prescribed by the conditions attached to the Hackney Carriage your Private Hire vehicle licence and displayed on the vehicle plate.

1.55 You must carry a reasonable amount of luggage and assist them in loading it and unloading it from the vehicle.

1.56 You must not carry any additional passengers not already accompanying the hirer in the vehicle without the hirer's permission.

1.57 You must not carry more than one person in the front seat unless the vehicle is furnished with manufacturer fitted seats for more than one passenger in the front of the vehicle and provided with seat belts for all front seat passengers. In this case no more than 2 passengers may be carried.

1.58 You must not carry any child below the age of ten years in the front of the vehicle.

1.59 Hackney Carriages and Private Hire vehicles are not expected to carry a range of child seats. If you are carrying children under the age of 12 you must make any adult with responsibility for the child aware that the correct restraints may not be available and the carriage of the child in those circumstances is at the adult's own risk. Children under 3 years of age can travel unrestrained in a Hackney Carriage or Private Hire vehicle if the appropriate restraint is not available. Children over 3 years of age and below 12 years of age or shorter than 135cms (approx. 4ft 6in) must use adult seat belts if the appropriate restraint is not available. If using adult seat belts as opposed to the appropriate child restraint, then the child must travel in the rear seat. Children over 12 years of age or taller than 135cm (approx. 4ft 6in) must use adult seat belts.

VEHICLE CHECKS

1.66 It is your responsibility to ensure that the correct policy of insurance is in force for any Hackney Carriage or Private Hire vehicle that you are driving.

1.67 Before using a Hackney Carriage or Private Hire vehicle for the first time each day, you must undertake a "walk around check". This requires that you ensure that the vehicle is roadworthy and fit for use as a Hackney Carriage or Private Hire vehicle. The check must include the tyres (pressure and tread depth), checking the lights are functioning (so far as is possible with one person – all lights except brake lights), checking all glass (lights and windows) is intact and ensuring there is no obvious damage to the vehicle. Any defects that are detected must be rectified before the vehicle is used to carry passengers.

1.68 Every time you commence driving the vehicle you must ensure that the rear identification plate, supplied by the Council, is securely fixed to the outermost rear of the vehicle, so that it can be clearly read by pedestrians and other road users. You must also ensure that any other identifying information (whether supplied by the Council or not) is correctly and securely attached to the vehicle.

1.69 If you have been issued a certificate of exemption from carrying assistance dogs or providing wheelchair assistance you must ensure that that notice is correctly placed on the nearside of the front windscreen.

1.70 You must not offer or accept any hire of the vehicle except where the hiring has been pre-booked via your Private Hire Operator [does not apply to Hackney Carriages].

LOST PROPERTY

1.71 After every hiring, you must search the vehicle for any misplaced or lost property.

1.72 If any property is found or handed to you, you must, unless it is claimed, take it to a Police Station within 48 hours. Following agreement with the owner of any lost property (and you must take reasonable steps to ensure the person concerned is the rightful owner) you may agree to return the property personally to the owner and charge the metered fare to an agreed meeting point, or £10.00, whichever shall be greater.

TAXIMETERS IN PRIVATE HIRE VEHICLES [TAXIMETER USE IN HACKNEY CARRIAGES IS GOVERNED BY THE BYELAWS]

1.73 You may use a meter in the Private Hire vehicle only if it is constructed, attached, and maintained in compliance with the Private Hire Vehicle Licence Conditions.

1.74 Unless the fare is agreed in advance, you must switch the meter on at the point the hirer's journey commences and keep the meter working until the termination of the hiring.

1.75 You must not cancel or conceal the fare recorded until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless a lesser fare has been agreed).

1.76 You must ensure that the fare charged does not exceed the fare displayed on the meter at the end of the journey.

1.77 You must ensure that when the vehicle is not hired the key is to be locked and the machinery kept inactive, and the meter must show no fare at any time.

1.78 You must ensure that the meter is sufficiently illuminated when in use and is visible to passengers.

1.79 You must not (nor may you allow anyone else) to tamper with the meter or any seal on the meter without lawful excuse or alter any meter with the intent to mislead.

PLYING FOR HIRE WHEN DRIVING A PRIVATE HIRE VEHICLE [DOES NOT APPLY WHEN DRIVING A HACKNEY CARRIAGE]

1.80 You must not pick up passengers who have not pre-booked with your operator.

1.81 You must not offer or accept an offer for the immediate hire of a vehicle while it is being used in a public place.

1.82 You must not park or wait on or near any Hackney Carriage Rank or drop passengers off on a Hackney Carriage rank.

FARES WHEN A HACKNEY CARRIAGE IS USED FOR PRE-BOOKED WORK

1.83 A Hackney Carriage can be used for pre-booked work both within the Council and elsewhere. When the journey is wholly within the zone/county, or commences or ends in Wokingham Borough, the fare charged cannot be greater than that displayed on the meter or in accordance with the table of fares. Where a pre-booked journey commences and ends outside Wokingham Borough the table of fares and the meter do not control the maximum fare that can be charged. In these circumstances the fare to be charged must be negotiated between the hirer and the driver or booking agent.

Appendix Four: Legal Requirements (contained in national legislation) when driving a Hackney Carriage

YOUR TAXI DRIVER LICENCE AND BADGE

1.1 When driving a Hackney Carriage you must wear one copy of your badge in the issued armband, on your left upper arm always whilst you are working as a Hackney Carriage Driver. and you commit a criminal offence if you do not do so, for which you might be prosecuted.

DISABILITY DISCRIMINATION

1.2 When driving a Hackney Carriage, you must carry an assistance dog and allow it to remain with their owner unless you have a certificate of exemption issued by the Council. You must not make any additional charge for doing so. When you are carrying an assistance dog you must allow it to be carried wherever the owner requires i.e., you cannot insist on the dog being separated from the owner or the owner and dog sitting in a particular seat (Section 168 Equality Act 2010).

1.3 When you are driving a Hackney Carriage that has been designated as a wheelchair accessible vehicle in a list maintained by the Council under section 167 of the Equality Act 2010, you must comply with the duties and provide mobility assistance to any passenger in a wheelchair as detailed in section 165 of the Equality Act 2010.

1.4 The duties are:

- To carry the passenger while in the wheelchair
- Not to make any additional charge for doing so
- If the passenger chooses to sit in a passenger seat, to carry the wheelchair
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort
- To give the passenger such mobility assistance as is reasonably required

1.5 And mobility assistance is:

- To enable the passenger to get into or out of the vehicle
- If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair
- To load the passenger's luggage into or out of the vehicle

If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle

1.6 In vehicles equipped with a taxi meter, the meter must not be activated until the wheelchair bound passenger has been properly loaded and secured for the journey, all

loading ramps or other equipment have been properly stowed and the vehicle is ready to commence the journey. At the end of the journey the meter must be stopped before any unloading activity commences.

CONDUCT

1.7 You must not drive a Hackney Carriage at any time if you do not hold a taxi driver's licence, or if your licence has been suspended (section 47 Town Police Clauses Act 1847).

1.8 You must not lend your taxi drivers licence to anybody else (section 47 Town Police Clauses Act 1847)

1.9 When driving a Hackney Carriage, you must accept a hiring for from a Hackney Carriage stand (taxi rank) or when you are stationary on the highway for a journey within the Council's area unless you have a "reasonable excuse" to refuse (section 53 Town Police Clauses Act 1847)

1.10 When driving a Hackney Carriage if you agree to charge a fare lower than that shown on the meter for a journey in a Hackney Carriage then you cannot charge more than that agreed fare (section 54 Town Police Clauses Act 1847)

1.11 When driving a Hackney Carriage, you must not charge more than the fare shown on the meter of a Hackney Carriage for a journey wholly within the Council's area, irrespective of how the journey was arranged (s55 1847 Act)

1.12 When driving a Hackney Carriage if you have agreed to accept a fixed amount of money for a journey, you must ensure that the journey lasts until that amount is shown on the meter (section 56 Town Police Clauses Act 1847)

1.13 When driving a Hackney Carriage if you have been hired and are asked to wait, and either a deposit has been paid or the meter is running, you must wait until that hirer returns to your Hackney Carriage (section 57 Town Police Clauses Act 1847)

1.14 When driving a Hackney Carriage you must not charge more than the fare shown on the meter for a journey within the district (section 58 Town Police Clauses Act 1847)

1.15 When driving a Hackney Carriage, you must not carry anyone apart from the hirer and their companions without the express consent of that hirer (section 59 Town Police Clauses Act 1847)

1.15 You must not drive any Hackney Carriage without the consent of the Hackney Carriage proprietor (if that is not yourself) (section 60 Town Police Clauses Act 1847)

1.16 You must not leave a Hackney Carriage unattended at a Hackney Carriage stand (section 62 Town Police Clauses Act 1847)

1.17 You must not prevent any other driver of a Hackney Carriage from taking a fare, or obstruct them in picking up or sitting down passengers (section 62 Town Police Clauses Act 1847)

1.18 When driving a Hackney Carriage, you must produce your taxi drivers' licence if requested to do so by an authorised officer of the Council (another Council with whom a reciprocal arrangement exists) or any police constable (s53(3) Local Government (Miscellaneous Provisions) Act 1976)

1.19 You must return your driver's licence to the Council within 7 days if you lose the right to remain or work in the UK (s53A(8) Local Government (Miscellaneous Provisions) Act 1976)

1.20 You must not make any false statement or withhold any information when applying to renew your taxi drivers' licence (s57(3) Local Government (Miscellaneous Provisions) Act 1976)

1.21 You must return your licence, drivers' badge(s) and armband to the Council within 14 days of any suspension, revocation or refusal to renew your licence (s61(2)(a) Local Government (Miscellaneous Provisions) Act 1976)

1.22 When driving a Hackney Carriage, you must not charge more than the fare shown on the meter of a Hackney Carriage for a journey that ends outside the Council's area unless a different fare was agreed in advance (s66 Local Government (Miscellaneous Provisions) Act 1976)

1.23 When driving a Hackney Carriage, you must not charge more than the metered fare for a pre-booked journey which is wholly within or starts or finishes within the Council's area. (s67 Local Government (Miscellaneous Provisions) Act 1976)

1.24 You must use the shortest available reasonable route for all journeys by Hackney Carriage, subject to any directions given by the hirer. (Section 69 Local Government (Miscellaneous Provisions) Act 1976)

1.25 You must not tamper with any seal on a taximeter or alter the taximeter with any intent to mislead (s71 Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Bylaw)

1.26 You must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an authorised officer of the Council, an authorised officer of another Council with which there is a reciprocal enforcement arrangement, or a police constable (s73 Local Government (Miscellaneous Provisions) Act 1976)

1.27 When driving a Hackney Carriage, you must not conceal obscure the number of the Hackney Carriage whilst standing or plying for hire (Hackney Carriage Bylaw)

1.28 When driving a Hackney Carriage, you must not activate the taximeter when standing or plying for hire, but you must activate the meter before the journey commences but not until passengers are properly seated and secured. At the end of the journey, you must stop the meter. This should be before passengers alight from the vehicle. (Hackney Carriage Bylaw)

1.29 When driving a Hackney Carriage and you are plying for hire you must proceed to a Hackney Carriage stand (rank) and if that rank is full, proceed to another stand. When you arrive at a stand that is not full you must position the vehicle behind the rearmost vehicle on the stand and move forward as space becomes available (Hackney Carriage Bylaw)

1.30 You must not use the services of any other person to importune (encourage forcefully) anyone to hire your Hackney Carriage (Hackney Carriage Bylaw)

1.31 When driving a Hackney Carriage, you must behave in a civil and orderly manner and take all reasonable precautions to ensure the safety of persons entering, carried in or alighting from the Hackney Carriage (Hackney Carriage Bylaw)

1.32 When driving a Hackney Carriage if you have been pre-booked you must attend at the appointed time and place (Hackney Carriage Bylaw)

1.33 When driving a Hackney Carriage, you must not carry more passengers in the Hackney Carriage than the conditions attached to the vehicle licence permit (Hackney Carriage Bylaw)

1.34 When driving a Hackney Carriage, you must carry a reasonable quantity of luggage for the hirer and assist them in loading and unloading, including taking it from or to any building (Hackney Carriage Bylaw)

1.35 When driving a Hackney Carriage, you must search the vehicle for lost property after every hiring (Hackney Carriage Bylaw)

1.36 When driving a Hackney Carriage, you must take any lost property which is not claimed within 48 hours to any staffed police station within the district of Wokingham Borough (Hackney Carriage Bylaw)

Appendix Five: Legal Requirements (contained in national legislation) when driving a Private Hire vehicle

YOUR TAXI DRIVER LICENCE AND BADGE

1.1 When driving a Private Hire vehicle you must wear one copy of your badge in the issued armband, on your left upper arm always whilst you are working as Private Hire Driver. and you commit a criminal offence if you do not do so, for which you might be prosecuted (s54 Local Government (Miscellaneous Provisions) Act 1976)

DISABILITY DISCRIMINATION

1.2 When your operator has accepted a booking for a passenger with an assistance dog (whether the existence of the dog has been communicated to you), you must carry that assistance dog and allow it to remain with their owner unless you have a certificate of exemption issued by the Council. When you are carrying an assistance dog you must allow it to be carried wherever the owner requires i.e., you cannot insist on the dog being separated from the owner or the owner and dog sitting in a particular seat (Section 170 Equality Act 2010).

1.3 When you are driving a Private Hire vehicle that has been designated as a wheelchair accessible vehicle in a list maintained by the Council under section 167 of the Equality Act 2010, you must comply with the duties and provide mobility assistance to any passenger in a wheelchair as detailed in section 165 of the Equality Act 2010.

1.4 The duties are:

- To carry the passenger while in the wheelchair
- Not to make any additional charge for doing so
- If the passenger chooses to sit in a passenger seat, to carry the wheelchair
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort
- To give the passenger such mobility assistance as is reasonably required.

1.5 And mobility assistance is:

- To enable the passenger to get into or out of the vehicle;
- If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- To load the passenger's luggage into or out of the vehicle;
- If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

1.6 In vehicles equipped with a taxi meter, the meter must not be activated until the wheelchair bound passenger has been properly loaded and secured for the journey, all loading ramps or other equipment have been properly stowed and the vehicle is ready to

commence the journey. At the end of the journey the meter must be stopped before any unloading activity commences.

1.7 You must not drive a Private Hire vehicle at any time when your taxi drivers' licence has been suspended (s46(1)(b) Local Government (Miscellaneous Provisions) Act 1976).

1.8 When driving a Private Hire vehicle, you must produce your taxi drivers' licence if requested to do so by an authorised officer of the Council (another Council with whom a reciprocal arrangement exists) or any police constable (s53(3) Local Government (Miscellaneous Provisions) Act 1976).

1.9 You must return your driver's licence to the Council within 7 days if you lose the right to remain or work in the UK (s53A (8) Local Government (Miscellaneous Provisions) Act 1976).

1.10 You must not make any false statement or withhold any information when applying to renew your taxi drivers' licence (s57(3) Local Government (Miscellaneous Provisions) Act 1976).

1.11 You must return your licence and drivers badge to the Council within 14 days of any suspension, revocation, or refusal to renew your licence (s61(2) Local Government (Miscellaneous Provisions) Act 1976).

1.12 When driving a Private Hire vehicle you must use the shortest available reasonable route for all journeys by Private Hire vehicle, subject to any directions given by the hirer. (Section 69 Local Government (Miscellaneous Provisions) Act 1976).

1.13 You must not tamper with any seal on a taximeter also the taximeter with any intent to mislead (s71 Local Government (Miscellaneous Provisions) Act 1976).

1.14 You must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an authorised officer of the Council, an authorised officer of another Council with which there is a reciprocal enforcement arrangement, or a police constable (s73 Local Government (Miscellaneous Provisions) Act 1976).

1.15 You must not drive any Private Hire vehicle with any roof sign which includes the words "taxi", "cab" or "hire", any similar words or anything which would indicate the vehicle is a Hackney Carriage (section 64 Transport Act 1980).

Appendix Six: Hackney Carriage Vehicle Licence Conditions

1.1 In these conditions which are imposed under the provisions of section 47 of the Local Government (Miscellaneous Provisions) Act 1976 , unless otherwise indicated;

“the Licensing Authority” will mean the Council

“the Proprietor” means the person who has been granted the licence by the Council under section 37 of the Town Police Clauses Act 1847

“the Vehicle” means the vehicle that is specified on the licence granted under section 37 of the Town Police Clauses Act 1847.

1.2 The following conditions will be attached to every Hackney Carriage (proprietors) vehicle licence unless specifically altered by the Council. Additional conditions that are reasonably necessary will be attached to vehicle licenses on a case-by-case basis.

GENERAL

1.3 The licensee must notify the Council of the location where the vehicle is kept regularly when not in use (excluding occasional locations that may be used e.g., for servicing and holidays) and any authorised officer must be afforded such facilities as may be reasonably necessary to inspect and test the vehicle there.

1.4 If the vehicle is licensed by any other Council, the Proprietor must immediately stop carrying out any work under their licence. They must, return the licence issued by the Council to the licensing department of the Council within five working days.

IDENTIFICATION PLATES AND CARDS

1.5 The identification plate, additional signage and all fare cards and licence cards always remain the property of the Council, and must be returned on surrender, suspension, revocation, or expiry of the licence or if the vehicle is sold, or disposed of, out of the licensed trade. If a plate is lost or stolen it must be reported to the police. A crime or lost property number must be obtained, and the Council informed within 24 hours.

1.6 The plate must be securely fixed to the rear exterior of the Vehicle using the Council’s approved backing plate and permanent fixings. Velcro, adhesive, magnets, and brackets are not acceptable. The security of the plate will be checked as part of the scheduled vehicle test and at any spot checks. The licence plate will be fixed with security toggles under the supervision of an authorised officer of the Council. The Council reserves the right to inspect the plate at any time.

1.7 All vehicles must always display the roof sign correctly. Such signs must be securely affixed by means of magnets unless they are an integral part of the vehicle.

1.8 All vehicles must always display the additional signage correctly.

1.9 All Vehicles must display the licence cards, provided by the Council, in the front and rear windscreen always.

MAINTENANCE OF VEHICLE

1.10 The Vehicle, along with all its fittings and equipment must always be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements must be fully complied with. This includes (but is not limited to) the following:

1.11 The interior and exterior of the vehicle must be maintained in a clean, safe, and proper manner, to the reasonable satisfaction of the Council.

1.12 Bodywork must be maintained to a good condition, paintwork must be sound, uniform across the vehicle, well maintained and free of corrosion, dents, scratches, chips and other signs of wear or deterioration, inferior re-spray work and 'cover up' temporary repairs.

1.13 The roof sign must be kept clean, free from obstruction and the illumination must operate correctly when linked to the taximeter.

1.14 The roof (including any sunroof or removable covering) must be watertight.

1.15 Fittings, furniture and additional equipment fitted in the vehicle must be kept in an acceptably clean condition, well maintained and in every way fit for public service. Items such as taximeters, radios, Sat-Nav's, PDA's, mobile phone holders and other ancillary items must be securely mounted in the vehicle in such a position as to not hinder or obstruct the driver's operation of, or view out of, the vehicle, or impede the seating of any passenger.

1.16 The seats must be properly cushioned, covered, and free from cigarette burns, rips, splits, tears, stains or any other signs of excessive deterioration or wear.

1.17 The floor must be covered with carpet, mat, or other suitable material, properly secured and be free from cigarette burns, rips, splits, tears, stains, excessive deterioration and wear.

1.18 The vehicle must be equipped with a suitable bulb-kit indelibly marked with the registration number or licence number of the vehicle to provide for the replacement of defective bulbs

1.19 The doors, windows and seats must function in accordance with the original manufacturer's specification.

1.20 The proprietor/driver employed to drive the vehicle must undertake a daily safety check of the vehicle. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors, seat belts and cleanliness. A written record must be made of each safety

check, details of faults recorded, and remedial action taken. The record must be signed by the person undertaking the safety checks and kept in the vehicle for a minimum of 30 days and then for a further 6 months by the proprietor.

1.21 If required by a Police Officer or Authorised Officer the driver must produce, to that officer, the recorded daily checks kept in the vehicle and the proprietor, on request by that officer, must produce those recorded checks in his possession and/or those kept in the vehicle.

1.22 If the Vehicle fails a Hackney Carriage Test the Proprietor or driver of the Vehicle must present the Vehicle for a Hackney Carriage Test again within 14 days or return the licence plate to the Council. Until a pass certificate is issued the Vehicle cannot be used as a Hackney Carriage.

1.23 If a vehicle fails a Hackney Carriage test, an authorised officer of the Council at the test station will issue a suspension notice under section 60(2) of the Local Government (Miscellaneous Provisions) Act 1976. That will immediately suspend the vehicle licence, from which point it cannot be used as a Hackney Carriage. That suspension notice will be lifted when the vehicle is presented for a retest and that test is passed. If the suspension notice is not lifted within a period of 2 calendar months from the date on which it was issued, the vehicle licence will be deemed to be revoked. In that circumstance, any acquired rights will be lost.

1.24 The Proprietor of the Vehicle must provide a copy of all Hackney Carriage Test certificates to the Council within 7 days of receiving them.

1.25 If the Vehicle has been involved in an accident, then the Proprietor must notify the Council within 2 days and at the discretion of the Council, the Vehicle may have to undergo a further inspection at one of the Councils nominated testing stations.

DOORS

1.26 All doors designed by the manufacturer to allow the access or egress of passengers must function correctly and be capable of being opened from the inside and the outside.

1.27 Tailgates and rear doors must only to be used for loading/unloading luggage or as an emergency exit, unless the vehicle has been designed, modified, or adapted to carry wheelchair bound passengers, and has the relevant M1 or M2 Type Approval Certificate, in which case the rear doors may be used for loading those passengers only.

VENTILATION

1.28 The driver's window and all passenger windows must function correctly and be capable of being opened and closed by the driver or passengers.

WHEELCHAIR ACCESSIBLE VEHICLES (WAV'S)

1.29 The following conditions apply to all Hackney Carriage vehicles which are built or adapted for the carriage of wheelchair bound passengers.

1.30 All equipment and devices used for or involved in the loading, unloading and secure transportation of wheelchair bound passengers must always function correctly and must be used in accordance with the manufacturer's instructions.

1.31 Access to and egress from the wheelchair carrying position must not be obstructed in any manner, at any time, except by wheelchair loading apparatus.

1.32 All wheelchair internal anchorage points and equipment must be of the manufacturers design and construction and not altered or modified in any way. All such equipment must be secured in such a position as to not obstruct any emergency exit when the equipment is not in use.

1.33 The manufacturers seat belt for the wheelchair bound passenger must always be used when a wheelchair is being carried.

1.34 Access ramps or lifts must be securely fixed to the vehicle prior to and must always display information prescribed by other legislation and manufacturers markings.

1.35 Ramps, steps and lifts must be securely stored in the vehicle before driving off.

1.36 The licensee must ensure that all drivers of wheelchair accessible vehicles have received sufficient training to be able to load/unload and convey wheelchair bound passengers in safety and comfort.

SEATBELTS

1.37 Seat belts must be used in accordance with the requirements of the legislation that is applicable at the relevant time.

TYRES

1.38 All tyres on the licensed vehicle and any trailer used on the licensed vehicle must be in good condition and conform with the minimum legal requirements subject to an additional requirement that there must be at least 2 mm tread depth at all times.

1.39 Tyres must be correctly inflated to the vehicle / tyre manufacturer's recommended pressure.

1.40 The vehicle must be always equipped with, a spare wheel or other manufacturers standard equipment for the vehicle to deal with a punctured or damaged wheel or tyre (such as a gel or foam repair kit).

1.41 All replacement tyres fitted to licensed vehicles must be new (i.e., not have been used previously on any other vehicle), meet the vehicle manufacturers minimum specification

for tyres and must have been fitted by a reputable vehicle maintenance company / contractor. Vehicle proprietors are required to retain invoices / receipts to show that any tyre that is purchased meets this requirement.

1.42 'Space saving' spare wheels must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the wheel must be replaced before another journey carrying passengers commences.

ALTERATION OF VEHICLE

1.43 No material alteration or change in the specification, design, condition, or appearance of the Vehicle can be made without the written approval of the Council at any time while this licence is in force.

1.44 No fixtures or fittings, except those approved in writing by the Council can be attached to the outside of the Vehicle.

1.45 All glazing must always comply with The Road Vehicles (Construction and Use) Regulations 1986 regulation thirty-two with regards to the level of tint. The front windscreen must let at least 75% of light through and the front side windows must let at least 70% of light through. No darker tint is permitted for any glass. The application of aftermarket tinted film to any window is not permitted.

SEATS AND PASSENGERS

1.46 In all licensed vehicles provided with a passenger side air bag, no child can be carried in a rear-facing carrier in the front passenger seat.

1.47 A notice must be displayed in the vehicle reminding passengers that it is a statutory requirement to wear the seat belts provided.

1.48 Any excess seating fixings which were removed or permanently capped before the vehicles licensed must not be replaced or exposed during the currency of the licence.

ADVERTISING

1.49 Advertising on the outside of the Vehicle is restricted to the name and telephone number of the Proprietor or operator of the Vehicle. Sponsored advertising of other businesses or products or services is not permitted on the outside of the Vehicle, unless written permission is obtained from the Council.

LUGGAGE

1.50 Luggage and storage areas must be kept as free space for passenger's luggage.

1.51 Luggage must be suitably secured in place and must not obstruct any exit, or emergency exit.

1.52 Vehicles with open luggage space such as estate cars must be fitted with a suitable guard between the luggage space and the passenger compartment which must be in use whenever passengers are carried.

1.53 Vehicles with no clear demarcation between the passenger and luggage areas must be fitted with suitable restraining straps or other approved devices to secure the luggage and prevent it coming into contact with any passenger at any time (including in the case of an accident). These restraining straps or devices must be used whenever passengers' luggage is being carried.

FIRE EXTINGUISHER

1.54 A fire extinguisher must be provided to meet BS EN 31996 1Kg and always maintained and be readily available for use. The fire extinguisher must be clearly and permanently marked with the Vehicle registration and Vehicle licence number. This must be securely fixed in the Vehicle and must **not** be located in the passenger compartment, unless the vehicle is a purpose-built Taxi, which has a purpose-built fire extinguisher compartment already in the Vehicle. Clear signage must be displayed to alert passengers to the location of the fire extinguisher.

FIRST AID KIT

1.55 A first aid kit must be always readily available. The first aid kit must stock to the same level and quantity as originally supplied and be must of a suitable and comprehensive type that meets the requirements of British Standard BS8599-2 (medium sized kit) and be permanently and legibly marked with the registration number or licence number of the vehicle.

RADIO EQUIPMENT

1.56 The Proprietor must ensure that any radio equipment fitted to the Vehicle is at all times kept in a safe and sound condition and maintained in proper working order.

TAXIMETER

1.57 The Proprietor must ensure the Vehicle is fitted with a taximeter approved by the Council, and that meter must be always kept in good repair and proper working order.

1.58 The taximeter must be set for the current tariff set by the Council or a continually lower rate and must be sealed to prevent unauthorised adjustment of that meter.

1.59 All taxi meters must be so constructed, or programmed, that it is not possible for any person to manually alter the tariff rate, or otherwise alter or tamper with the meter, without breaking the affixed seals. Each meter must be set, calibrated, and sealed with a tamper-proof seal by a competent meter installer.

1.60 The vehicle licence holder must obtain and retain written certification of such calibration and sealing. This certification must be provided to an authorised office of the Council upon request.

1.61 The taximeter must be fitted with a mechanism which will start the taximeter and make the word “HIRED” to appear on the display, and a means of stopping the taximeter from recording time and distance so that for that period no fare is recorded.

1.62 When the taximeter is recording a fare, that must be displayed clearly, legibly and unambiguously on the meter display which must be sufficiently illuminated to enable it to be easily read in all conditions.

1.63 The word “FARE” must be printed alongside the display.

1.64 The taximeter must be located so that the entire display is plainly visible to any person travelling in the vehicle. The mechanism for activating the meter must be linked to the roof sign to ensure that when the meter is activated the roof sign light is switched off. It must not be possible to illuminate the roof sign by any other means.

1.65 If a fare has not been agreed between the driver (or booking agent) and the customer then the fare charged must be that which is shown on the meter.

1.66 The Proprietor must ensure that a copy of the current fare table supplied by the Council is always displayed inside the Vehicle and that table is not concealed from view or rendered illegible. If the meter is set to a lower rate, an additional fare table detailing the lower rate must also be displayed.

1.67 At all times, vehicles must be fitted with a roof sign that complies with the dimensions and specification detailed in the Hackney Carriage policy, together with any other additional signage that is so specified.

INSURANCE

1.68 At all times during the currency of this licence the Proprietor must maintain a policy of insurance complying with the requirements of Part VI of the Road Traffic Act 1988 which covers Hackney Carriage use.

1.69 The Proprietor must produce to the Council a new Certificate of Insurance or cover note within 2 working days of the expiry of every Certificate of Insurance or cover note prior to renewal date. These must be original documents; photocopies will not be accepted.

VEHICLE DAMAGE

1.70 The proprietor must, as soon as reasonably practicable, but in any case, within 72 hours, notify the Council, in writing on the Councils prescribed form, details of any accident involving the vehicle or, of any damage to the vehicle however caused, which

affects the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. The vehicle must not be used until the Council have inspected the vehicle.

1.71 A Council test may be necessary to demonstrate that the vehicle is roadworthy. The cost of such a test is to be paid by the proprietor. If the Council determined that the vehicle is unfit for use as a Private Hire vehicle, a suspension notice under section 68 will be issued.

ROOF RACKS AND ROOF BOXES

1.72 Where a roof rack is used it must be properly secured to the roof in accordance with the manufacturer's requirements, must not carry a weight of luggage greater than that specified by the roof rack manufacturer and/or vehicle manufacturer, and all luggage must be covered with a waterproof cover.

1.73 Where a roof box is used, it must be properly secured to the roof in accordance with the manufacturer's requirements, must not carry a weight of luggage greater than that specified by the roof rack manufacturer and/or vehicle manufacturer, and must be properly closed and secured.

1.74 When either a roof rack or roof box is fitted, a second roof light must be fitted to the roof of the vehicle to enable the front and rear of the lights to be clearly seen ahead of and behind the roof rack or roof box. (This does not apply to purpose-built vehicles with an integral front facing roof sign). The 2nd sign must be removed when the roof rack or roof box is removed.

DEPOSIT OF LICENCE

1.75 The Proprietor must not allow the Vehicle to be driven by any person who does not hold a current Dual Driver Licence issued by the Council.

1.76 If the Proprietor permits or employs any person to drive the Vehicle, that person must deposit their Dual Driver Licence with the proprietor who must, retain and safely store it until such time as the driver ceases to be permitted to drive the Vehicle, at which point it must be returned to the driver.

DISPLAY OF CONDITIONS

1.77 The Proprietor of this Vehicle must always have a copy of these conditions within the Vehicle for inspection by passengers.

FAILURE TO ADHERE TO ANY OF THE CONDITIONS OF THIS LICENCE MAY RESULT IN ENFORCEMENT ACTION. ANY ENFORCEMENT ACTION TAKEN WILL BE IN ACCORDANCE WITH THE COUNCIL'S ENFORCEMENT POLICIES.

Appendix Seven: Private Hire Vehicle Licence Conditions

1.1 In these conditions which are imposed under the provisions of section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976, unless otherwise indicated.

“the Licensing Authority” will mean the Council

“the Proprietor” means a person who has been granted a licence by the Council under section 48 of the Local Government (Miscellaneous Provisions) Act 1976

“the Vehicle” means the vehicle that is specified on the licence granted under section 48 of the Local Government (Miscellaneous Provisions) Act 1976

1.2 The following conditions will be attached to every Private Hire vehicle unless specifically altered by the Council. Additional conditions that are reasonably necessary will be attached to the vehicle licenses on a case-by-case basis.

GENERAL

1.3 The licensee must notify the Council of the location where the vehicle is kept regularly when not in use (excluding occasional locations that may be used e.g., for servicing and holidays) and any authorised officer must be afforded such facilities as may be reasonably necessary to inspect and test the vehicle there.

1.4 If the vehicle is licensed by any other Council, the Proprietor must, immediately stop carrying out any work under their Wokingham licence. They must then, return the licence issued by the Council to the licensing department of Wokingham Borough Council within five working days.

IDENTIFICATION PLATES AND CARDS

1.5 The identification plate, additional signage and licence cards always remain the property of the Council and must be returned on surrender, suspension, revocation, or expiry of the licence or if the vehicle is sold, or disposed of, out of the licensed trade. If a plate is lost or stolen it must be reported to the police. A crime or lost property number must be obtained, and the Council informed within 24 hours.

1.6 The plate must be securely fixed to the rear exterior of the Vehicle using the Council’s approved backing plate and permanent fixings. Velcro, adhesive, magnets, and brackets are not acceptable. The security of the plate will be checked as part of the scheduled vehicle test and at any spot checks. The licence plate will be fixed with security toggles under the supervision of an authorised officer of the Council. The Council reserves the right to inspect the plate at any time.

1.7 All Vehicles must display the licence cards, provided by the Council, in the front and rear windscreen always.

1.8 If the Proprietor has a dispensation/exemption certificate in relation to contract work, the Vehicle will still need to display the licence cards on the front and rear windscreens of Vehicle. The licence plate must be always carried in the boot of the vehicle, and the dispensation certificate granted by the Council must be carried in the glove compartment.

MAINTENANCE OF VEHICLE

1.9 The Vehicle along with all its fittings and equipment must always be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements must be fully complied with. This includes (but is not limited to) the following:

1.10 The interior and exterior of the vehicle must be maintained in a clean, safe, and proper manner, to the reasonable satisfaction of the Council.

1.11 Bodywork must be maintained to a good condition, paintwork must be sound, uniform across the vehicle, well maintained and free of corrosion, dents, scratches, chips and other signs of wear or deterioration, inferior re-spray work and 'cover up' temporary repairs.

1.12 The roof (including any sunroof or removable covering) must be watertight.

1.13 Fittings, furniture and additional equipment fitted in the vehicle must be kept in an acceptably clean condition, well maintained and in every way fit for public service. Items such as taximeters, radios, Sat-Nav's, PDA's, mobile phone holders and other ancillary items must be securely mounted in the vehicle in such a position as to not hinder or obstruct the driver's operation of, or view out of, the vehicle, or impede the seating of any passenger.

1.14 The seats must be properly cushioned, covered, and free from cigarette burns, rips, splits, tears, stains or any other signs of excessive deterioration or wear.

1.15 The floor must be covered with carpet, mat, or other suitable material, properly secured and be free from cigarette burns, rips, splits, tears, stains, excessive deterioration and wear.

1.16 The vehicle must be equipped with a suitable bulb-kit indelibly marked with the registration number or licence number of the vehicle to provide for the replacement of defective bulbs.

1.17 The doors, windows and seats must function in accordance with the original manufacturer's specification.

1.18 The proprietor/driver employed to drive the vehicle must undertake a daily safety check of the vehicle. As a minimum this must be a visual check on all lights, oil, water,

tyres, mirrors, seat belts and cleanliness. A written record must be made of each safety check, details of faults recorded, and remedial action taken. The record must be signed by the person undertaking the safety checks and kept in the vehicle for a minimum of 30 days and then for a further 6 months by the proprietor.

1.19 If required by a Police Officer or Authorised Officer the driver must produce, to that officer, the recorded daily checks kept in the vehicle and the proprietor, on request by that officer, must produce those recorded checks in his possession and/or those kept in the vehicle.

1.20 If a Vehicle fails a Private Hire Test the Proprietor or driver of that Vehicle must present the Vehicle for another Private Hire Test within 14 days or return the licence plate to the Council. Until a pass certificate is issued the Vehicle cannot be used as a Private Hire Vehicle.

1.21 The Proprietor of the Vehicle must provide a copy of all Private Hire Test certificates to the Council within 7 days of receiving them.

1.22 If the Vehicle has been involved in an accident, then the Proprietor must notify the Council within 2 days and at the discretion of the Council, the Vehicle may have to undergo a further inspection at one of the Councils nominated testing stations.

DOORS

1.23 All doors designed by the manufacturer to allow the access or egress of passengers must function correctly and be capable of being opened from the inside and the outside.

1.24 Tailgates and rear doors must only to be used for loading/unloading luggage or as an emergency exit, unless the vehicle has been designed, modified, or adapted to carry wheelchair bound passengers, and has the relevant M1 or M2 Type Approval Certificate, in which case the rear doors may be used for loading those passengers only.

VENTILATION

1.25 The driver's window and all passenger windows must function correctly and be capable of being opened and closed by the driver or passengers.

WHEELCHAIR ACCESSIBLE VEHICLES (WAV'S)

1.26 The following conditions apply to all Private Hire vehicles which are built or adapted for the carriage of wheelchair bound passengers.

1.27 All equipment and devices used for or involved in the loading, unloading and secure transportation of wheelchair bound passengers must at all times function correctly and must be used in accordance with the manufacturer's instructions.

1.28 Access to and egress from the wheelchair carrying position must not be obstructed in any manner, at any time, except by wheelchair loading apparatus.

1.29 All wheelchair internal anchorage points and equipment must be of the manufacturers design and construction and not altered or modified in any way. All such equipment must be secured in such a position as to not obstruct any emergency exit when the equipment is not in use.

1.30 The manufacturers seat belt for the wheelchair bound passenger must always be used when a wheelchair is being carried.

1.31 Access ramps or lifts must be securely fixed to the vehicle prior to and must always display information prescribed by other legislation and manufacturers markings.

1.32 Ramps, steps and lifts must be securely stored in the vehicle before driving off.

1.33 The licensee must ensure that all drivers of wheelchair accessible vehicles have received sufficient training to be able to load/unload and convey wheelchair bound passengers in safety and comfort.

SEATBELTS

1.34 Seat belts must be used in accordance with the requirements of the legislation that is applicable at the relevant time.

TYRES

1.35 All tyres on the licensed vehicle and any trailer used on the licensed vehicle must be in good condition and conform with the minimum legal requirements subject to an additional requirement that there must be always at least 2 mm tread depth.

1.36 Tyres must be correctly inflated to the vehicle / tyre manufacturer's recommended pressure.

1.37 The vehicle must be always equipped with, a spare wheel or other manufacturers standard equipment for the vehicle to deal with a punctured or damaged wheel or tyre (such as a gel or foam repair kit).

1.38 All replacement tyres fitted to licensed vehicles must be new (i.e., not have been used previously on any other vehicle), meet the vehicle manufacturers minimum specification for tyres and must have been fitted by a reputable vehicle maintenance company / contractor. Vehicle proprietors are required to retain invoices / receipts to show that any tyre that is purchased meets this requirement.

1.39 'Space saving' spare wheels must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the wheel must be replaced before another journey carrying passengers commences.

ALTERATION OF VEHICLE

1.40 No material alteration or change in the specification, design, condition, or appearance of the Vehicle can be made without the written approval of the Council at any time while the licence is in force.

1.41 No fixtures or fittings, except those approved in writing by the Council, can be attached to the outside of the Vehicle.

1.42 All glazing must always comply with The Road Vehicles (Construction and Use) Regulations 1986 regulation thirty-two with regards to the level of tint. The front windscreen must let at least 75% of light through and the front side windows must let at least 70% of light through. No darker tint is permitted for any glass. The application of aftermarket tinted film to any window is not permitted.

SEATS AND PASSENGERS

1.43 In all licensed vehicles provided with a passenger side air bag, no child can be carried in a rear-facing carrier in the front passenger seat.

1.44 A notice must be displayed in the vehicle reminding passengers that it is a statutory requirement to wear the seat belts provided.

1.45 Any excess seating fixings which were removed or permanently capped before the vehicles licensed must not be replaced or exposed during the currency of the licence.

1.46 Any drinking vessels provided by the Proprietor or driver of the Vehicle must be made of either toughened glass or plastic.

1.47 If any passenger is under the age of 18 years no alcohol in open vessels can be carried in the Vehicle.

1.48 The Proprietor must ensure that there is sufficient means by which any person in the Vehicle may communicate with the driver.

ADVERTISING

1.49 The Proprietor must **not** display or permit to be displayed on or from the Vehicle any sign or notice which consists of or includes the word "Taxi" or "Cab" whether in the singular or plural or "Hire" or any word of similar meaning or appearance to any of those words whether alone or as part of another word.

1.50 Advertising on the outside of the Vehicle is restricted to the name and telephone number of the Proprietor or operator of the Vehicle. Sponsored advertising of other businesses or products or services is not permitted on the outside of the Vehicle, unless written permission is obtained from the Council.

1.51 Luggage and storage areas must be kept as free space for passenger's luggage.

1.52 Luggage must be suitably secured in place and must not obstruct any exit, or emergency exit.

1.53 Vehicles with open luggage space such as estate cars must be fitted with a suitable guard between the luggage space and the passenger compartment which must be in use whenever passengers are carried.

1.54 Vehicles with no clear demarcation between the passenger and luggage areas must be fitted with suitable restraining straps or other approved devices to secure the luggage and prevent it coming into contact with any passenger at any time (including in the case of an accident). These restraining straps or devices must be used whenever passengers' luggage is being carried.

FIRE EXTINGUISHER

1.55 A fire extinguisher must be provided to meet BS EN 31996 1Kg and always maintained and be readily available for use. The fire extinguisher must be clearly and permanently marked with the Vehicle registration and Vehicle licence number This must be securely fixed in the Vehicle and must **not** be in the passenger compartment. Clear signage must be displayed to alert passengers to the location of the fire extinguisher

FIRST AID KIT

1.56 A first aid kit must be always readily available. The first aid kit must stock to the same level and quantity as originally supplied and be must of a suitable and comprehensive type that meets the requirements of British Standard BS8599-2 (medium sized kit) and be permanently and legibly marked with the registration number or licence number of the vehicle.

RADIO EQUIPMENT

1.57 The Proprietor must ensure that any radio equipment fitted to the Vehicle is at all times kept in a safe and sound condition and maintained in proper working order.

TAXIMETER (IF FITTED)

1.58 If the Private Hire vehicle is fitted with a taximeter, it must be of a type approved by the Council, and that meter must be kept in good repair and proper working order at all times.

1.59 All taxi meters must be so constructed, or programmed, that it is not possible for any person to manually alter the tariff rate, or otherwise alter or tamper with the meter, without breaking the affixed seals. Each meter must be set, calibrated, and sealed with a tamper-proof seal by a competent meter installer. The vehicle licence holder must obtain and retain written certification of such calibration and sealing. This certification must be provided to an authorised office of the Council upon request.

1.60 The taximeter must be fitted with a mechanism which will start the taximeter and make the word “HIRED” to appear on the display, and a means of stopping the taximeter from recording time and distance so that for that period no fare is recorded.

1.61 When the taximeter is recording a fare, that must be displayed clearly, legibly and unambiguously on the meter display which must be sufficiently illuminated to enable it to be easily read in all conditions.

1.62 The word “FARE” must be printed alongside the display.

1.63 The taximeter must be located so that the entire display is plainly visible to any person travelling in the vehicle.

1.64 If a fare has not been agreed between the operator and the customer, then the fare charged must be that which is shown on the meter.

1.65 The Proprietor must ensure that a notice detailing the fares charged by the operator is always displayed inside the Vehicle and that table is not concealed from view or rendered illegible. It must also contain a statement that the Council has no control over Private Hire fares.

VEHICLE INSURANCE

1.66 At all times during the currency of the licence, the Proprietor must maintain a Policy of Insurance complying with the requirements of Part VI of the Road Traffic Act 1988 which covers Private Hire use.

1.67 The Proprietor must produce to the Council a new Certificate of Insurance or cover note within 2 working days of the expiry of every Certificate of Insurance or cover note prior to renewal date. These must be original documents photocopies will not be accepted.

VEHICLE DAMAGE

1.68 The proprietor must, as soon as reasonably practicable, but in any case, within 72 hours, notify the Council, in writing on the Councils prescribed form, details of any accident involving the vehicle or, of any damage to the vehicle however caused, which affects the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. The vehicle must not be used until the Council have inspected the vehicle.

1.69 A Council test may be necessary to demonstrate that the vehicle is roadworthy. The cost of such a test is to be paid by the proprietor. If the Council determined that the vehicle is unfit for use as a Private Hire vehicle, a suspension notice under section 68 will be issued.

ROOF RACKS AND ROOF BOXES

1.70 Where a roof rack is used it must be properly secured to the roof in accordance with the manufacturer's requirements, must not carry a weight of luggage greater than that specified by the roof rack manufacturer and/or vehicle manufacturer, and all luggage must be covered with a waterproof cover.

1.71 Where a roof box is used, it must be properly secured to the roof in accordance with the manufacturer's requirements, must not carry a weight of luggage greater than that specified by the roof rack manufacturer and/or vehicle manufacturer, and must be properly closed and secured.

DEPOSIT OF LICENCE

1.72 The Proprietor must not allow the Vehicle to be driven by any person who does not hold a current Private Hire/Dual Driver Licence issued by the Council.

1.73 If the Proprietor permits or employs any person to drive the Vehicle, he must inspect and make a copy of that person's Dual Driver Licence or Private Hire Licence and retain and safely store that copy, until such time as the driver ceases to be permitted to drive the Vehicle, at which point it must be returned to the driver.

DISPLAY OF CONDITIONS

1.74 The Proprietor must, have a copy of these conditions within the Vehicle, for inspection by passengers, at all times.

FAILURE TO ADHERE TO ANY OF THE CONDITIONS OF THIS LICENCE MAY RESULT IN ENFORCEMENT ACTION. ANY ENFORCEMENT ACTION TAKEN WILL BE IN ACCORDANCE WITH THE COUNCIL'S ENFORCEMENT POLICIES.

Appendix Eight: Private Hire Operator Licence Conditions

1.0 In these conditions which are imposed under the provisions of section 55(3) of the Local Government (Miscellaneous Provisions) Act 1976, unless otherwise indicated.

“the Licensing Authority” will mean the Council

“the Operator” shall mean the holder of a licence issued by the Council under section 55 of the Local Government (Miscellaneous Provisions) Act 1976

GENERAL

1.1 The operator (unless a single person operator/driver/proprietor) must identify a person as the individual with day-to-day managerial responsibility (referred to in these conditions as “the manager”) and notify the Council of their identity and contact details, including a mobile telephone number. That person will be the first point of contact between the Council and the operator. The operator must identify another person as a deputy for holiday and sickness cover and the identity of the deputy, together with their contact details including a mobile telephone number must also be provided to the Council. All references to the manager include references to the deputy when they are acting in that capacity.

DBS CHECKS

1.2 The Operator (where the operator is a partnership or limited company, all partners or directors and secretary of the company) must submit a Disclosure & Barring Service basic disclosure (dated within one month of the application) on or before the anniversary of the granting of the operator’s licence. Failure to do so will result in the licence being suspended until such time as the DBS certificate is provided.

1.3 The cost of these checks will be covered by the applicant/licence holder.

1.4 Where the operator holds a Dual Driver licence or Private Hire driver licence, they are not required to submit a yearly basic disclosure, but the requirement will continue to apply to any partners or directors of a company who do not hold a drivers licence.

1.5 The operator must view a basic DBS certificate (dated within one month of the check) of any staff that have access to booking records or dispatch vehicles.

1.6 The operator must maintain a register of all such staff which shall include a record of when each DBS check has been undertaken. This register must be available for inspection by an authorised officer of the Licensing Authority upon request. The register should include the following:

- the date that person's employment in that role commenced
- the date the operator checked the DBS certificate
- the name of the person that checked the DBS certificate
- the date the person ceased to perform that role

1.7 The register must be retained for 6 months in line with the booking records.

1.8 Should an employee cease to be on the register and later re-enter the register a new basic DBS certificate (or use of the Update Service) should be viewed by the operator.

1.9 Where the applicant/operator employs or intends to employ persons involved in taking bookings or the dispatch of vehicles, the operator must produce and apply a policy on the employment of ex-offenders in those roles. This policy should be based on the Council's previous convictions policy. The policy must be available for inspection on request of an authorised officer of the Licensing Authority. Failure to act in accordance with this requirement, and any subsequent engagement of a person who falls outside the Council's previous convictions policy standards will lead to consideration by the Council as to whether the operator remains a fit and proper person.

1.10 The Operator must require that all staff employed in taking bookings or dispatching vehicles to report to them within 48 hours of any conviction, binding over, caution, warning, reprimand, fixed penalty notice, civil injunction, or arrest for any criminal matter whilst they are employed in this role.

1.11 The operator must make certain that any outsourced booking and dispatch functions have adequate safeguarding measures in place for the protection of children and vulnerable adults. The operator must have required evidence of this from the company before outsourcing these functions.

VEHICLE AND DRIVER LICENSES

1.12 The operator must inspect and retain all the Private Hire vehicle licenses and Dual Driver Licence or Private Hire Licenses of vehicles and drivers operated, engaged or

otherwise utilised by the operator. Those licenses must be stored securely and retained for as long as the vehicle or driver is operated by that operator. At the end of that. They must be returned to the vehicle proprietor or driver as appropriate.

RECORDS

1.13 The records required to be kept by the Operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 must be recorded in English and kept in a suitable book or in any other manner as approved by the Council.

1.14 The Operator must ensure that, the following details of every Private Hire booking invited or accepted by him are recorded before the commencement of each journey:

- the name of the passenger or other identifying features e.g., hotel room number.
- the time of the request;
- the time the vehicle is required
- the pick-up point;
- the destination (if known at that time);
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the vehicle licence number
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.
- if the vehicle being used is covered by a dispensation, the details of, or a reference to, the contract under which the work is undertaken.

1.15 The Operator must keep these records for a period of not less than six calendar months from the date of the entry.

1.16 The Operator must also keep records of all vehicles operated by him. These details shall include:

- details of the proprietor(s)/licensee
- registration number
- any radio call sign used.
- maintenance history of the vehicle.

1.17 The Operator must keep these records for a period of not less than six calendar months from the date the vehicle ceases to be operated by that operator.

1.18 The Operator must keep up to date records of the names and addresses of all licensed drivers who are used by the Operator. The Operator must provide the Council with a list of the following at the end of each calendar month, to arrive within 7 working days the date any driver began working for, or being available to be operated by the operator:

- when any driver's activity above detailed ceased
- any change of address of any driver in service
- when they became aware that any driver was suffering from any illness, disability or condition which may have affected the driver's ability to safely carry out their duties.

1.19 If at any time the operator does become aware of any reason which would or may prevent a driver from safely carrying out their duties (including but not limited to illness or disability) they must immediately cease using that driver until such time as the driver can demonstrate that they can drive a Private Hire vehicle without risk to the public.

1.20 The Operator must keep these records for a period of not less than six calendar months from the date the driver ceases to be engaged or otherwise used to drive Private Hire vehicles by that operator.

1.21 All records and retained licenses must be available for inspection at any reasonable time by an authorised officer of the Council or a police constable.

STANDARDS OF SERVICE

1.22 The Operator must provide a prompt, efficient and reliable service to members of the public at all reasonable times.

1.23 The operator must (but this is not an exhaustive list):

1.24 Ensure that all Private Hire vehicles that have been booked, attend at the appointed time and place unless delayed or prevented by reasonable cause.

1.25 Ensure the vehicle dispatched is a Wokingham licensed Private Hire vehicle and the driver of the vehicle is a Wokingham Borough Council licensed Private Hire driver.

1.26 Keep any premises which are under the control of the Operator, and which are open to the public clean, adequately heated, ventilated and lit.

1.27 Ensure that the hirer is advised that if any passenger is under the age of 18 years, no alcohol in open vessels will be allowed in the vehicle.

1.28 Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

1.29 Ensure that the correct licenses are in place for any radio equipment.

1.30 Ensure that it is established at the time of booking how many passengers are to be carried and that the vehicle dispatched to fulfil the booking has an adequate number of passenger seats.

RIDE SHARING/CAR-POOLING

1.31 At the time of booking, individual hirers must be made aware of and explicitly consent to bookings that are part of a ride sharing/carpooling journey.

1.32 As part of ride sharing/car-pooling schemes, operators must offer the option to hirers to only share with other passengers of the same sex. If hirers select this option passengers of the opposite sex may not be added to the same booking.

PUBLIC SERVICE VEHICLES

1.33 Public Service Vehicles (PSVs) may not be used to undertake a Private Hire vehicle booking, unless with the informed consent of the hirer.

COMPLAINTS

1.34 The Operator or manager must initiate an investigation into any complaint received from the public within 48 hours from receipt of the complaint.

1.35 The operator must maintain a register of complaints (digital or hard copy), which must include the following information:

- Complainant's name, address/email address
- Details of the complaint
- Time and date of the alleged incident

- Time and date the complaint was received by the operator
- How the complaint was received e.g., phone, email etc.
- Name of person that received the complaint.
- Name of the alleged perpetrator
- If the complaint was referred to the Licensing Authority – time and date of when it was referred and by whom.
- Details of the action taken to resolve the complaint and by whom
- Date the complaint was resolved

1.36 A copy of the complaints register must be available for inspection upon request of an authorised officer of the Licensing Authority. The records must be retained for a period of 6 months.

1.37 The operator must on receipt of a complaint concerning a licensed driver, immediately notify the complainant of their right to direct their complaint to the Licensing Authority.

1.38 The Operator must ensure that details of how a customer may contact the operator in the event of any complaint relating to a booking or other contract are displayed on the operator’s website, booking app or in the absence of online booking platform, at the booking office.

1.39 Where a complaint is received by the Licensing Authority, the operator must comply with any reasonable request for information and/or follow any reasonable directions/instructions made by an authorised officer or police officer in respect of the complaint

1.40 The Operator must notify the Licensing Authority within 48 hours if the operator receives a complaint about a driver operated by them when it has been identified that the complaint relates to any of the following:

- allegations of sexual misconduct (including the use of sexualised language)
- racist behaviour
- violence (including verbal aggression)
- dishonesty including theft
- Equality breaches

- any other serious misconduct (including motoring related for example dangerous driving or drink driving).

CHANGE OF ADDRESS

1.41 The Operator must notify the Council in writing of any change of his address (including any address or addresses from which he operates or otherwise conducts his business as an Operator) within 7 days of such change taking place.

CONVICTIONS

1.42 The Operator must notify the Council in writing of any conviction, caution, fixed penalty notice, injunction, restraining order or other matter which might affect his continuing fitness and propriety imposed on him, or any criminal charge against him within 7 days. The same requirement applies to any partners in the case of a partnership holding an operator's licence and to any directors and secretary of any limited company in the case of a limited company holding an operator's licence.

ADVERTISING

1.43 The Operator must not display or permit to be displayed on or from his premises or from any other place, any sign or notice which consists of or includes the word "Taxi" or "CAB" whether in the singular or plural or any word of a similar meaning except where the Operator also takes bookings for Hackney Carriages.

INSURANCE

1.44 Any premises that are under the control of the operator and are open to the public must be covered by Public Liability Insurance,

1.45 This insurance policy (or a summary) must be clearly displayed at the premises where it can be seen by the public.

1.46 Operators must ensure that at all times there is in force, for all Private Hire vehicles operated, a policy of insurance covering Private Hire use or such security as complies with the requirements of Part VI of the Road Traffic Act 1988.

1.47 Operators must ensure that where a vehicle is covered under a fleet insurance policy, drivers are aware of the content of the policy, including its limitations and exclusions. The operator must keep a record, signed by the driver, within each

individual's record file when this has been completed. A copy of any individual's records must be produced, on request, to any authorised officer of the Licensing Authority.

PERSONAL DATA

1.48 The loss of personal data by theft or otherwise (including any hacking of the operators' computer systems) must be reported to the Council in writing within 24 hours, and also immediately to the police in the event of theft being suspected. The operator must also check whether any a data loss needs to be reported to the Information Commissioner's Office, for more information see: <https://ico.org.uk/for-organisations/report-a-breach/>

WORKING HOURS

1.49 The operator must take steps to ensure that drivers do not work excessively long hours. Drivers should not be permitted to drive for more than 10 hours per day and must have a break lasting at least 30 minutes after driving for 5½ hours. The driver must also have a break at the end of this period, unless it is the end of the working day.

DISPLAY OF CONDITIONS

1.50 The Operator must display a copy of these conditions in any premises which are under his control and open to the public. A copy of the conditions attached to vehicle and driver licenses must be available for inspection on request by a member of the public.

SUBCONTRACTING

1.51 If the operator subcontracts any booking to another operator licensed in England (including Greater London) Wales or Scotland, the operator who initially accepted the booking remains liable under the contract.

1.52 If any booking is subcontracted to another operator, then the operator who initially accepted the booking must inform the hirer of the subcontract before the hiring commences .

INFORMATIVE

1.53 The Operator must understand that a booking that has been accepted by whatever means, is a contract and failure to uphold that (whether by non-attendance by the

vehicle, late attendance, or any other shortfall in performance) may lead to a claim for breach of contract. The accurate recording of booking details is a means of protecting the operator if such circumstances arise.

FAILURE TO ADHERE TO ANY OF THE CONDITIONS OF THIS LICENCE MAY RESULT IN ENFORCEMENT ACTION. ANY ENFORCEMENT ACTION TAKEN WILL BE IN ACCORDANCE WITH THE COUNCIL'S ENFORCEMENT POLICIES.

Appendix Nine: Wokingham Borough Council Byelaws

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 by Wokingham Borough Council with respect to hackney carriages in the Wokingham Borough.

INTERPRETATION

1. Throughout these byelaws "the Council" means the Wokingham Borough Council and "the Borough" means the borough of Wokingham.

Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed

2.

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

(b) A proprietor or driver of a hackney carriage shall:

(i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire; and

(ii) not cause or permit the carriage to stand or ply for hire with any such painting marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided

3. The proprietor of a hackney carriage shall:

(a) provide sufficient means by which any person in the carriage may communicate with the driver;

(b) cause the roof or covering to be kept water-tight;

- (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
 - (d) cause the seats to be properly cushioned or covered;
 - (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
 - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
 - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
 - (h) provide an efficient 1Kg fire extinguisher which complies with the current British Standard to be carried in such a position as to be readily available for use; and
 - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is, to say:-
- (a) the taximeter shall be fitted with a key, flag, or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
 - (b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council in that behalf.
 - (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 borough 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 hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:-
 - (a) proceed with reasonable speed to one of the stands appointed by the Council;

- (b) if a stand, at any time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; and
 - (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.
 9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
 10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
 11. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
 12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
 13. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:
 - (a) convey a reasonable quantity of luggage;
 - (b) afford reasonable assistance in loading and unloading; and

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

Provisions fixing the rates or fares to be paid for hackney carriages within the borough, and securing the due publication of such fares.

14.

- (a) The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by a combination of distance and time unless the hirer express at the commencement of the hiring his desire to engage by time.
- (b) Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance 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.

15.

- (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions securing the safe custody and redelivery of any property accidentally left in hackney carriages and fixing the charges to be made in respect thereof.

16. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
17. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:-
 - (a) carry it as soon as possible and in any event within 48 hours, or next working day whichever is sooner, unless it is claimed sooner by or on behalf its owner, to the office of the Council in the borough and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and
 - (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to office of the Council, whichever be the greater) but not more than five pounds.

Penalties

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

Repeals of Byelaws

19. The byelaws relating to hackney carriages which were made by the Wokingham District Council on the 7th day of April 1975 and which were confirmed by the Secretary of State for Transport on the 22nd day of August 1975 are hereby repealed.

Contact Information

All officers can be contacted through Licensing@wokingham.gov.uk or 0118 974 6000
Option 2 Option 4

ADDRESS

Licensing Service

Wokingham Borough Council

Shute End

Wokingham

RG40 1BN

Web: www.wokingham.gov.uk

20 December 2022



Mr Keiran C. P. Hincliffe

APCIP DipHE MIoL MCIEH

Service Manager – Licensing and Processing



**WOKINGHAM
BOROUGH COUNCIL**

Draft Hackney Carriage and Private Hire Licensing Policy, 2023 - 2028

1. Page 1






1. Are you responding as				
Answer Choices			Response Percent	Response Total
1	A Wokingham borough resident		87.88%	29
2	An elected borough councillor		3.03%	1
3	A town or parish councillor		0.00%	0
4	Representing an organisation or individual		0.00%	0
5	Other (please specify):		9.09%	3
			answered	33
			skipped	0
Other (please specify): (3)				
1	20/01/2023 10:20 AM ID: 208962539	WBC Employee		
2	24/01/2023 13:13 PM ID: 209213379	Work in WBC		
3	27/02/2023 20:15 PM ID: 211974794	Dual Driver DD810		

2. Page 2





2. If you are representing an organisation or individual, please tell us more, such as the name of the organisation				
Answer Choices			Response Percent	Response Total
1	Open-Ended Question		0.00%	0
No answers found.				
			answered	0
			skipped	33

3. To what extent do you agree with each of these changes?






3. Drivers applying to us for the first time should pass a spoken and written English language test.

Answer Choices			Response Percent	Response Total
1	Strongly agree		65.63%	21
2	Agree		21.88%	7
3	Neither agree nor disagree		3.13%	1
4	Disagree		6.25%	2
5	Strongly disagree		3.13%	1
			answered	32
			skipped	1






4. As well as holding a full UK driving licence or equivalent, drivers applying to us for the first time should pass a driving proficiency test.

Answer Choices			Response Percent	Response Total
1	Strongly agree		65.63%	21
2	Agree		21.88%	7
3	Neither agree nor disagree		6.25%	2
4	Disagree		6.25%	2
5	Strongly disagree		0.00%	0
			answered	32
			skipped	1






5. If an applicant has a conviction or points on their licence for using a mobile phone or other device while driving, we'll treat this more seriously than penalty points for minor offences. A minor offence is one that doesn't involve death, injury or damage to property, driving under the influence of drink or drugs or driving while using a mobile phone.

Answer Choices			Response Percent	Response Total
1	Strongly agree		45.16%	14
2	Agree		41.94%	13
3	Neither agree nor disagree		3.23%	1
4	Disagree		6.45%	2
5	Strongly disagree		3.23%	1
			answered	31
			skipped	2






6. The policy will include a dress code requiring smart and appropriate clothing with a few additional rules on logos and footwear.

Answer Choices			Response Percent	Response Total
1	Strongly agree		34.38%	11
2	Agree		34.38%	11
3	Neither agree nor disagree		9.38%	3
4	Disagree		18.75%	6
5	Strongly disagree		3.13%	1
			answered	32
			skipped	1






7. Vehicles don't have to be taken out of service after reaching a certain age. Instead, they must pass a periodic inspection, including checking that they meet exhaust emissions standards.

Answer Choices			Response Percent	Response Total
1	Strongly agree		53.13%	17
2	Agree		31.25%	10
3	Neither agree nor disagree		6.25%	2
4	Disagree		3.13%	1
5	Strongly disagree		6.25%	2
			answered	32
			skipped	1






8. Advertising will be allowed on Hackney carriage vehicles, as long as it meets national standards.

Answer Choices			Response Percent	Response Total
1	Strongly agree		29.03%	9
2	Agree		41.94%	13
3	Neither agree nor disagree		12.90%	4
4	Disagree		9.68%	3
5	Strongly disagree		6.45%	2
			answered	31
			skipped	2

9. Advertising on Hackney carriage vehicles can include "wrap-around" adverts which cover the entire vehicle.





Answer Choices			Response Percent	Response Total
1	Strongly agree		21.88%	7
2	Agree		31.25%	10
3	Neither agree nor disagree		21.88%	7
4	Disagree		9.38%	3
5	Strongly disagree		15.63%	5
			answered	32
			skipped	1

10. Advertising on Hackney carriage vehicles can be for any product or service allowed by the Advertising Standards Authority.

Answer Choices			Response Percent	Response Total
1	Strongly agree		21.88%	7
2	Agree		46.88%	15
3	Neither agree nor disagree		12.50%	4
4	Disagree		9.38%	3
5	Strongly disagree		9.38%	3
			answered	32
			skipped	1

4. Your overall view of the changes

11. Do you think we're proposing high enough standards to ensure that applicants are fit to hold a Hackney carriage or private hire licence?

Answer Choices			Response Percent	Response Total
1	Strongly agree		15.63%	5
2	Agree		43.75%	14
3	Neither agree nor disagree		34.38%	11
4	Disagree		6.25%	2
5	Strongly disagree		0.00%	0
			answered	32
			skipped	1

11. Do you think we're proposing high enough standards to ensure that applicants are fit to hold a Hackney carriage or private hire licence?

Please share any further comments in the box below. (13)

1	17/01/2023 15:44 PM ID: 208716510	I agree that the driver should speak good English but can see no reason why they would need good written English in this role. What are the examples of acceptable clothing and footwear?
2	19/01/2023 18:12 PM ID: 208918163	I wish that the council would licence Uber. Every where in the world (including major areas of the UK) I have used Uber, they offer an excellent and value for money service. Visitors cannot believe there is no Uber in the borough and the taxis that we have to use are incredibly unreliable. Please licence Uber to improve the taxi provision in the borough.
3	19/01/2023 18:59 PM ID: 208922411	I have to admire the council for taking a strong stance with this issue. If we are to keep vulnerable and at risk females and young people safe on our streets, we have to get the fundamentals right. I hope after adapting this policy, other councils should take it on. Thank you for being a caring Council.
4	19/01/2023 20:22 PM ID: 208929495	Hopefully it's already included, but a mandatory yearly eyesight test should be in there. I've been driven in a Wokingham taxi where the cabbie was clearly unable to see more than a couple of car lengths ahead of him in broad daylight. It wasn't recently. But if put me off taking a local cab for a long time.
5	19/01/2023 23:25 PM ID: 208939715	On the page hosting this survey you ha a link titled "WBC EXISTING Hackney Carriage and Private Hire Licensing Policy.pdf" this link points to an outdated 2028 policy. It should point to the policy published in October 2019 The correct policy can be found here https://www.wokingham.gov.uk/EasySiteWeb/GatewayLink.aspx?allid=619023 The requirement to have a seat width was superceded in the 2019 standard by stating that a vehicle had to meet a certain NCAp size. The proposed new standard is a backwards step when the 2019 standard is much easier to understand. The requirement to have 70% light transmitted through rear windows is not going to be something that operators will be able to meet in the long term. Most vehicles that are suitable to use as private hire vehicles are fitted with rear privacy glass by the manufacturers. It is not realistic to expect operators to be able to source vehicles that meet the standards you seek. I would suggest that the wording needs to take into account that where rear privacy glass is fitted by an OEM that it is acceptable to be used as a private hire vehicle. There are lots of vehicles operating as private hire vehicles in Wokingham that are licenced by other boroughs. These vehicles do not meet the standards you seek with regards to age etc. How will you enforce this with the new policy and sto them operating. Because as I see it all that will happen is drivers that can't meet your standards will licence in other boroughs but work in Wokingham even more than they do now.
6	20/01/2023 10:18 AM ID: 208964695	Obviously all paperwork required to be filled in by applicants MUST be filled in in English to ensure that the applicant truly understands the process and is fluent in the English language, it cannot be entirely safe to have people driving who do not understand the language, cannot read signs etc
7	20/01/2023 10:20 AM ID: 208962539	Keeping good cars on the road for longer is definitely a bonus. Allowing advertising is good if it helps the drivers earn more
8	20/01/2023 11:52 AM ID: 208976733	The companies in the borough in my experience find ways round the stated standards e.g. not turning up then denying the booking was ever made
9	20/01/2023 15:10 PM ID: 208998882	Although the taxi should carry a 1st Aid kit this should be prominently displayed and the driver hold a basic 1st Aider Certificate. Consideration to an automated external defibrillator in the vehicle or where they are located for public use. No idling of engine when not driving, ie outside Twyford Station waiting for passengers. The fumes can be strong here.

11. Do you think we're proposing high enough standards to ensure that applicants are fit to hold a Hackney carriage or private hire licence?

10	20/01/2023 19:10 PM ID: 209018701	Does this licence also allow Uber service Currently you can't get an Uber into Wokingham , and it's a struggle to travel from Wokingham because the ordinary taxis are very expensive and not always readily available. Most of the people who can't drive and are living in areas where buses aren't available 24/7 their lives are very limited. Hope you will consider this Uber taxis too. Bracknell has them and Reading town area , I think it's good to have these services available everywhere, to ensure every person gets equal opportunities. Thank you
11	20/01/2023 21:42 PM ID: 209026193	License fees are too expensive. You need to make it affordable for drivers and passengers. You're imposing too many conditions. I just want a driver that arrives on time/is available and takes me to my destination without breaking the law (eg using phone whilst driving or driving an unroadworthy vehicle). The fact you have their license # and AMPR is enough to track and trace. Previous convictions (where applicable) should prevent a license being given. Training in safeguarding etc is well beyond the requirements of the job. I'm female.
12	21/01/2023 23:47 PM ID: 209062809	Taxis should also be clean and in good repair on the inside. Some from taxi rank are untidy and unkempt.
13	27/02/2023 20:15 PM ID: 211974794	Hi I have read the policy and would like to make some suggestions. Clause 3.29 states 6 months inspection for less than 5 years old vehicles and 3 inspections for more than 5 year old vehicles. I strongly disagree with this change as it will put us under more financial pressure. I think you should keep this as 1 inspection for less than 5 year old and 2 inspections for more than 5 year old and add a clause for 3 inspections for more than 10 year old vehicles.

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Working Together

Councils working together on common functions eg school runs, bus runs, compliance and logistics sounds like a great idea. In principal it is, but is fraught with operational issues including computer software systems, regulation and different stances on potential legal and GDPR issues.

If these can be overcome there can be substantial savings on costs and time.

Combining routes from more than one council that go to the same school, college or Adult Day Centres will potentially save money. This would be most useful and have most impact in the area of combining 2 saloon (4 Seater) routes into one (Minibus) 8 seater route and would be a good place to start. There would be few issues over journey length and number of pickups to complicate matters whether they be from homes or bustops. There would also not have to be new policies made on the number of PA's needed on say a 16 seater journey with passengers with special needs.

At present school run departments are trying to combine different establishments on the same route to save money but timing issues are problematic and having existing children in the vehicle and then trying to load more without leaving the vehicle is challenging at most schools.

Larger vehicles by necessity would need to be bus stop routes and there would need to be set routes devised that passengers can join that cover the area of cooperation to a given school. Different companies could bid on these routes. This needs a lot more organisation and potential changes eg at the beginning of a new school year would make much greater demands on school transport departments at different councils. Also bus routes would grow and contract more frequently and contract times and terms and conditions would have to reflect a more dynamic system.

Streamlining safeguarding, driving tests and medicals into a common set of requirements would also make licensing of pa and drivers much easier for all agencies concerned and satisfy local policy. Cost and time are the enemy of recruiting staff for this. We have situations where gaining the required documentation for a school run escort earning £20 per day is over £400 and taking a month or more. For school run drivers it is a lot more and takes longer although they can earn more money.

Green Metro Cars has written its own software in the form of a company portal. This portal contains every detail about every driver and escort. It also has records of all licenced vehicles. These are updated as often as possible. This is very new and additional staff are being trained to update the portal on a live basis so information is always current. The portal also has insurances and policies



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Green Metro Cars

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and procedures ,in house training programs, operators licences and anything else that would be useful to agencies using our service. There are minor issues updating the portal quickly which we are addressing as mentioned. Obviously the data needs to be current at all times for it to have full potency. This will make it much easier for councils to keep track on shared transport at least on our routes.

At present Wokingham, West Berkshire and Bracknell authorities are using/testing this facility. We can tailor the portal to suit different GDPR policies. We will take on board any feedback to improve its functionality.

It would be very easy to write a program that could be shared securely in house between councils where children's details could be shared, linked to google maps where all agencies could be online at the same time if need be to devise routes. In my experience staff in these departments are experienced and well versed in this area and would be happy to use a system that would relieve some pressure on capacity. Also issues can be shared as well as solutions found in a space easily accessible to everyone concerned. Chat boxes and any other type of communication can be incorporated into the program.

Starting with saloon car journeys being combined into 8 seater routes would be the easiest to begin with and get immediate benefits.

There is some pretty far reaching suggestions here but if there is commitment from multiple departments inside and outside of local councils savings can be made without compromising the already high standards that we all aspire to.

As I have mentioned I think the best chance of success if this idea was adopted would be small slow steps that allow for issues to be solved easily and progress made without setbacks,

I hope this helps

Alan

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Licensing Regulation Possible Changes Proposal

Central Government has set out regulation to act as guidance to local authorities. There lies the rub. Local authorities will do their best to interpret the guidance as best as they can and this creates different rules for different councils. No one council interpretation is better than another's and deficiencies in interpretation on this local level have long been resolved.

Issues arise today because of shortcomings of not enforcing existing local regulation in a transparent and rigorous manner. The private hire/hackney carriage trade is not alone in this area and similar problems can be identified in many professions including the health service and police.

There needs to be a will to change the status quo with a view to make things better. Licensing needs to have a dynamic functionality that, hopefully, should be relevant to current needs and demands and facilitate changes in a safe and pragmatic way.

I would like this document to be as informative as possible and not let it degenerate into a list of desired changes to suit taxi trade business models. I have also made some suggestions in the following document 'Working Together' that hopes to illustrate how local councils could work together to increase efficiency and reduce costs. Streamlining regulation between councils would have beneficial effects administratively and make enforcing regulation much simpler.

It should be noted that most of Wokingham's school runs, Social Care runs and journeys requested by various agencies within Wokingham Council are executed by drivers and vehicles licensed in other boroughs using their criteria. This illustrates even further the complicated situation that exists today. I have staff that are required to be safeguard trained in three different boroughs to be universally compliant, not to mention twice in Wokingham Council to be eligible for all types of work there.

I work with four and soon to be five councils in the area of taxi and private hire as an Operator executing patient transport and school and adult social care transport. This is an area I have worked in for 25 years within the biggest private hire/taxi firms in Reading.

.As public transport has been reduced and major demographic changes have taken place without local infrastructure in housing, education, healthcare and adult social care being expanded to cope, the taxi and private hire business has been brought in

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to take up the slack in getting more and increasingly longer journeys completed. At the same time the increase in EHCP and SEND statements puts even more pressure on School transport departments.

Safeguarding and Other Compulsory Training

Since Covid lockdowns, systems for safeguarding, first aid and other areas connected to licensing have gone online, and stayed there. These should be brought back to face to face where proper interaction between educator and student produces a far higher quality of information transfer and understanding of the subject..

Research is now taking place between Kieran Hinchliffe of licensing and Rebecca Brooks from Transport planning, with the help of Readibus, to formulate a safeguarding and awareness course that satisfies safety and is fit for the future. I have no doubts that if this is approved by Wokingham it will be adopted by other councils that I work with that are in the same situation but seemingly more uncomfortable with present online options.

Driving Assessments

Driving assessments have been a part of licensing whether it be a school run or taxi/ph driver and rightly so. At present there is one option to book and complete this course with bluelamp. They do not have their own staff but aggregate the course to driving instructors. There is a very long wait time to get an appointment as backlogs due to Covid showing no signs of slowing down. An option to have a second or third organisation to complete this test with would cut wait times and increase flexibility with appointment times There are other options such as Mann Solutions that have their own staff, give timely and convenient appointments to over 16 councils in the south. This company was set up by an ex-police driving instructor, not a tech expert. There should always be more than one option in case one firm ceases trading or reaches capacity and then a long procurement process potentially brings the licensing process to a standstill meantime.

Medicals

Medicals are another area where changes would be helpful to expedite driving licence applications. Until recently all medicals had to be by an applicant's own GP. Apparently now if the GP has no availability or doesn't offer this service other arrangements can be made. If it is acceptable under certain circumstances to use a

GreenMetroCars

GP that is not yours then why isn't it acceptable in all cases. The charge is anything from £150-280 per medical from one's own GP. This money goes into the practice, not the doctors pocket. Many GP's are stretched to the limit and will see an ill member on their list rather than do a medical examination, some GP practises outright refuse to do them. It should be noted that the licensing process to become a private hire driver/taxi driver is already an expensive outlay for people who are looking at an income of £25000pa after they gain their licence. The overall cost of gaining a new badge is approaching £700 and for most there is the cost of buying and licensing a vehicle on top of that.

This illustrates another major issue in the ongoing supply of drivers whether they be taxi/private hire or school run drivers. Wokingham as opposed to other areas like Reading allow Uber drivers to operate without a local licence or accountability in the Wokingham district. There is much less scrutiny among Uber drivers as Uber is an online app not a taxi company with a local office and their drivers do not conform to or have the expense of getting a local licence. This may be a reason why local councils do not use them. It should be noted that Uber have had to expand into other areas to make a profit while destroying local cab companies with unsustainably low fares. These are the true colours of a disruptor and it takes money from the pocket of a locally licensed drivers and Wokingham Council and subsequently reduces the pool of available drivers.

All of the above points are there to illustrate the difficulties of recruitment to satisfy the needs of Wokingham's local community. This is my main thrust with this submission. I live in Wokingham, it is my local community. I serve the local people of Wokingham in my capacity as an Operator. I am sure that everyone concerned with this subject put the community first and hopefully we can modernise and streamline applications whilst keeping the high standards that already exist,

Alan Parkinson Licensee

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TITLE	Review of Statement of Licensing Policy 2024
FOR CONSIDERATION BY	Licensing and Appeals Committee on 23 January 2024
WARD	(All Wards);
LEAD OFFICER	Director, Place and Growth - Giorgio Framalocco

OUTCOME / BENEFITS TO THE COMMUNITY

In creating this policy, the Licensing Authority is seeking to protect the public and where possible to improve the look and feel of Wokingham borough, attracting visitors and making it a stimulating and enjoyable place in which to live, study and work.

The Council is required to consult publicly and publish a Statement of Licensing Policy every five years.

The policy has five main purposes:

- 1) To inform elected members of the Licensing Committee of the powers attributed to them by the Act and to highlight the boundaries within which to make decisions
- 2) To inform applicants of the parameters within which the Licensing Authority will make decisions and how licensed premises are likely to be able to operate within the borough
- 3) To inform residents and businesses of the considerations which the Licensing Authority will take when making licensing decisions
- 4) To inform Responsible Authorities of their powers under the Act to promote the four licensing objectives
- 5) To support decisions made by the Council when these decisions are challenged in a court of law.

RECOMMENDATION

That the Committee considers the responses to the public consultation including the *Get Me Home Safely* campaign and consider the response from both Remenham Parish Council and Remenham Farm Residents Association requesting a Cumulative Impact Assessment for their area as part of the revised Statement of Licensing Policy 2024.

SUMMARY OF REPORT

The Licensing Act 2003 ('the Act') requires Wokingham Borough Council ('the Authority'), as the Licensing Authority, to publish a 'Statement of Licensing Policy' every five years.

This report provides responses to the public consultation for consideration by members of the Licensing Committee.

Appendix A – Draft Statement of Licensing Policy 2024

Appendix B – Results of public consultation

Appendix C – Response from Remenham Farm Residents Association and Remenham Parish Council

Background

1. There are four main licensable activities under the Act:
 - retail sales of alcohol;
 - the supply of alcohol by or on behalf of a club
 - the provision of regulated entertainment; and
 - the provision of late night refreshment.
2. This policy sets out the process the Council will adopt in dealing with licence applications and will be used as a basis in coming to consistent and transparent decisions in respect of licence applications and reviews of licensed premises.
3. The revised Statement of Licensing Policy 2024 is attached at **Appendix A**.

Analysis of issues

4. Section 5 of the Licensing Act 2003 requires that all local authorities review their Statement of Licensing Policy every five years.
5. A public consultation was open from 16 October 2023 – 08 January 2024. The results of this consultation are summarised in the content of this report and attached in full at **Appendix B**.

Summary of key amendments to the policy

6. The Council's current policy has been updated to reflect changes in legislation and best practice since it was last reviewed.

Model conditions

7. The Policy introduces a pool of model licensing conditions, which will provide a level of consistency to the attachment of conditions to a premises licence or club premises certificate. The Model Conditions will assist an applicant to draft their operating schedule - a document that shows what measures the applicant will put in place to address the four licensing objectives; and which can ultimately become conditions on the licence.
8. The Model Conditions will also assist Responsible Authorities when making representations against applications and Members of the Licensing Sub-Committee when deciding what, if any, conditions should be added to a licence if granted.
9. However, it has to be emphasised that these are not standardised conditions. A Licensing Sub-Committee may make any conditions, where deemed appropriate

to do so, in order to promote the Licensing Objectives and reflect the circumstances of each case.

Immigration Act 2016

10. The Immigration Act 2016 made a number of amendments to the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made on or after 6 April 2017.
11. The Policy provides guidance on the Immigration Act and how this now applies to Licensing. The Licensing Authority will now work in partnership with the Home Office (Immigration Enforcement) and Thames Valley Police with a view to preventing illegal working in premises licensed for the sale of alcohol and/or late night refreshment.

Pre-application advice service

12. The Licensing Service will provide a cost efficient pre-application service to support business. This service is available at low cost and guides applicants through the licensing process, making suitable use of the model conditions within the revised policy, including template public notices, and template newspaper advert.

Women's safety in the night time economy

13. The policy makes reference to the Ask for Angela campaign and bystander intervention training for licensed premises to support a safer night-time environment for women.
14. Other amendments include:
 - including local ward Councillors in consultations for a new premises licence or full variation applications
 - expanded detail on measures to promote the licensing objectives
 - a section on Child Sexual Exploitation advice
 - promotion of other strategies including a 'Reduce the Strength' strategy; expectations for organisers of White Collar Boxing Events
 - Counter Terrorism Measures

Public consultation responses

15. The consultation responses show majority support for the new measures within the revised policy. There is support for the Council's approach to including a pool of model conditions, the accreditation of a Best Bar None scheme, and the introduction of a pre-application service for applicants that may wish to use this service rather than a solicitors firm.
16. Overwhelmingly, there is 92% support of Wokingham's Statement of Licensing Policy including best practice to support women's safety in the night time economy. Views expressed by respondents include:

“The Council should amend policy so that all new alcohol licenses must have a condition whereby the licensee must provide free transport home for anyone working after 11pm.”

“Free transport home for workers in the hospitality industry working late at night would benefit all workers but would particularly benefit women, to protect them from potential harassment or violence. No-one should have to worry about walking home safely after dark. This would tie in with the Council's aim to be White Ribbon accredited.”

“In my opinion the Council has a responsibility and a duty of care to Wokingham residents and their families who work in the hospitality/licensed premises, as well as customers/users of such premises, to ensure that the policy requires all new alcohol licenses, and those existing licence holders where the process requires these to be renewed/extended, must meet the obligations requirements of an enforceable condition whereby the licensee/premises owner or operator must provide free transport home for anyone working after 11pm. This should be extended to those who finish work close to 11.00pm where no public transport is readily available to their place of residence and should also be at no cost to the employee.”

“It should include protection for ALL employees, as young men are at greater risk from violence than anyone else. Years ago one of my sons was always provided with a taxi home when working late as a barman for Reading Borough. This was a huge relief to both him and his parents.”

17. A response from Remenham Parish Council and Remenham Farm Residents Association is included at **Appendix C**. A summary of this response is detailed below:

18. “It is the view of the Parish Council and the Remenham Farm Residents Association that the forthcoming Statement of Licensing Policy needs to address:”

“[1] Cumulative Impact within and surrounding the parish, the local area profile will be an invaluable evidential resource in the development of the required Cumulative Impact Assessment. The Parish Council take the view that Remenham has long passed the threshold of unacceptable cumulative impact. (The effect of the special policy is that the Council will refuse applications for a new Premises Licence, of Club Premises Certificate, or variation of an existing licence or certificate, whenever it receives relevant representations, unless an application can demonstrate why the operation of the premises involved will not add to the cumulative impact already being experienced.) The Parish Council take the view that the Licensing Authority ought to undertake a Cumulative Impact assessment as a matter of urgency – the Parish Council are keen to assist in this endeavour.”

“[2] Framework Hours and activities. The Parish Council and Residents Association takes the view that the local area requires a special policy in respect of framework hours and activities within the parish and local area.”

“[3] Environmental Impacts Policy. The Parish Council and Residents Association take the view that the council needs to consider the wider environmental impacts of these large-scale events on a rural area.”

“[4] Temporary Events Notice Policy (“TENs”). The Parish Council and Residents Association is of the view that TENs are used to add to the existing offerings often used as a way of circumnavigating licensing requirements. The Parish Council and Residents Association take the view that a policy statement setting out the expectations of the licensing authority in respect of applicants, the Environmental Health team and the Police would be a useful addition to policy.”

“[5] Dedicated Remenham Parish Safety Advisory Group (“SAG”). The Parish Council and Residents Association considers that the terms and participation of a SAG should be set out in the policy to provide greater transparency and participation to the local community and its representatives.”

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces unprecedented financial pressures as a result of; the longer term impact of the COVID-19 crisis, Brexit, the war in Ukraine and the general economic climate of rising prices and the increasing cost of debt. It is therefore imperative that Council resources are optimised and are focused on the vulnerable and on its highest priorities.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	0		
Next Financial Year (Year 2)	0		
Following Financial Year (Year 3)	0		

Other financial information relevant to the Recommendation/Decision

The revised draft Statement of Licensing Policy 2024 is not expected to have any financial implications for the Council beyond the existing budget for the Licensing Service.

Should members initiate the request for a Cumulative Impact Assessment for Remenham, this may have implications on the service or one-off cost of legal fees to action.

Cross-Council Implications

The inclusion of model conditions should assist Responsible Authorities in their role considering applications and making representation when necessary.

Public Sector Equality Duty

Due regard to the Public Sector Equality Duty has been taken in the development of this policy so that it does not have any adverse impact and seeks to promote business alongside the balance of upholding the licensing objectives, best practice, and statutory guidance. An Equalities Impact Assessment will be undertaken prior to policy implementation.

Climate Emergency – This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030

No impact on the Council's carbon neutral objective has been identified.

Reasons for considering the report in Part 2

N/A

List of Background Papers

[S182 Licensing Act 2003 Guidance](#)

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STATEMENT OF LICENSING POLICY

2024



WOKINGHAM
BOROUGH COUNCIL

Wokingham Borough Council Statement of Licensing Policy 2024

Foreword by Cllr Ian Shenton



Executive Member for Environment, Sport, and Leisure

“Wokingham Borough Council has developed a licensing policy that helps promote responsible business. With a strong focus on the four licensing objectives of prevention of crime and disorder, public safety, prevention of public nuisance, and the protection of children from harm.

Wokingham borough is home to the Henley Royal Regatta, Henley Festival and Rewind Festival. A detailed, well consulted and thorough policy is absolutely necessary to put elected members in the best possible position as decision makers. Licensing is a key function of Place; to help reduce Anti-Social Behaviour and encourage safe events through Multi-Agency and Safety Advisory Group meetings.

This policy also details how it is expected that applications outside of the hours 10AM-10PM must sufficiently demonstrate, and subsequently comply with measures to promote the licensing objectives.

A pool of conditions is now included to assist new applicants, along with the option for an additional service for pre-application advice with Licensing Officers now being made available to assist businesses through the licensing process.

The policy details a collection of best practice approaches to support the licensing objectives such as Best Bar None accreditation. It also brings attention to schemes such as Ask for Angela and Bystander Intervention training, which encourage a safer night time economy setting for women.”

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1.0 Introduction

1.1 Wokingham Borough Council is the Licensing Authority under the Licensing Act 2003 (the Act). The Licensing Authority must have regard to this policy when carrying out its functions under the Act.

1.2 The Act requires that the Licensing Authority must publish this Statement of Licensing Policy in respect of each five-year period. This policy will be used as a guide when making decisions regarding licensing matters such as determining applications for a new premises licence. The Licensing Authority makes this Statement of Licensing Policy in accordance with Section 5 of the Act.

1.3 This policy will remain in force for a period not exceeding five years and will be subject to review and further consultation. The Council will keep the policy under review, making any amendments as it considers appropriate to support licensing objectives. All reviews will be subject to further consultation with all stakeholders and any revised policy will be published.

1.4 The revised policy has been subject to consultation. The act requires the Council to consult various bodies, to meet that requirement; the following Responsible Authorities will be consulted:

- the Chief Officer of Police;
- the Fire Authority;
- the local enforcing authority for the Health and Safety at Work etc. Act 1974 (the Council's Environmental Health Team for the majority of premises on which licensable activities are carried on; in other cases, the Health and Safety Executive is responsible);
- the local authority with responsibility for Environmental Health (the Council's Pollution and Housing Team);
- the local Planning Authority;
- the Public Health Authority;
- The Council's Trading Standards Team
- the Area Child Protection Committee, and;
- any other relevant Licensing Authority in whose area a part of the premises are situated

1.5 Further to the minimum requirements around consultation. The Council will also consult representatives of holders of premises licenses, club premises certificates, businesses and residents in the Borough.

1.6 A public consultation for a 12-week period is planned and full details of the revised policy will be published on Wokingham Borough Council's website,

1.7 Replies received to the consultation will be considered before the policy is finalised and approved.

1.8 We aim to target, with enforcement action, any premises that are associated with crime and disorder, threaten public safety, generate public nuisance or threaten the wellbeing of our children. This policy along with other local strategies and initiatives will be used to control the negative impacts that licensed premises can cause, such as increased crime and public nuisance.

Wokingham Borough Council Night Time Economy Strategy

1.9 The Council as the gatekeeper of licenses, can also act as a strategic custodian to create pride in the local area, reduce crime, and enable collaboration between stakeholders to contribute to a safer night time economy. An enabler of this vision is this Statement of Licensing policy which presents a sincere approach to partnership working, greater scope in terms of model conditions and supporting licensing strategies.

1.10 The Council will collaborate with partners and licence holders through Pubwatch meetings and will seek to advance initiatives which benefit a safer night time economy.

1.11 The Licensing Authority has taken full account of the guidance issued by the Secretary of State under Section 182 of the Act. Consideration has also been given to the provisions of the European Convention on Human Rights, The Equality Act 2010 and the provisions of the Crime and Disorder Act 1998.

2.0 Purpose

2.1 The Act provides a clear focus on the promotion of four statutory licensing objectives. The Licensing Authority must have regard to these four objectives when undertaking its various licensing functions and must ensure that they are promoted. The four licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm;

2.2 Each objective is of equal importance, and they are the only matters that the Licensing Authority is permitted to have regard to when making determination on licensing applications.

2.3 The Council, in adopting this licensing policy, recognises both the needs of residents for a safe, healthy and sustainable environment to live and work, and the importance of well-run entertainment premises to the local economy and vibrancy of the Borough. The Council is committed to partnership working with Thames Valley Police, Royal Berkshire Fire & Rescue Service, local businesses, the licensing trade, local people, and those involved in child protection towards the promotion of the common objectives as set out in this policy.

2.4 This policy has five main purposes:

- 1) To inform elected members of the Licensing Committee of the powers attributed to them by the Act and to highlight the boundaries within which to make decisions.
- 2) To inform applicants of the parameters within which the Licensing Authority will make decisions and how licensed premises are likely to be able to operate within the borough.
- 3) To inform residents and businesses of the considerations which the Licensing Authority will take when making licensing decisions.

- 4) To inform Responsible Authorities of their powers under the Act to promote the four licensing objectives.
- 5) To support decisions made by the Council when these decisions are challenged in a court of law.

2.5 The Act has created several licensable activities for which it will be the responsibility of this Authority to accept applications, issue relevant licenses and to enforce the requirements of the Act in relation to those activities, in line with the four licensing objectives. The licensable activities are:

- The sale by retail of alcohol;
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- The provision of regulated entertainment in the presence of an audience meaning:
 - Exhibition of film
 - Performance of plays
 - Indoor sporting events
 - Boxing or wrestling
 - Live music
 - Recorded Music
 - Performance of Dance
 - Anything of a similar description
 - The provision of late-night refreshment;
 - Any licensable activity provided on a temporary basis (Temporary Event Notices).

2.6 The Act also requires the Council to consult various bodies before determining the policy.

3.0 Applications

3.1 When considering an application, the Licensing Authority will have regard to:

- The Licensing Act 2003 and relevant regulations;
- Government guidance issued under section 182 of the Licensing Act 2003;
- Any supporting regulations (as may be issued and/or amended by the Secretary of State from time to time); and
- Wokingham Borough Council's Statement of Licensing Policy 2023 - 2028.

Applicants should also have regard to these documents when preparing their application.

3.2 Each application will be considered individually on its own merits. This policy does not undermine the rights of any person to make an application under the Act for a variety of permissions or the right of any person to make representations or seek a review of a licence or certificate where the Act permits this.

3.3 Without prejudice to the right of any person to apply at any time, applicants are encouraged to discuss their proposals in advance with the Police. It may be beneficial to draw on the experience of the Police in relation particularly to the prevention of crime and disorder. Whilst there is no obligation on the part of the applicant to accept any advice or proposed condition requested by the Police (any conditions must be proportionate and appropriate), it remains that should there be areas of agreement between the two parties a representation from the Police would be less likely and (in the absence of any other representations) would lead to a speedier determination of the licence application.

3.4 When making an application, applicants should have regard to the local area and reflect this in their operating schedule.

3.5 An application for a premises licence must be made in the prescribed form to the Council. The application must be accompanied by:

- the required fee;
- an operating schedule (see below);
- a plan of the premises in a prescribed form to which the application relates; and
- if the application involves the supply of alcohol, a form of consent from the individual who is to be specified in the licence as the Designated Premises Supervisor.

3.6 An application will only be deemed to be ‘received’ once all the required supporting information has been submitted.

3.7 The operating schedule should ideally include a general description of the style and character of the business to be conducted on the premises (for example, a supermarket, or a cinema with six screens and a bar, or a restaurant, or a public house with two bars, a dining area and a garden open to customers). It is also expected to indicate the type of entertainment available on the premises, whether licensable under the 2003 Act or not. This is essential so that responsible authorities and interested parties can form a proper view as to what measures may be necessary at such premises for the protection of children from harm. For example, it is important that plans for regulated entertainment of an adult nature or with sexual content should be disclosed. An operating schedule must also set out the following details:

- the licensable activities to be conducted on the premises;
- the times during which it is proposed that the relevant licensable activities are to take place;
- any other times when the premises are to be open to the public;
- where the licence is required only for a limited period, that period;
- where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the Designated Premises Supervisor;
- where the licensable activities include the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises or both;
- the steps which the applicant proposes to take to promote the licensing objectives.

3.7 In preparing an operating schedule, applicants should have a good idea of the expectations of the Council and the Responsible Authorities about the steps that are necessary for the promotion of the licensing objectives. It is recommended that applicants, having completed their own risk assessments, should seek the views of the key responsible authorities. For example, on matters relating to crime and disorder, Thames Valley Police should be consulted and on matters relating to noise, Wokingham Borough Council's ASB or Environmental Health officers should be consulted. Such co-operative effort will help minimise the number of disputes which arise in respect of operating schedules. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, which they have set out in the operating schedule, will very often translate directly into conditions that will be attached to a premises licence.

3.8 Applications for the grant, variation or review of a premises licence should be advertised in accordance with the arrangements prescribed in the regulations. The content of the advert must use those terms and descriptions of the application that are prescribed by the regulations made under the Act.

3.9 A person making an application for a Premises Licence or Club Premises Certificate, or major variations of such licenses or certificates, must send details of their applications to the Responsible Authorities, unless the application is submitted electronically, in which case the Council will serve the Responsible Authorities. These authorities must be consulted about such applications and are entitled to lodge representation.

3.10 The Responsible Authorities, in the case of all premises, include: -

- the Chief Officer of Police;
- the Fire Authority;
- the local enforcing authority for the Health and Safety at Work etc. Act 1974 (the Council's Environmental Health Team for the majority of premises on which licensable activities are carried on; in other cases the Health and Safety Executive is responsible);
- the local authority with responsibility for Environmental Health (the Council's Pollution and Housing Team);
- the local Planning Authority;
- the Public Health Authority;

- The Council's Trading Standards Team
- the Area Child Protection Committee, and;
- any other relevant Licensing Authority in whose area a part of the premises are situated.

3.11 In relation to vessels, but no other premises, the Responsible Authorities will also include: -

- the navigation authorities;
- the Environment Agency;
- the British Waterways Board, and;
- the Secretary of State for Transport.

Consultation

3.12 The consultation must include a copy of the application form, the operating schedule, a plan of the premises and proof that notice of the application has been served on the Responsible Authorities. If the application involves the supply of alcohol, a form of consent from the individual who is to be specified as the Designated Premises Supervisor must be included.

3.13 As part of the consultation process, the Council may choose to consult with whoever appears appropriate to help it determine the application. Such interested parties may include: Councillors, persons living in the vicinity; bodies representing persons living in that vicinity; individuals involved in businesses in the vicinity; and bodies representing those persons involved in such businesses. In addition, these groups or organisations may themselves seek comments from others whom they know may wish to be aware of the application. These comments may in turn be passed on to the Council as part of the consultation process.

Representations

3.14 If no Responsible Authority makes a representation about an application and no interested party seeks to do so, then no hearing would be required and the application will be granted in the terms sought subject only

to conditions which are consistent with the operating schedule and relevant mandatory conditions in the Act.

3.15 Where a representation is made under the terms of the Act by any person there will be a preliminary stage at which the Council will consider whether the representation is relevant, and not vexatious or frivolous. If the Council decide it is not relevant, no hearing is required in relation to that representation and in the absence of representations from other parties or responsible authorities, the application must be granted. The aggrieved person whose representation is not regarded as “relevant” may challenge the Licensing Authority’s decision by way of judicial review.

Public health representations

3.16 Section 104 of the Police Reform and Social Responsibility Act 2011 amends the 2003 Act so as to include Public Health as a Responsible Authority.

3.17 As a Responsible Authority, Public Health can make representations in relation to applications for the grant, variation, minor variation or review of premises licenses and club premises certificates. In addition, Public Health may themselves seek a review of a premises licence. Any representation must be specific to the premises and cannot be a general objection.

3.18 Representations should be evidence based and should demonstrably refer to one or more of the licensing objectives. As there is no licensing objective relating to public health, Public Health must ensure representations are relevant to one of the four existing objectives.

Determination

3.19 Where a representation is lodged by a Responsible Authority about a proposed operating schedule, the Council’s discretion will be engaged. It is also engaged if any person makes relevant representations to the Council which are not frivolous or vexatious. A hearing will be required at which the disputing parties should be invited to present argument. The need for a hearing can only be dispensed with by the agreement of the Council, the applicant and all of the parties who made relevant representations. The hearing process must meet the requirements of the Regulations made under

the Act. The Council will seek to focus the hearing on the steps needed to promote the particular licensing objective which have given rise to the specific conflict and avoid straying into undisputed areas. In determining the application, the Council will give appropriate weight to:

- the argument and evidence presented by all parties;
- the guidance issued by the Secretary of State under Section 182 of the Act;
- the Wokingham Borough Council Statement of Licensing Policy 2023 - 2028;
- the steps that are necessary to promote the licensing objectives.

3.20 The Council will give its determination with reasons provided to support the determination. After considering all the relevant issues, it will be open to the Council to grant the application subject to such conditions that are consistent with the operating schedule, and these can be modified to such an extent that the Council considers necessary for the promotion of the licensing objectives. Alternatively, the Council may refuse the application on the grounds that refusal is necessary for the promotion of the licensing objectives. It may also refuse to specify a Designated Premises Supervisor and/or only allow certain requested licensable activities.

Variations

3.21 Premises should not be altered in such a way as to make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence proposing the deletion of the condition in question. The applicant will need to propose in a new operating schedule reflecting the proposed alteration to the premises what alternative steps he or she intends to take (if any) to promote the licensing objectives. The application for variation will enable the responsible authorities with expertise in licensing matters to consider whether the proposal is acceptable.

3.22 Particular scrutiny will be given to applications for a variation where there has been a proven history of non-compliance at the premises.

4.0 Representations

4.1 The Act describes two groups that may make representations to applications. These groups are “Responsible Authorities” and “Other Persons”.

4.2 The meaning of ‘other persons’ is any individual, body, organisation, group, association or business who is, or is likely to be, affected by the operation of a licensed premises. Other persons do not need to live within the vicinity of the premises to make a representation. However, the Licensing Authority will consider the location of the person making the representation when deciding what weight to allocate to the representation.

4.3 Any representation must be relevant, meaning that it must relate to one or more of the licensing objectives. All representations will be considered on their merits unless the authority deems that a representation is vexatious, frivolous or (in the case of a review) a repetition. In relation to applications for reviews a repetitious representation is one that is identical or substantially similar to grounds for review specified in an earlier application for review made in respect of the same premises that has already been determined by the Council.

4.4 Any representation must be received within the prescribed consultation period allocated to an application (28 days for new, variation and review applications). Any representations not received within the specified time will be invalidated and returned. It is the responsibility of the person making the representation to ensure that their representation is received on time. Representations may be hand delivered in writing to the Wokingham Borough Council, Shute End, Wokingham RG40 1BN or sent by email to licensing@wokingham.gov.uk . Wokingham Borough Council are unable to accept verbal representations over the telephone.

4.5 Copies of representations, including the name and address details of the person making the representation will be sent to the applicant. We are unable to accept anonymous representations. Telephone or email details will not be shared with the applicant unless agreed with the person who submitted representation has expressively given their consent for this information to be released.

Petitions

4.6 It should also be made clear that the lead petitioner is expected to speak on the behalf of all petitioners at any hearing - if a person signing the petition would also like to raise their own representation, then this individual method is an option for them to guarantee their right to make oral representation and raise whatever issues affect them directly.

4.7 The Licensing Authority will accept petitions, but there are some important factors to consider before organising a petition:

- We ask that the instigator of the petition identifies themselves as a central point of contact.
- We may need to make contact in order to verify certain matters and if we are unable to do this it could invalidate the petition.
- Each page of the petition should contain information as to the purpose of the petition so that all persons know what they are signing.
- Full names and addresses must be supplied.
- The petition must make clear the premises/application to which it relates
- The petition must relate to one or more of the licensing objectives
- Petitions regarding the Licensing Act 2003 must be submitted in accordance with Wokingham Borough Council's procedures on representations to the offices of the Licensing Authority at Wokingham Borough Council, Shute End, Wokingham, RG40 1BN within the statutory consultation time limit.
- Representations will not be accepted if they are libellous, slanderous, racist or of an unacceptable nature.
- Representations relating to the impact of new businesses on existing trade cannot be taken into account.
- All signatories must be made aware that a copy of the petition will be supplied to the applicant and a copy will be contained within the committee papers, so their personal details will become public knowledge.
- We will not write to each signatory separately, but instead assume that the instigator will advise each signatory of the hearing date and the final outcome of the application. It is expected that the instigator will represent the signatories at the hearing and to speak for them.

5.0 Determining Applications

Licensing objectives

5.1 The Council will carry out its functions under the Act with a view to promoting the licensing objectives.

The Licensing Objectives are:

- The prevention of crime and disorder;
- Ensuring public safety;
- The prevention of public nuisance;
- The protection of children from harm.

Each objective is of equal importance.

Premises licenses

5.2 When determining applications, the Council will take into account the operating schedule submitted by the applicant, the suitability of the premises for the intended use, any cumulative impact policy which may be in effect and any representations received as a result of the consultation process.

5.3 When considering any application, the Licensing Authority will so far as possible avoid duplication with other regulatory regimes and does not intend to use the Licensing Act to achieve outcomes that can be achieved by other legislation.

5.4 In particular the licensing functions will be carried out separately from the Council's functions as the Planning Authority. However, it will normally be expected that applications for premises licenses in respect of permanent commercial premises should normally be from businesses with the appropriate planning consent for the property concerned (other permissions, such as permission of the premises owner, may be applicable to licensed premises and applicants are expected to ensure that such permissions are obtained where appropriate).

5.5 In undertaking its licensing functions, the Council will be mindful of other legislation which may impact on the promotion of the licensing objectives, for example:

- Crime and Disorder Act 1998 in particular Section 17
- The Health & Safety at Work Act etc. 1974
- The Environmental Protection Act 1990 (as amended)
- The Regulatory Reform (Fire Safety) Order 2004
- The Equalities Act 2010
- Human Rights Act 1998
- Safety of Sports Grounds Act 1975
- Town and Country Planning Act 1990
- Planning & Compulsory Purchase Act 2004
- Police Reform Act 2000
- The Police and Crime Act 2009
- The Anti-Social Behaviour, Crime and Policing Act 2014
- Violent Crime Reduction Act 2006
- Health Act 2006

5.6 The licensing process can only seek to control those measures within the control of the licensee, and ‘in the vicinity’ of a premises. The conditions attached to various authorisations will, therefore, be consistent with operating schedules and will mainly focus on:

- matters within the control of individual licensees and others who are granted any relevant authorisations;
- the premises and places being used for licensable activities and their vicinity; and
- the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

Public health

5.7 The Licensing Authority recognises there is no public health licensing objective and therefore cannot conduct its licensing function in order to promote public health. The licensing function can only be carried out to promote the four licensing objectives as set out by the Licensing Act 2003.

5.8 Through ensuring the responsible selling of alcohol, this may impact on reducing a person's drinking at harmful or hazardous levels. However, it is recognised that any such positive impact will be as a coincidence of the Licensing Authority conducting its licensing function under the Act to promote the licensing objectives. Local Health Bodies potentially have access to much data that can inform licensing decisions and policy. When such data is presented it will be considered and where links are made to any of the four licensing objectives it will be taken into account by the Licensing Sub-Committee in reaching its decision. The Licensing Authority recognises the impact of alcohol misuse and it is hoped that through the implementation of this licensing policy the promotion of the four licensing objectives will in turn have a positive effect on preventing alcohol misuse. For example, by ensuring licensed premises refuse sales of alcohol to children, or those attempting to purchase it on behalf of children; this will impact positively on a reduction in child alcohol related health problems.

5.9 Applications relating to premises will be made by a person who is, or who proposes to be carrying on the business involving the use of the premises. A person can include a company. All applications for licenses and variations of licenses are subject to a consultation process, the following will be consulted:

- Responsible Authorities
- Ward Councillors;
- Appropriate Council departments;
- Any other group the Council considers appropriate;

5.10 The applicant for any premises licence is responsible for placing an advertisement at the premises and in a local newspaper, the Council will advertise the application on the Council website. The law requires that the notice on the premises must be on pale blue paper of at least A4 in size, the writing must be of font size 16 or equivalent and that it must be clearly visible from the outside of the premises. The newspaper advertisement must appear in a local newspaper circulating in the area within 10 working days starting on the day after submission of the application to this authority. At the end of the consultation process, the application will be determined. If no representations have been made, then an officer of the Council will determine the application under delegated authority and the licence will be granted in line with the application and operating schedule. If there are representations, the

application will be determined by the Licensing Sub-Committee. The Council may consider representations based on the impact of the promotion of the licensing objectives in the Borough generally, and on the grant of the particular application before them.

5.11 Where representations are made to a particular application, either from a Responsible Authority about a proposed operating schedule or from an “other person” that relates to the licensing objectives, a hearing will be held at which the applicant and those making representation will have the opportunity to comment on the representations made.

5.12 In all cases, applicants and those making representation in respect of applications made to the Licensing Authority have a right of appeal to the Magistrates’ Court against the decisions of the Authority. Any appeal must be lodged within 21 days of the date upon which written notice of the decision is given by the Licensing Authority.

5.13 Guidance is available for applicants, which sets out the details of the application process, having regard to the Licensing Act 2003, the regulations, statutory guidance and local practice and procedures. It should be noted that incomplete applications will not be accepted but will be returned with an explanation as to why it is incomplete.

5.14 Guidance is equally available for those wishing to make representation or to call a review of an existing licence.

Minor variations

5.15 Minor variations will be considered in respect of minor changes to the plan, structure or layout of a premises, small changes to licensing hours, the removal or addition of conditions where appropriate, the removal or addition of licensable activities to the scope of the licence (where permitted by legislation) and any other minor matter where it is considered that the application does not adversely impact on one or more of the licensing objectives.

5.16 A simplified process will be adopted for minor variations. The Licensing Authority will consult with any relevant Responsible Authority that it deems appropriate (if any) and any representations from them will be considered.

Whilst each application will be considered on its individual merits, it will be normal practice to refuse an application for a minor variation in favour of a full variation should any representations be received, unless agreement can be reached which satisfies the representation. In the absence of any representation the minor variation would normally be granted provided that there is no likelihood of any adverse effect on the licensing objectives.

6.0 Promoting the Four Licensing Objectives

6.1 The promotion of the four objectives is fundamental to the Act. Every applicant for a premises licence will be required to provide a fully completed, detailed operating schedule. This schedule will be in the prescribed format. By completing this operating schedule, applicants will demonstrate that they have considered strategies that will lead to fulfilment of the licensing objectives. The schedule will contain the following information:

- The licensable activities to be conducted on the premises
- The times during which these activities will take place (including any differing times during holiday periods or during particular seasons if it is likely that times would be different);
- Any other times when the premises will be open to the public;
- If alcohol is to be supplied for consumption on the premises, the name and address of the Designated Premises Supervisor;
- Whether alcohol will be supplied for consumption on or off the premises;
- What steps the applicant will take to promote the four licensing objectives;
- Any other details set out from time to time in regulations issued by the Secretary of State.

6.2 In respect of each of the four licensing objectives, applicants will be expected to provide evidence to the Licensing Authority that suitable and sufficient measures, as detailed in their operating schedule, will be implemented and maintained, relevant to the individual style and characteristics of their premises and events. Reference will need to be made to whether additional measures will be taken on an occasional or specific basis such as when a special event or promotion is planned, which is intended, or is likely to attract larger audiences.

6.3 The most appropriate means for an applicant to assess what measures are needed to promote the licensing objectives would be by completion of a risk assessment. The operating schedule forms the basis of any conditions placed on any licence issued. It also provides valuable information to responsible authorities and other persons to assist in their assessment of the

impact of any licensed activity on the licensing objectives and provides information as to how the applicant will address these issues. It could therefore, form the basis of any decision to submit representation against the application. For this reason, although the Licensing Authority recognise that a risk assessment cannot be demanded (other than where required by other legislation) it would be in the applicants interest to provide the fullest possible detail in the operating schedule, for which a full risk assessment would provide confirmation that the applicant has seriously considered the issues and is aware of his/her duty to promote the licensing objectives at all times, but more importantly is aware of how this may be best achieved.

6.4 One example of where a risk assessment is required under separate legislation is under the Regulatory Reform (Fire Safety) Order 2005, which requires that a fire safety risk assessment must be recorded and made available for inspection. The fire service would normally expect this information to be made available on application for a premises licence.

6.5 Applicants have primary responsibility for their own particular premises and will be expected to address all aspects relevant to the individual style and characteristics of their premises and events.

6.6 Guidance is offered below as to possible control measures, which may assist applicants in formulating their operating schedule. Given the earlier acknowledgement of the numbers of different types of premises, it should be noted that these measures are by no means to be considered an exhaustive list. Many control measures achieve more than one objective but have not necessarily been repeated under each objective. Similarly, applicants will not be expected to list a control measure more than once in their operating schedule.

6.7 Additional measures may need to be considered on an occasional or specific basis such as when a special event (e.g. popular live band) or promotion (e.g. during major sporting occasions) is planned, which is intended or likely to attract a larger audience, or audiences of a different nature, which may have significant impact on the achievement of the licensing objectives. Where applicable, reference must be made in an applicant's operating schedule to such occasions, which should highlight the

additional measures that are planned in order to achieve the licensing objectives.

6.8 The Licensing Authority considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of the licensing objectives. For this reason, these measures should be specifically considered and addressed within an applicant's operating schedule.

Capacity

6.9 Whilst it is acknowledged that the setting of occupancy limits for a premises is not a requirement, this is considered to be an essential factor in effective achievement of the licensing objectives in relation to premises other than those licensed primarily for the consumption or sale of food and for sale of alcohol for consumption 'off' the premises. In relation therefore to relevant premises operating on the basis of selling alcohol for consumption 'on' the premises and/or providing a high level of regulated entertainment and for specific types of occasional events, the Licensing Authority will expect that the issue of occupancy capacity is considered and, where appropriate, addressed. Within the operating schedule and in appropriate instances a voluntary maximum occupancy capacity would be considered 'good practice'.

6.10 When determining capacity in line with above, important factors would include the design and layout of the premises and the size and number of exits within recommended travel distances. Other factors to be considered could include:

- The nature of the premises or event;
- The nature of the licensable activities being provided;
- The provision or removal of such items as temporary structures, such as stages or furniture;
- The number of staff available to supervise customers both ordinarily and in the event of an emergency;
- The usual average age of customers
- The attendance by customers with disabilities, or whose first language is not English;
- Availability of suitable and sufficient sanitary accommodation; and

- The nature and provision of facilities for ventilation.

6.11 The agreement to a capacity for a premises or events should not be interpreted as a requirement to also provide permanent monitoring arrangements such as door staff, attendance clickers or maintenance of attendance records. The Licensing Authority recognises that the person in charge at the premises can often readily assess the occupancy level of the premises without resort to such measures. However, where the capacity is likely to be reached (such as on known busy evenings) and particularly where a special event or promotion is planned, the applicant will be expected to detail the additional arrangements that will be put in place to ensure that the capacity of the premises is not exceeded. Equally this does not remove the requirement for the applicant to consider the use of door staff or for a Responsible Authority to make representation to that issue on the basis of fact and in appropriate and proportionate circumstances. In such cases if agreement cannot be reached between applicant and the Responsible Authority concerned, the matter would be determined by members of the licensing panel, who would assess the individual circumstances of the matter based on its individual merits.

7.0 Prevention of Crime and Disorder

7.1 Wokingham Borough Council is committed to further reducing crime and disorder within the borough and helping people feel safe. The Council will have particular regard to the likely impact of licensing on related crime and disorder in the borough particularly when considering the location, impact, operation and management of all proposed licence/certificate applications, and variations of conditions.

7.2 The promotion of the licensing objective to prevent crime and disorder places a responsibility on licence holders to become key partners in achieving this objective. Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events.

7.3 Particular scrutiny will be given to applications for a variation where there has been a proven history of non-compliance at the premises.

7.4 When addressing the issue of crime and disorder, the applicant should be able to demonstrate that those factors that impact on crime and disorder have been considered. These factors include:

- Underage drinking;
- Drunkenness on the premises;
- Public drunkenness;
- Drugs;
- Violent behaviour;
- and Anti-social behaviour.

7.5 Examples of control measures are highlighted below, to assist applicants, who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- Effective and responsible management of the premises; the capability of the person who is in charge of the premises during trading hours or when Regulated Entertainment is provided to effectively and

responsibly manage and supervise the premises, including associated open areas;

- Training and supervision of staff; The steps taken or to be taken to ensure that appropriate instruction, training and supervision is given to those employed or engaged in the premises to prevent incidents of crime and disorder, and where appropriate any relevant qualifications;
- The measures taken or to be taken to raise staff awareness and discourage and prevent the use or supply of illegal drugs on the premises;
- Adoption of best practice guidance (e.g. Home Office: Selling Alcohol Responsibly, Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other recognised codes of practice, including those relating to drinks promotions);
- Acceptance of accredited 'proof of age' cards e.g. PASS and/or passports and photographic drivers' licenses;
- Incident and refusal books kept and maintained on the premises;
- Membership of the "Reducing the Strength" scheme;
- Provision of effective CCTV in and around the premises;
- Employment of Security Industry Agency (SIA) door staff;
- Provision of polycarbonate drinking vessels;
- Provision of secure deposit boxes for confiscated items ('sin bins') such as drugs weapons etc;
- Provision of security measures such as outside lighting; and
- Membership of local 'pubwatch' schemes or similar;
- Any appropriate additional measures taken or to be taken for the prevention of violence or public disorder.

7.6 The extent to which the above matters need to be addressed will be dependent on the individual style and characteristics of the premises, proposed events and activities. In general, however, the Council will expect more comprehensive measures to be in place at late night venues (i.e. premises which remain open to the public after midnight) or in premises with a history of crime and disorder issues.

7.7 Where additional measures have been identified as likely to have an impact on the prevention of crime and disorder at any premises, the Council

would expect applicants to detail such measures to be taken in their operating schedules. Such measures may include:

- Provision of effective CCTV with recording facilities both within and outside certain premises;
- Crime prevention design, including adequate lighting and supervision of car parks;
- Metal detection and search facilities;
- Procedures for risk assessing promotions and events such as ‘happy hours’ for the potential to cause crime and disorder, and plans for minimising such risks;
- Measures to prevent the use or supply of illegal drugs
- Employment of Security Industry Authority licensed door supervisors and other appropriately trained staff;
- Participation in an appropriate Pubwatch Scheme or any other similar scheme;
- Promotion of safe drinking;
- The control of glass and the provision of plastic containers or toughened glass;
- Use of radio net system (where available);
- Provisions for dealing with prostitution or indecency;
- Provisions for discouraging drinking in public places in the vicinity of the premises;
- Policies on dress and music;
- Appropriate additional staff training.

7.8 In addition, in circumstances where the applicant has agreed measures to co-ordinate closing times or to prevent migration between premises with different closing times, it would be appropriate to detail such arrangements in the operating schedule.

7.9 All premises applying for licensing beyond midnight must demonstrate that its customers will be capable of leaving the area without causing a disruption to local residents or impact upon crime and disorder. For example, where appropriate and relevant an assessment of the availability of late-night transport, and the likely flow of pedestrian traffic away from the premises, could be included in the operating schedule.

7.10 The Council will have regard to representations from the Police in deciding whether the above issues have been adequately addressed. Where Police representations indicate that any matter has not been addressed sufficiently to avoid a potential negative impact on crime and disorder, the applicant will be expected to demonstrate that the issues can be satisfactorily addressed before the Council will grant an application for a licence or a variation of a licence.

7.11 Where either prescribed and/or premises-related conditions have not been adhered to in the past, the Council will expect applicants to have considered and taken action to rectify those issues. Applications are likely to be refused where there are significant outstanding issues.

7.12 In respect of premises predominantly supplying take-away food, between the hours of 11.00pm and 5.00am the Council would need to be satisfied that the supply of alcohol will not lead to an increase in crime and disorder or public nuisance in the vicinity of the premises.

7.13 The Council will expect licensees of venues likely to be affected by drugs to take all reasonable steps to prevent the entry of drugs into licensed premises, to take appropriate steps to prevent drugs changing hands within the premises and to take practical measures to prevent tragedies as a result of drug misuse. In certain types of premises, it may be appropriate and relevant for the operating schedule to include measures such as access for customers to drug testing kits, particularly for the prevention of drug assisted sexual assault, chill-out rooms and free water.

7.14 The Council will not support drinks' promotions that encourage the irresponsible consumption of alcohol, and where there is demonstrable evidence that certain types of promotion (such as "buy one get one free", "drink as much as you can for £20.00" or time limited price promotions) encourage significant alcohol intake within short periods of time ('binge drinking'), and the Council may consider, where relevant representations have been made, imposing special conditions. If such promotions are permitted, they should be held in accordance with the mandatory conditions which prohibit irresponsible promotions.

7.15 Within the operating schedule for premises from which alcohol will be sold, the applicant must identify the Designated Premises Supervisor. The Council will normally expect the Designated Premises Supervisor to have been given the day to day responsibility for running the premises by the holder of the premises licence and, as such, would normally expect them to be present on the premises on a frequent and regular basis

7.16 Glass is a major factor in disturbances around licensed premises. At certain types of premises if measures were introduced in relation to glass control within the premises, at disposal points and to prevent the unauthorised removal of glass from premises, these may assist in promoting the licensing objective of preventing crime and disorder. In such cases it may be appropriate for applicants to address these issues through their operating schedule.

7.17 Whenever any persons are employed at licensed premises to carry out a security activity, it will be a condition of licence that all such persons must be licensed with the Security Industry Authority. The applicant may consider that certain premises require strict supervision for the purpose of promoting the licensing objectives. In such cases, it may be appropriate for the applicant to provide details of the security arrangements to be employed at the premises. This may then form the basis of an appropriate condition on the licence. The absence of such measures in the operating schedule may give rise to a relevant representation.

7.18 The Council will work closely with Thames Valley Police to review the licenses of premises where a Police Closure Notice has been served.

7.19 Off Licenses, shops, supermarkets and stores selling alcohol for consumption off the premises potentially have a high risk of crime and disorder as well as being targeted as an easy premises from where to acquire alcohol. Such premises can contribute to antisocial behaviour and disorder through the consumption of alcohol on the street and in open spaces by groups of drinkers, through the sale of alcohol to children, and through the sale of alcohol to street drinkers and persons who are already drunk.

7.20 It is important that members of staff working at off licenses are suitably trained in their responsibilities under the Act and can discharge their duties in

full compliance with the licence conditions and requirements of the Act. This includes the ability to competently check a customer's age with acceptable forms of identification where appropriate. The Licensing Authority will particularly consider the following matters where they are material to the individual application:

- The likelihood of any violence, public order, disorder or policing problem if the licence is granted;
- The measures taken to control admission to the premises, and to take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside the premises, where and to the extent that these matters are within their control;
- Past conduct and prior history of complaints against the premises;
- Whether a dispersal policy has been prepared to minimize the potential for disorder as customers leave the premises; and
- Any relevant representations.

7.21 It is recommended that applicants discuss the crime prevention procedures in their premises with the Thames Valley Police and Wokingham Borough Council's Licensing Officer before making a formal application.

7.22 The Licensing Authority is aware of the link between the supply of discounted alcohol and incidents of alcohol related disorder as well as the impact that excessive consumption of alcohol or binge drinking can have on public health and will consider whether any additional measures or restrictions can be placed on alcohol sales to prevent binge drinking and promote 'sensible drinking'.

7.23 Conditions relating to the provision of door supervisors and security teams may be valuable in:

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder; keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside of venues prone to such queuing.
- Where door supervisors conducting security activities are to be a condition of a licence, conditions may also be needed to deal with the

number of supervisors required, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches). Door supervisors also have a role to play in ensuring public safety.

7.24 The presence of CCTV cameras can be an important means of deterring and detecting crime at, and immediately outside, licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time. The police should provide individuals conducting risk assessments, when preparing operating schedules, with advice on the use of CCTV to prevent crime.

7.25 It may be appropriate at some premises for notices to be displayed that warn customers of the prevalence of crime that may target them. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be appropriate for notices to be displayed that advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

7.26 This authority supports the Wokingham Pubwatch scheme. Such schemes are voluntary (unless there is a specific licence condition that makes membership obligatory) as they are organised by licence holders themselves to share good practice and intelligence information, thus promoting due diligence.

7.27 The Council will consider representations from the Police to exercise its powers to designate areas where alcohol may not be consumed in a public place to meet the Public Safety and Crime and Disorder Objectives

7.28 Local crime prevention strategies will, wherever appropriate and as far as is possible, be supported and reflected in conditions attached to premises licenses and club premises certificates.

8.0 Public Safety

8.1 Wokingham Borough Council is committed to ensuring as far as practicably possible that the safety of any person visiting or working in licensed premises is not compromised. To this end, applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.

8.2 The Council is committed to ensuring public safety across the borough by working in `close partnership, in particular, with Thames Valley Police and Royal Berkshire Fire and Rescue Service, as well as with licensees.

8.3 When addressing the licensing objective of public safety, an applicant will be expected to demonstrate that those factors that impact upon the standards of public safety have been considered. These may include:

- The condition, design and layout of the premises, including the means of escape in case of fire;
- Arrangements to ensure the safety of customers and staff in the event of fire or another type of emergency;
- The nature of the activities to be provided, in particular the sale or supply of alcohol, and including whether those activities are of a temporary or permanent nature;
- The occupancy capacity of the premises, meaning the number of people that can safely be accommodated at the premises; having regard, in particular to floor area and means of escape;
- The customer profile e.g. age, disability etc;
- The necessary health and safety and fire risk assessments at premises and events, and other measures to reduce risk to public safety;
- The measures to be employed to monitor the occupancy of the premises so that maximum capacities (where identified) are not exceeded;
- The necessary risk assessments to cover the erection and design of any temporary structures;

- Risk assessments and safety procedures in the event that the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines etc is proposed;
- The number of people employed or engaged to secure the safety of everyone attending the premises or event;
- Measures for the appropriate instruction, training and supervision of those employed or engaged to secure the safety of everyone attending the premises or event;
- Noise exposure, both in terms of staff safety and protection of hearing for the public and staff at the premises, in accordance with current legislation;
- Arrangements to ensure that litter, generated by the activity of premises, does not create a fire hazard;
- Implementation of appropriate crowd management measures
- The hours of operation (differentiating the hours of opening from the hours during which licensable activities are conducted, if different);
- The adequacy of transportation arrangements to ensure customers are able to travel safely to and from the premises and alerting people to the dangers of drinking and driving);
- Any arrangements or advertising of taxis and private hire vehicles to relate only to such vehicles properly licensed by the Council.
- The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines etc.

The extent to which the above matters need to be addressed will be dependent on the individual style and characteristics of the premises, proposed events and activities.

8.4 The Council will have regard to representations from the responsible authorities to determine if measures proposed are sufficient to ensure the safety of the public. Where representations are made by one of the responsible authorities indicating that any matter has not been addressed sufficiently to ensure public safety, the applicant will be expected to demonstrate that the issues can be satisfactorily addressed before the Council will grant an application for a licence or a variation of a licence.

8.5 Prior to the determination of a licensing application, and subsequently, an applicant must comply with statutory requirement/regulations to provide the following:

- (a) Electrical Inspection Report Certificate
- (b) Fire Alarm Test Inspection Report
- (c) Emergency Lighting Inspection and Test Report
- (d) Fire-fighting Equipment
- (e) Flame Retardant Properties of Materials Certificate (new premises or new upholstery)
- (f) Gas Safety Certificate
- (g) Ceiling Certificate, in the case of cinemas.

8.6 Where applicants consider the use of licensed door supervisors to control access and egress to and from premises, this should be detailed in the operating schedule and where appropriate the Council will consider the attachment of a suitable condition. The absence of such measures in the operating schedule may give rise to a relevant representation.

8.7 The Council will work in close partnership with the Royal Berkshire Fire and Rescue Service to assist in determining an appropriate maximum capacity, where required, at individual venues.

8.8 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- Suitable and sufficient risk assessments;
- Effective and responsible management of the premises;
- Provision of a sufficient number of people employed or engaged to secure the safety of the premises and its patrons;
- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and its patrons;
- Adoption of best practice guidance;
- Provision of effective CCTV in and around the premises;
- Provision of polycarbonate drinking vessels;
- Implementation of crowd management measures; and
- Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety.

8.9 It should be noted that in the context of promoting public safety, this relates to the physical safety of those using the premises and not public health, although there may be an incidental public health effect from some conditions designed to promote public safety.

8.10 It should be noted that conditions relating to public safety should be those that are appropriate, in the particular circumstances of any individual premises or club premises and should not duplicate other requirements of the law. Equally, the attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc. Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999 and the Fire Precautions (Workplace) Regulations 1997 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures appropriately to avoid and control these risks. Conditions enforcing those requirements would therefore be inappropriate.

8.11 Fire safety guides are available to assist with the completion of operating schedules and may be found at:

<https://www.gov.uk/government/collections/fire-safety-law-and-guidance-documents-for-business>

8.12 The significant findings of a Fire Risk assessment would consist of:

- A list of the fire hazards as identified by the risk assessment;
- The control measures put in place to remove or mitigate the hazards presented;
- Details of the persons affected by the hazards within the premises;
- Details of the actions to be taken in the event of a fire or the actuation of a fire alarm (emergency plan);
- Individual roles and responsibilities.

8.13 Glasses containing drinks may be used as weapons during incidents of disorder and in un-toughened form, can cause very serious injuries. Consideration could therefore be given to conditions requiring the use of polycarbonate (or similar) containers where considered appropriate. Location

and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is appropriate. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of polycarbonate containers during the televising of live sporting events, such as international football matches or “high risk” matches, when high states of excitement and emotion fuelled by alcohol might arise, may be an appropriate condition. It should be noted that the use of polycarbonate or paper drinks containers may also be relevant as measures appropriate to promote public safety.

8.14 Although most commonly made a condition of a licence on public safety grounds, consideration should also be given to conditions which set capacity limits for licensed premises or clubs where it may be appropriate to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered appropriate, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

Medical resource

8.15 The applicant should complete a risk assessment as to the type and amount of medical provision is required for their event. Assistance can be taken from the Purple Guide; the expectation of the Licensing Authority is that medical resourcing matches the formula given in the Purple Guide as a minimum. Sufficient reasons would need to be given to depart from this position.

8.16 The Licensing Authority expects exclusive medical provision for events with capacity over 1,000 such as boxing, concerts, festivals, DJ sets, sports events, live-streamed sports events for example in a fan zone. ‘Exclusive medical provision’ means that those designated with roles under a Medical Resource Risk Assessment are not given any other roles or duties other than their assigned tasks relating to medical support.

9.0 Prevention of Public Nuisance

9.1 Licensed premises have a significant potential to adversely impact upon communities through public nuisances that arise from their operation. This Authority wishes to maintain and protect the amenity of residents and businesses from the potential consequence of the operation of a licensed premise whilst balancing this with the recognition of the valuable cultural, social and economic importance that such premises provide.

9.2 It is the intention of this Authority to interpret 'public nuisance' in its widest sense, in this context includes such issues as noise and disturbance, light pollution, odour, vermin and pest infestations, accumulations of refuse and litter, and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

9.3 It should be noted that provisions of the Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions of the Licensing Act 2003 enable a police constable or council officer to close down licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are appropriate for the prevention of public nuisance.

9.4 It should be clear to applicants that the Licensing Authority will normally apply stricter conditions, including controls on licensing hours, where licensed premises are in residential areas and where relevant representations have been received.

9.5 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.

9.6 When addressing the issue of the prevention of public nuisance, the applicant must demonstrate to the Licensing Authority that those factors,

which impact upon the likelihood of public nuisance, have been considered. These may include:

- The location of the premises and its proximity to residential and other noise sensitive premises such as hospitals, hospices and places of worship;
- The hours of opening, particularly between 23.00 hours and 07.00 hours;
- The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside
- or outside the premises;
- The design and layout of the premises and in particular the presence of noise limiting features;
- The occupancy capacity of the premises;
- The availability of public transport;
- 'Wind down period' between the end of licensable activities and the closure of the premises;
- Last time of admission;
- Measures taken or proposed for management and supervision of the premises and associated open areas to minimise unreasonable disturbance by customers and staff arriving or departing from the premises and delivery of goods and services.
- Control of opening hours for all or part (e.g. garden areas) of the premises
- Measures taken to control light to ensure that it does not stray outside the boundary of the premises such as to give rise to problems to residents in the vicinity
- Steps taken to lessen the impact of parking in the local vicinity
- Measures taken to prevent someone who has consumed excess alcohol from entering the premises and to manage individuals on the premises who have consumed excess alcohol
- Management arrangements for collection and disposal of litter and refuse, and the control of pests
- Arrangements for ensuring that adequate and suitably maintained sanitary provision and washing facilities are provided for the number of people expected to attend any premises or events
- Fly posting;

- Management arrangements for any proposed use of bonfires, fireworks and other pyrotechnics;
- Any concerns / representations raised by a Responsible Authority such as the Pollution Control Authority, Licensing Authority or Thames Valley Police.

9.7 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- Effective and responsible management of premises;
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance e.g. to ensure customers leave quietly;
- Control of operating hours for all or parts (e.g. Gardens) of the premises, including such matters as deliveries;
- Adoption of best practice guidance;
- Installation of sound proofing, air conditioning, acoustic lobbies and sound limitation devices;
- The steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises. This will usually be of greater importance late at night and/or in the early hours of the morning. However, nuisance can arise at any time of the day or night;
- Liaison with public transport providers;
- The level of likely disturbance from associated vehicular and pedestrian movement to and from the premises;
- The delivery and collection areas and delivery/collection times;
- Siting of external lighting, including security lighting;
- Management arrangements for the collection and disposal of litter;
- The history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licence holder;
- The generation of odour, e.g. from the preparation of food;
- Provision of details pertaining to local taxi or private hire companies; and
- Effective ventilation systems to prevent nuisance from odour.

9.8 Noise may often be created by patrons and/or their modes of transport arriving and leaving licensed premises, or from machinery or vehicles belonging to the licence holder's business, refuse collection and deliveries. Discarding of wrappers, bottles, cans and general litter may also present problems in relation to particular premises. Whilst not in themselves a licensable activity, there may be occasion (such as in residential areas) where these factors are taken into account as part of the determination process and conditions may be imposed.

9.9 Following implementation of the Health Act, no person is permitted to smoke inside any substantially enclosed licensed premises (subject to the provisions of the Health Act) and as such is required to smoke outside. The Licensing Authority will consider any representation relating to noise, antisocial behaviour or smoke drift associated with this activity in relation to any licensed premises and will consider any appropriate and proportionate conditions on an individual basis.

9.10 In order to prevent breaches of the Health Act 2006, the Licensing Authority may attach conditions to a premises licence to restrict the sale of tobacco, shisha tobacco and shisha pipes at certain premises.

9.11 The extent to which the above matters need to be addressed will be dependent on the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community. In general, however, the Council will expect more comprehensive measures to be in place at late night entertainment venues or in premises with a history of public nuisance issues.

9.12 The Council will have regard to representations from the Responsible Authorities to determine if measures proposed are sufficient to reduce the risk of public nuisance. Where representations indicate that any matter has not been addressed sufficiently to prevent public nuisance the applicant will be expected to demonstrate that the issues can be satisfactorily addressed before the Council will grant an application for a licence or a variation.

9.13 Where appropriate the applicant will be expected to propose practical steps to prevent disturbance to local residents and to have regard to the

“Good Practice Guide on the Control of Noise from Pubs and Clubs” produced by the Institute of Acoustics. Where noise has been identified as a potential problem by the applicant or Council officers, then the Council would expect the applicant to detail the measures proposed to address this issue within the operating schedule. Noise could relate not only to music but also from air handling equipment or from patrons. There are a number of practical ways in which sound leakage can be addressed, such as:

- Keeping doors and windows closed and providing adequate mechanical ventilation or, if necessary, air conditioning;
- Reducing sound levels and installing a sound limiting device to prevent sound exceeding the appropriate level;
- Installing soundproofing measures to contain sound and vibration.

9.14 In premises where patrons leave the premises particularly late at night or early in the morning, the Council will expect the applicant to have included in the operating schedule practical steps for reducing noise disturbance, such as:

- Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors, and to respect the rights of nearby residents;
- At appropriate times making loudspeaker announcements to the same effect;
- Instructing door staff to ask customers leaving the premises to leave the area quietly;
- Reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down;
- Banning from the premises people who regularly leave in a noisy manner;
- The supervision of any queues formed late in the evening so as to keep noise and disturbance to a minimum.

9.15 Where relevant representations have been received, conditions may be imposed which include restrictions on the times when music or other licensable activities may take place and may include technical restrictions on sound levels at the premises.

9.16 In considering an application, the Council will take into account previous noise and nuisance complaints, and the ability/willingness of the licensee to deal with such complaints.

10.0 Protection of Children from Harm

10.1 The Council is committed to protecting children from harm and views this as an important licensing objective. Nevertheless, the Council has taken account of the view of the Government that the use of licensed premises by children should be encouraged. The Council recognises the wide variety of premises for which licenses may be granted. It also recognises that there are many circumstances where it is appropriate for children to be present on licensed premises and seeks to encourage their access to constructive leisure pursuits which support the social fabric of the Borough. It also recognises that there are circumstances where it is appropriate to limit or prevent access by children for the prevention of harm.

10.2 It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there. In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice. Conditions duplicating these provisions are, therefore, inappropriate.

10.3 Within this objective is included the protection of children from moral, psychological and physical harm and in relation to the exhibition of films, transmission of programmes or videos or provision of certain other types of regulated entertainment, this includes the protection of children from exposure to strong language and sexual expletives. There are certain circumstances where children are more vulnerable with their needs therefore, requiring special consideration. Such circumstances would include striptease, lap, table or pole dancing, performances involving feigned violence, feigned or actual sexual acts or entertainment involving strong and offensive language. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example and the unpredictability of their age and the lack of understanding of danger.

10.4 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and events.

10.5 When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that impact on harm to children have been considered. Areas that will give rise to particular concern to the Licensing Authority in respect of children are:

- Where entertainment or services of an adult or sexual nature are provided;
- Where there have been convictions, warnings, notices or cautions for serving alcohol to minors or premises with a reputation for under-age drinking;
- With a known association for drug taking or dealing;
- Where there is a strong element of gambling on the premises; and
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- There have been representations from police, the local Safeguarding Children Board, Trading Standards, Thames Valley Police, Licensing Authority or any other Responsible Authority, or relevant agency / representative.

10.6 The following are examples of possible control measures, although are not exhaustive and not relevant in all cases. They are considered however, to be amongst the most essential measures that applicants should take account of in their operating schedule, having regard to their particular type of premises and /or activities:

- Effective and responsible management of premises;
- Provision of a sufficient number of people employed or engaged to secure protection of children from harm;
- Appropriate instruction, training and supervision of those employed or engaged to secure protection of children from harm;
- Staff attendance at an Age Verification training scheme;
- Adoption of best practice guidance;
- Limitations on the hours when children may be present in all parts of the premises;

- Limitations or exclusions by age when certain activities are taking place;
- Imposition of requirements for children to be accompanied by adults;
- Acceptance of accredited proof of age schemes such as “Challenge 25” or photographic identification such as passports and photo-card driving licenses;
- Refusals books to record all refused sales of alcohol to those who are presumed to be underage;
- Measures to ensure children do not purchase, acquire or consume alcohol; and
- Measures to ensure children are not exposed to violence or disorder.
- Arrangements taken or proposed to prevent children from acquiring or consuming alcohol
- Steps taken or proposed to prevent children from being exposed to drugs, drug taking or drug dealing
- Arrangements taken or proposed to prevent children from being exposed to gambling
- Steps taken or proposed to prevent children from being exposed to activities of an adult or sexual nature
- Steps taken or proposed to prevent children from being exposed to incidents of violence or disorder
- Measures taken or proposed to prevent children from being exposed to excessive noise
- Measures taken or proposed to prevent children from being exposed to special hazards such as falls from height
- Steps taken or proposed to prevent children from purchasing cigarettes from vending machines
- Arrangements for appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm
- premises restrictions on the access by children to the whole or any part of the premises, including times when children may not be present.

10.7 The Council will have regard to representations from the Social Services and other child protection agencies to determine if measures proposed are sufficient to ensure that children are adequately protected from harm. Where representations indicate that any matter has not been addressed sufficiently to avoid a potential negative impact on the protection of children from harm,

the applicant will be expected to demonstrate that the issues can be satisfactorily addressed before the Council will grant an application for a licence or a variation of a licence.

10.8 In recognising the importance of the issue of under-age drinking, licensees are not able to provide alcohol to children, except where a 16 or 17-year-old consumes beer, wine or cider with a table meal in circumstances where he is accompanied by a person aged 18 or over. Therefore, applicants must be able to demonstrate that they have in place satisfactory arrangements to prevent sales of alcohol to children including a recognised or appropriate proof-of-age scheme. The Council would be supportive of arrangements, which include incorporating any of the following:

- Passport
- Photo Card driving licence issued in the European Union
- Proof of Age Scheme Card
- 'New type' driving licenses with photographs
- Official ID card issued by the HM Forces or by a European Union country bearing a photo and date of birth of holder
- Citizen Card supported by the Home Office.

10.9 Applicants may wish to specify a 'cut-off time' after which children would not be allowed to remain on the premises. In considering whether to impose a 'specified cut-off time' by way of condition, the Council will take into account:

- The concerns of responsible authorities and interested persons who have made representations;
- The steps set out in an operating schedule which the licensee will take to protect children from harm on such premises;
- The type of event for which no age restriction may be needed e.g. family entertainment; non-alcohol events.

10.10 Issues with regard to access of children to premises are likely to arise in premises where any of the following apply:

- convictions for serving alcohol to minors or premises with a reputation for, or inadequate arrangements to deter, under-age drinking;

- a known association with, or inadequate arrangements to deter, drug taking or dealing;
- a strong element of gambling on the premises;
- entertainment of an adult or sexual nature is commonly provided;
- inadequate arrangements to protect children from the supply and use of other products which it is illegal to supply to children;
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

10.11 Where such matters have been identified in an applicant's operating schedule or where relevant representations have been received, conditions dealing with the following matters may be appropriate:

- Limitations on the hours when children may be present;
- Age limitations below 18;
- Limitations or exclusions when certain activities are taking place;
- Access limited to parts of the premises;
- Requirements for accompanying adults;
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

10.12 No conditions will be imposed to the effect that children must be admitted to licensed premises.

10.13 Licensees of all premises supplying alcohol are encouraged to adopt a policy of requiring proof of age where there is any doubt about the age of any person attempting to purchase alcohol, accepting such documents as passports, driving licenses and accredited proof of age schemes such as PASS or similar schemes. Licensees are also encouraged to display prominently signs displaying information that under 18's will not be served alcohol and that those who appear under 25 will be asked to prove their age.

10.14 Wokingham Borough Council's Trading Standards Team investigate all complaints or allegations regarding the under-age sale of alcohol and conduct intelligence led test purchase enforcement operations as appropriate.

10.15 The Council requires all operators of cinemas to comply with the classification systems for films administered by the British Board of Film Classification and to ensure that procedures are in place to achieve compliance with the age classification system in existence at any time. The Council accepts the BBFC classification.

10.16 In the case of a film exhibition that has not been classified, in addition to the Council's assessment, the licensee will be expected to conduct an assessment of the suitability of the film for exhibition to children and to implement measures that restrict viewing by children where the Council deem it necessary.

10.17 The Council will impose a mandatory condition restricting access only to persons who meet the required age limit in line with any certificate granted by the British Board of Film Classification or the Council.

10.18 The Council will expect that licensees ensure that any age restrictions for cinema exhibitions are properly complied with.

10.19 In considering applications, the Council will take into account any evidence that age restrictions for cinema exhibitions are not being properly observed.

Children and public entertainments

10.20 Where children are present at an event as entertainers, the Council will expect an adult to be nominated as responsible for such child performers.

10.21 Where there is provision of entertainment specifically for children (e.g. a children's disco or supervised play area) the Council will expect sufficient adult supervisors (with sufficient experience) to be present to control the access and egress of the children and secure the protection of children, including child performers, from harm, bearing in mind the number and ages of the children involved and any other issues such as disabilities that the children may have.

10.22 The Council will expect the premises to provide sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

Tackling child sexual exploitation

10.23 Alcohol is often a factor in Child Sexual Exploitation (CSE), where young people may be encouraged or coerced to drink, or alcohol may be a factor in risk-taking behaviour by young people who drink irresponsibly and then get involved in activities that otherwise they would not. Nationally, evidence has been found of the sexual exploitation of children taking place on licensed premises and licensed premises being used for the purposes of grooming and enticement.

10.24 The Licensing Authority encourages licence holders and operators of licensed premises:

- To ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime
- To raise the awareness of their staff about child sexual exploitation and provide intelligence for the appropriate authorities about concerns, including perpetrators who may be operating in their areas.

10.25 The risks vary depending on the style and character of the business, but premises can be involved in the following ways:

- If an adult venue (night clubs or sex entertainment venue) is frequented by underage customers, this can attract perpetrators; or if a premises (or event) hosts under 18 events or mixed age activities;
- Where underage drinking takes place, children and young people are vulnerable as their judgement is impaired;
- There is a risk of CSE at premises where goods or services can be offered in exchange for sexual favours (such as free food, transport, drinks, cigarettes, or free access to a venue). This can happen if a perpetrator is employed there (or works voluntarily) and has regular or private contact with children;
- Children and young people are vulnerable in areas of premises that are not monitored (such as toilets, beer gardens);

- Risk may present if information technology is in use at a premises (internet, mobile phones/cameras/video recorders);
- Premises providing facilities for private parties, private dancing/entertainment booths or overnight accommodation may be vulnerable to child sexual exploitation.

10.26 Nevertheless, the Licensing Authority has taken account of the view of the Government that the use of licensed premises by children should be encouraged where appropriate.

10.27 Venue operators seeking premises and club premises certificates may wish to volunteer prohibitions and restrictions in their operating schedules because their own risk assessments have determined that the presence of children is undesirable or inappropriate. Where no relevant representations, to the contrary, are made to the Council, these volunteered prohibitions and restrictions will become conditions attaching to the licence or certificate and will be enforceable as such.

10.28 Under the Licensing Act 2003, the 'due diligence' defence can be used to protect your business, if you can demonstrate that all reasonable steps have been taken to manage risk. Here are some suggested safeguarding measures to help evidence 'due diligence' and keep children safe:

- Undertake a written children and young people's risk assessment and use it to inform your operating policy and staff training;
- Staff should be trained to recognise indicators of child sexual exploitation and know how to report concerns;
- Staff should be trained to operate an age verification scheme, know what types of identification are acceptable and to recognise signs of proxy purchase of alcohol;
- Staff training records should be maintained;
- Activity at the premises should be monitored (for example using CCTV or by regular patrols. Patrol records should be maintained);
- Suspicious activity should be reported to the police (including details such as vehicle registration numbers, description of individuals) and should be recorded in your incident log;
- If you, or your staff, are in a situation involving the supervision of a vulnerable young person at your premise, it is important to follow a consistent and auditable protocol;

- If you have a hot food delivery service enforce a code of conduct to promote good safeguarding practice when deliveries are made to unaccompanied children.

11.0 Sex Establishment Venues

11.1 Where activities under a new licence would regularly include those with a sex related element, the premises may also require a sex establishment venue licence.

11.2 A sex establishment venue is defined as any premises where any live performance or any live display of nudity is of such a nature, regardless of financial gain, it must reasonably be assumed to have been provided solely or mainly for the purpose of sexually stimulating any member of the audience (eg. striptease, table dancing, topless waitresses).

11.3 Therefore, a new premises may need to hold both a licence issued under the Licensing Act 2003 to allow the premises to sell alcohol; and a licence issued under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) to allow the premises to be used as a sexual entertainment venue.

11.4 Where an existing licensed premises provides or wishes to provide sex related activity, the Council will expect the premises licence holder to assess the impact of the proposed activity on the licensing objectives and, where appropriate, apply to vary the conditions attached to the premises licence to take account of any increased risk. This may avoid a possible review of the premises licence from an interested party or Responsible Authority. Where it is deemed appropriate to seek a variation to the premises licence, the Council will expect the application to vary the premises licence to accompany the application for a sexual entertainment venue licence.

12.0 Promotion of Other Strategies

Reducing the strength

12.1 The Licensing authority intends to introduce a “Reduce the Strength” campaign. The campaign aims to restrict the availability of beer, lager and cider which has an ABV of 6% or above.

12.3 Applicants for new or variation applications which include a request to sell alcohol for consumption off the premises are encouraged to include membership of the scheme within their operating schedule. Details of the wording of a suitable condition can be viewed in local pool of licence conditions at **Appendix B**.

12.4 Where applicants do not propose membership of the scheme within their operating schedule and there is evidence of street drinking within the vicinity of the premises, the licensing sub-committee may, if appropriate, attach a condition prohibiting the sale of beer, lager or cider with an ABV equal to or exceeding 6%.

Boxing

12.5 The rise in popularity of White-Collar Boxing has encouraged the Council to provide guidance on the Licensing Authorities expectations for any boxing promoters to consider as measures for their operating schedule.

12.6 The following is guidance for organisers of boxing events in the Wokingham Borough Council area regarding the issues that should be included in a risk assessment:

- Full contact details of the organisers and other parties involved in the event;
- The medical cover that will be provided at this event. Will there be a Registered Doctor and a Paramedic will be provided as a minimum. Has the facility of providing an ambulance been considered for the event? The Council would prefer that an ambulance is provided;

- The medical checks that will be carried out on the boxers before and after the fight. The Council would expect all boxers taking part to have a medical card and competition record book. This should detail previous bouts, medical history etc.;
- How boxers will be matched up for the event. All boxers will be expected to be evenly matched and fall in the same weight category;
- Details of the ring set up and who will be carrying this out;
- The numbers of referees and judges taking part in the event;
- The type and weight of boxing gloves that will be used by the boxers and how these will be inspected;
- What will be the safety rules for the fight and how these rules will be communicated to the boxers, coaches, trainers and other relevant parties;
- Details of the Personal Protective Equipment that will be worn by boxers;
- Actions that will be taken in an emergency and how parties will communicate;
- Site checks that will be completed prior to the event taking place.

Women's safety in the night time economy

12.7 Ask for Angela is the name of a campaign in England that started in 2016 that is used by bars and other venues to keep people safe from sexual assault by using a codeword to identify when they are in danger or are in an uncomfortable situation. When an establishment uses this program, a person who believes themselves to be in danger can ask for Angela, a fictitious member of the staff.

12.8 In 2021, the Metro launched a campaign to make Angela safer and more reliable. To do this Licence Holders must:

- Make training compulsory for every current and new member of staff
- Ensure training has test elements and is completed successfully so that every member of staff will feel confident knowing what to do if asked for 'Angela'
- Ensure training is inclusive of queer, trans and non-binary people
- Ensure training covers spotting sexual harassment and vulnerability

- Ensure refresher sessions are held at least bi-annually
- Publicly list venues that are part of the scheme and ensure it is kept up to date
- Offer clear signposting in venues that are part of the scheme - not just posters on toilet walls, but also by the bar and near the tills
- Finally, give staff members a specific badge to wear to show that if someone asks for 'Angela' they are able to help. (Ensuring that more than one member wears it to maintain discretion)



Fig 1. Example of an 'Ask for Angela' poster.

Welfare and Vulnerability Engagement

12.9 Welfare And Vulnerability Engagement (WAVE) training is a package developed to provide those working in the licensed industry with an awareness of vulnerability, their responsibilities it and how to deal with it. WAVE Training aims to increase the skills, knowledge and confidence of those working in licensed premises focusing on identifying vulnerability and making appropriate interventions.

Bystander Intervention Training

12.10 The Bystander Intervention of Sexual Violence is a programme that aims to use social norms theory to prevent sexual and relationship abuse and violence. This training has been developed by Welsh Women's Aid for Thames Valley Police. The aims of the training are to:

- understand the theory of bystander intervention and the role of bystanders in preventing rape and sexual violence;
- develop the practical tools, strategies, and confidence to intervene safely if you witness inappropriate behaviour, including tackling myths and barriers that prevent intervention;
- understand rape and sexual assault and to clarify what constitutes rape;
- explore the law around consent and to challenge attitudes towards victim blaming;
- have an effective understanding of consent;
- have a clear understanding of how to appropriately respond to disclosures of sexual violence and sexual harassment;
- recognise the legalities of producing and sharing explicit images and identify the consequences of producing and sharing explicit images;
- understand more about what support is available for survivors of abuse and violence.

Best Bar None

Best Bar None (BBN) is an accreditation and awards program, promoting the responsible management and operation of liquor-licensed premises. The program aims to reduce alcohol-related harms by raising the standards of licensed premises and building positive relationships among all stakeholders - operators of licensed premises, industry partners, law enforcement and

concerned community groups. In addition, BBN rewards licensees who go above and beyond to raise the responsible service standards and make their establishments safer.

Accreditation criteria cover a wide range of issues that well-managed premises should be aware of and address. As part of the accreditation process, all premises are assessed to ensure they meet the specific standards related to safe operations and responsible management.

Accredited premises receive a plaque to display within their establishment and signage for their entrances. They are also permitted to display the BBN brand in promotional materials.

All accredited establishments who go above and beyond in meeting the responsible management and safe operations standards will be considered for an award by a judging panel.

Bars apply and then use the criteria checklist to ensure that their premises meets the criteria required for accreditation. The criteria checklist identifies a wide range of operational, service and customer safety criteria that well-managed premises should be aware of and address.

The checklist has two sections: Mandatory and Bonus. To be accredited, all Mandatory criteria must be met. Additional points can be earned by meeting Bonus criteria, which will increase your eligibility for award consideration.

A trained assessor will contact the licensee to arrange an appointment to visit the establishment and review the criteria checklist. The assessment is not a compliance inspection but is an opportunity to go through the checklist and offer feedback and advice. If all the mandatory criteria are met, the premises will receive BBN accreditation.

Licensees who meet all the mandatory criteria and additional Bonus criteria will be considered for an award by a judging panel. Winners and runners-up are chosen for each category.

13.0 Conditions

13.1 Conditions include any limitations or restrictions attached to a licence or certificate, and essentially are the steps the holder of the premises licence or the club premises certificate will be required to take at all times when licensable activities are taking place at the premises in question.

13.2 Conditions will be attached to licenses and certificates only where they are appropriate for the promotion of the licensing objectives.

13.3 In addition to the original mandatory conditions imposed upon the introduction of the Act, Schedule 4 of the Policing and Crime Act 2009 amended the Act to give the Secretary of State the power to impose new mandatory licensing conditions in relation to the supply of alcohol under the authority of a premises licence or club premises certificate. All mandatory licensing conditions apply to all existing and future premises licenses which authorise the sale or supply of alcohol. These conditions override any conditions already included in a premises licence or club premises certificate, so far as they are identical to the existing conditions or inconsistent with, and more onerous than, the existing conditions. The new conditions will apply to every licence and certificate authorising the sale or supply of alcohol from the date that they come into force.

13.4 The conditions that are necessary for the promotion of the licensing objectives should emerge initially from a prospective licence or certificate holders risk assessment. This would be translated into the measures recorded in the operating schedule that it is proposed to take to promote the licensing objectives. The operating schedule must also set out the proposed hours of opening. The proposals will then be made available to expert bodies, who are the responsible authorities described in the 2003 Act, and by interested parties such as local residents.

13.5 Licensing is concerned with the appropriate control of licensed premises, qualifying clubs, temporary events and the people who manage them or hold personal licenses within the terms of the 2003 Act. Where relevant representations are made, the Licensing Authority will seek to make

objective judgements as to whether it may be appropriate to attach conditions to various authorisations to secure achievement of the licensing objectives.

13.6 Any conditions arising from the operating schedule or as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises and members of the public living, working or otherwise engaged in normal activity in the area concerned and will cover matters that are within the control of individual licensees.

13.7 Should issues not be addressed within the operating schedule to the satisfaction of any Responsible Authority, resulting in representations being made, further appropriate conditions may be placed on licenses. These conditions may be drawn from the local pool of model licensing conditions, see **Appendix B**, or may be specially formulated to be relevant to a particular situation. Conditions will only relate to matters which the licensee can be expected to control and will relate to the premises themselves, the immediate vicinity around the premises and will focus on the impact of those activities on those living, working or otherwise engaged in the area concerned. The licensing regime exists to ensure that licensed premises and events within the terms of the Act are regulated so that they are both safe and cause a minimum of disturbance.

13.8 Conditions will only be placed on licenses if they are considered appropriate to meet the licensing objectives. Duplication caused by licence conditions that are dealt with by means of other legislation, for example health and safety at work or fire safety, will be avoided. Conditions will only be attached to premises licenses and club premises certificates that are appropriate for the promotion of the licensing objectives if not already provided for in other legislation. However, certain safety legislation includes exemptions because it is assumed that licensing controls will provide the appropriate coverage. In such cases conditions will be imposed that are considered appropriate.

13.9 The Licensing Authority acknowledges that the licensing function cannot be used for the general control of anti-social behaviour of individuals once beyond the direct control of the licensee of any premises concerned. However, it should be noted that the licensee bears a degree of responsibility for persons not only in but also around the immediate vicinity of the premise,

when those persons are either entering or exiting the licensed premise, or are loitering within the boundary of the premise.

13.10 Other mechanisms may be utilised where appropriate to tackle unruly or unlawful behaviour of customers when beyond the control of the individual Public house, club or business that holds the licence, certificate or authorisation concerned. These include:

- Planning controls;
- Positive measures to create a safe and clean town environment in partnership with local businesses, transport operators and other departments of the local authority;
- The provision of CCTV surveillance in and around the Borough, provision of public conveniences, street cleaning and litter patrols;
- Powers of the local authority or police to designate parts of the Borough as areas where alcohol may not be consumed publicly;
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- The prosecution of any personal licence holder or member of staff at such premises that is selling alcohol to people who are drunk;
- The confiscation of alcohol from adults and children in designated areas;
- Police and local authority powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder, or noise emanating from the premises that is causing a nuisance; and
- The power of the police, other responsible authorities or local residents and businesses to seek a review of the licence or certificate in question.

13.11 If an applicant volunteers a restriction or prohibition in their operating schedule or following a relevant representation, this will become a condition attached to any licence or certificate issued and will be enforceable as such. Where the responsible authorities and interested parties do not raise any representations about the proposals made to the Council, the Council will grant the licence or certificate subject only to conditions that are consistent with the operating schedule accompanying the application and any mandatory conditions prescribed in the Act itself.

13.12 The Licensing Authority recognises that all applications should be considered on their own merits and any conditions imposed must be tailored to that individual premises. This will avoid the implementation of disproportionate and burdensome conditions. Standard conditions other than mandatory conditions, will be avoided and no condition will be imposed that cannot be shown to be appropriate for the promotion of the licensing objectives. However, a condition whether volunteered or otherwise, must be measurable and as such the Licensing Authority may alter the wording of a condition to make it such (without changing the context of the condition) and will keep a bank of worded conditions that may be used in respect of a premises if and when such a condition is considered appropriate to meet one or more of the licensing objectives.

13.13 In order to minimise disputes and the necessity for hearings, applicants are encouraged to consult with all responsible authorities when operating schedules are being prepared. This would allow for proper liaison before representations prove necessary.

13.14 Conditions attached to licenses and certificates will be tailored as appropriate to reflect the individual style and characteristics of the premises and events concerned.

13.15 If the existing law already places certain statutory responsibilities on an employer or operator of premises, the Council will not duplicate these duties through the use of licensed conditions.

13.16 Conditions will also not be set which replicate licensing offences that are set out in the Act, for example:

- to sell or supply alcohol to a person who is drunk;
- to knowingly allow disorderly conduct on licensed premises;
- for the holder of a premises licence or a Designated Premises Supervisor to knowingly keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported
- to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in

premises used exclusively or primarily for the sale and consumption of alcohol.

Mandatory conditions

13.17 The 2003 Act provides for mandatory conditions to be included in every licence and/or club premises certificate. A set of the current mandatory conditions is attached at **Appendix A** to this policy.

Model conditions

13.18 Standardised conditions will be avoided. However, the Licensing Authority has produced model conditions to provide a consistent approach for all parties by specifying appropriate conditions that could be included on any licence or certificate granted. This could be by the applicant in designing the operating schedule, by other parties in seeking to address concerns associated with the application, or ultimately, by the Licensing Authority when imposing conditions is considered appropriate for the promotion of the licensing objectives.

13.19 The model conditions are not an exhaustive list, and they do not restrict the ability of any party to suggest, or the Committee to impose, any condition they consider appropriate for the promotion of the licensing objectives. The set of model conditions is attached at **Appendix B**.

14.0 Other Regulatory Systems

14.1 Other statutory obligations which fall outside the requirements of the Licensing Act 2003 may apply to the provision of any regulated activities at a premises and the responsibility for compliance lies with the licence holder. For example, if the activity involves the preparation and/or sale of food then it is the responsibility of the applicant to ensure that all appropriate Food Safety legal requirements are met, or if alcohol is sold the full weights and measures requirements are met. It would be expected that a licensee would have registered the premises as a food business with Wokingham Borough Council. Such registration is not a Licensing requirement however businesses are expected to comply with all relevant food safety and weights and measures legislation. Many of the specific licensing requirements relate to matters potentially affecting public safety.

14.2 In addition to these licensing requirements there are wider duties on all business (whatever their legal status and regardless of whether a licence is needed) to protect the health and safety of employees (and the self-employed) as well as the public. Some of these duties are deliberately wide, generalised and all-encompassing e.g. main duties under Section 2, 3, & 4 of the Health & Safety at Work etc. Act 1974, others are very specific e.g. requirements under the Control of Substances Hazardous to Health Regulations 2002, and do not apply in all circumstances. Some of these duties are absolute under law and have to be complied with, without exception e.g. hoists and lifting equipment must be examined by a competent person at prescribed intervals. These Health & Safety duties tend to include all specific safety requirements under licensing requirements for the public on the premises and extend them to cover the safety of others e.g. staff, contractors, passers-by etc. There is considerable overlap between the licensing regime and the wider health & safety regimes.

14.3 The Licensing Authority will seek to achieve integration with relevant strategies and their aims in determining applications and will do so through relevant consultation of this policy and individual applications.

Planning control

14.3 Planning and licensing regimes will be properly separated to avoid duplication and inefficiency. Licensing applications will not be a re-run of the planning application and licensing decisions will not cut across decisions taken by the planning committee or permissions granted on appeal.

14.4 Planning permission is usually required for the establishment of new premises and the change of use of premises. In general, all premises that apply for a licence must also obtain or have obtained authorised planning permission and comply with all conditions of that planning permission or benefit from permitted development rights pursuant to the General Permitted Development Order (1995). Planning permissions that are relevant to licensed premises include:

- a retail shop, licensed for the sale of liquor for example (A1);
- the use of premises for the sale and consumption of food and drink on the premises or where hot food is sold for consumption off the premises, including restaurants, bars and takeaways (A3);
- assembly and leisure use, including cinemas, concert and indoor/outdoor sports and recreation (D2);
- a hotel that has a restaurant or bar included in its authorised use (C1).

14.5 Under the current Use Classes Order, planning permission is generally required if the use of an existing premises changes use class. For example, planning permission would be required for a change from a shop (A1) to a restaurant or bar (A3). Planning permission is not required if the use of existing premises changes to a use within the same use class. For example, planning permission would not normally be required for a change from a restaurant (A3) to a bar (A3).

14.6 When applying for planning permission the Council, as local planning authority, will consider the potential impacts and benefits of the proposed use within the context of the local development plan and relevant Government guidance and other material planning considerations.

14.7 In circumstances where any restriction has been placed on the use of premises (through the imposition of planning conditions) prior to an

application being made for a licence, certificate or provisional statement, consideration will be given to the extent to which the application meets the overall licensing objectives and the policies contained within this statement.

14.8 Where necessary, conditions will be attached to a certificate, licence or provisional statement in order to achieve the objectives of this policy. The granting of a licence, certificate or provisional statement will not override any requirement of the planning system. The licensing system will provide the detailed control of operational matters, which are unlikely to be addressed through planning processes, however there will be overlapping issues of interest i.e. disturbance, which will remain material considerations for planning purposes.

14.9 The licensing committee will, where appropriate, provide reports to the planning committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder. This will enable the planning committee to have regard to such matters when taking its decisions but will also avoid any unnecessary duplication of controls.

Building control

14.10 Building Regulations govern a variety of issues, which will directly contribute to the licensing objectives, including means of escape, structural integrity, accessibility and public safety. “Approved Inspectors” offer a private sector alternative to local authority Building Control services.

14.11 Building Regulations Approval and Completion Certificates will be required prior to the commencement of the use of premises for licensable activities.

Health and safety at work

14.12 The Health and Safety at Work etc. Act 1974 (and other relevant statutory provisions) impose duties on employers, employees and persons in control of premises. Local authorities are the enforcing authority for the majority of premises on which licensable activities are carried on, and in other cases the Health and Safety Executive is responsible.

14.13 Licensing objectives overlap with health and safety requirements in so far as foreseeable risks to public safety would be covered by the duties imposed by relevant legislation.

14.14 The general duties under health and safety legislation (for example, to undertake a suitable and sufficient risk assessment) may not always adequately cover specific issues that arise on the premises in connection with, for example, certain types of entertainment. It is only where additional and supplementary measures are 'appropriate' for the promotion of the licensing objectives that conditions will need to be attached to a licence. Conditions will not be set which duplicate other requirements of the law.

Statutory nuisance

14.15 The Environmental Protection Act 1990 places a duty on local authorities to investigate complaints of nuisance (for example, noise), and take enforcement action where a statutory nuisance exists. The Licensing Act provides the power for the Police to close licensed premises (temporarily) to prevent nuisance to the public as a result of noise coming from the premises.

14.16 The powers available to deal with noise nuisance have been extended by the Anti-Social Behaviour Act. These matters should be considered before deciding whether or not conditions are necessary for the prevention of public or statutory nuisance.

Fire precautions

14.17 In determining the provision of appropriate Fire Safety standards for licensed premises, Royal Berkshire Fire and Rescue Fire Service Fire Safety Officers will take into account the suitability and sufficiency of the premises fire risk assessment that must be undertaken by the person. From the 1st October 2006 the Regulatory Reform (Fire Safety) Order 2005 ('the Fire Safety Order') replaced previous fire safety legislation. As such any fire certificate issued under the Fire Precautions Act 1971 will cease to have effect.

14.18 There will be close co-operation between the Council and Royal Berkshire Fire and Rescue Service to ensure that the public is properly protected.

14.19 Where Council inspections identify serious fire safety problems in premises which are subject to licence conditions which they cannot resolve easily or on which they require advice, they will contact the Royal Berkshire Fire and Rescue Safety Officer.

14.20 Where the premises are a sports ground that is covered by the Safety at Sports Grounds Act 1975, as amended, or the Fire Safety and Safety of Places of Sport Act 1987 the enforcing authority will be the Local Authority which is also the Licensing Authority.

14.21 It should be noted that under article 43 of the Fire Safety order any conditions imposed by the Licensing Authority that relate to any requirements or prohibitions that are or could be imposed by the order automatically cease to have effect, without the need to vary the licence. This means that licensing authorities will not seek to impose fire safety conditions where the order applies.

14.22 The exception to this is where the Licensing Authority and the enforcing authority for the fire safety order are one and the same body. For example, designated sports grounds and stands where the local authority enforces the fire safety order. In such circumstances fire safety conditions should not be set in new licenses, but conditions in existing licenses will remain in force and be enforceable by the Licensing Authority.

14.23 The Fire Safety order covers 'general fire precautions' and other fire safety duties which are needed to protect 'relevant persons in case of fire in and around 'most premises'. The Order requires fire precautions to be put in place 'where necessary' and to the extent that it is reasonable and practicable in the circumstances of the case.

14.24 The responsibility for complying with the order rests with the 'responsible person', which may be the employer, or any other person or people who may have control of the premises. Each responsible person must carry out a fire risk assessment which must focus on the safety in case of fire for all 'relevant persons'. The fire risk assessment is intended to identify risks that can be removed or reduced and to decide the nature and

extent of the general fire precautions that need to be taken including, where necessary, capacity limits.

The Equality Act 2010

14.25 The Equality Act 2010 brings together over 116 separate pieces of legislation into one single Act. Combined they make up a new Act that provides a legal framework to protect the rights of individuals and advance equality of opportunity for all.

14.26 The new framework covers a series of ‘protected characteristics’. People who share these characteristics are regarded as being members of certain ‘protected groups’. The protected characteristics are:

- Race
- Disability
- Age
- Religion or belief
- Sex
- Sexual orientation
- Gender reassignment
- Pregnancy and maternity
- Marriage and civil partnership

The Equalities Act requires all businesses to consider employees and service users in all protected groups.

14.27 The 2010 Act also contains provision to tackle discrimination encountered by disabled people in the areas of employment, access to goods, facilities and services and the management, buying or renting of land or property. For service providers, such as licensees:

- it is unlawful to treat disabled people less favourably than other people for a reason related to their disability;
- they have to make reasonable adjustments for disabled people, such as providing extra help or making changes to the way they provide their services; and

- they will have to make reasonable adjustments to the physical features of their premises to overcome physical barriers to access.

Human Rights Act 1998

14.28 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention right. The Council will have particular regard to the following relevant provisions of the European Convention on Human Rights:

- Article 6 that in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
- Article 8 that everyone has the right to respect for his home and private life; and
- Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of his or her possessions (including for example the possession of a licence).

The government's alcohol strategy

14.29 The Government has published an Alcohol Strategy in March 2012 for England which outlines how Authorities can address some of the Social Health and Crime & Disorder issues raised by the misuse of alcohol, particularly when the Licensing Authority is considering applications for any relevant licence made under the Licensing Act 2003. This strategy will be taken into account having regard to matters such as irresponsible drinking and reducing the availability of cheap alcohol etc.

Government & police guidance for clubs and other licensed premises

14.30 For premises which may have problems with drugs, crime and disorder and/or are open late the Council will refer to the guidance given and will expect applicants in their operating schedules to use the strategies outlined in the Home Office Drug Strategy booklet - Safer Clubbing (ISBN Number:

1840827807). Copies of this booklet can be obtained from the Drug Prevention Advisory Service at www.drugs.gov.uk.

15.0 Cumulative Impact

15.1 “Cumulative impact” means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. For example, the potential impact on crime and disorder or public nuisance on a town centre of a large concentration of licensed premises in that part of the local authority licensing area. In certain circumstances the number, type and density of premises selling alcohol for consumption on the premises may be such that there are serious problems of nuisance and disorder arising or beginning to arise outside or some distance from licensed premises. It is possible that the impact on surrounding areas of the behaviour of the customers of all premises taken together is greater in these circumstances than the usual impact from customers of individual premises.

15.2 Guidance issued under S182 of the Act allows Councils to adopt a special saturation policy in such circumstances and specifies the steps to be followed in considering whether to adopt a special saturation policy. These steps require: -

- identification of concern about crime and disorder or public nuisance;
- consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises, and if so identifying the area from which problems are arising and the boundaries of that area; or that risk factors are such that the area is reaching a point when a cumulative impact is imminent;
- consultation with those specified in section 5(3) of the 2003 Act (see paragraph 22.1 of this policy document);
- subject to that consultation, inclusion in the Licensing Policy of a special policy about future premises licence or club premises certificate applications from that area;
- publication of the special policy as part of the Licensing Policy.

15.3 The effect of adopting a special saturation policy is to create a rebuttable presumption that applications for new premises licenses or club premises certificates or material variations in the area(s) identified by the special policy

will normally be refused, if relevant representations to that effect are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced. Applicants would need to address the special policy issues in their operating schedules in order to rebut such a presumption.

15.4 When such a special saturation policy is adopted, each application will still be considered properly and on their own individual merit, and licenses and certificates that are unlikely to add to the cumulative impact on the licensing objectives will be granted. Following receipt of representations in respect of a new application for or a variation of a licence or certificate, the Council will consider whether it would be justified in departing from the special policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. It will be for the Council to show that the grant of the application would undermine the promotion of one of the licensing objectives and if it would, that necessary conditions would be ineffective in preventing the problems involved.

15.5 In considering such applications the Committee will have particular regard to:

- The occupancy figure for the proposed premises.
- The proximity of the premises to others in the Area licensed for similar activities and the occupancy figures for those other premises.
- Whether the proposed premises will act as a replacement for others in the Area that no longer have a licence.
- The proposed methods of management outlined in the applicant's operational plan.
- The proposed hours of operation.
- Transport provision for the Area.

15.6 Special saturation policies will never be used as a ground for revoking an existing licence or certificate when relevant representations are received about problems at those premises. Nor will they be used to justify rejecting applications to vary an existing licence or certificate except where those modifications directly affect the issue of cumulative impact (as would be the case with an application to vary a licence with a view to increasing the

capacity limits of the premises) and are strictly necessary for the promotion of the licensing objectives.

15.7 A special saturation policy will not impose quotas that restrict the consideration of any application on its individual merits or which seek to impose limitations on trading hours in particular areas. This is because quotas have no regard to the individual characteristics of the premises concerned. Public houses, nightclubs, restaurants, hotels, theatres, concert halls and cinemas all could sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard will be given to those differences and the differing impact they will have on the promotion of the licensing objectives.

15.8 A special saturation policy will not include provisions for a terminal hour in a particular area.

15.9 Special saturation policies will be reviewed regularly (and at least every three years) to assess whether they are needed any longer or need expanding.

15.10 A special policy will not be used to revoke an existing licence should a request for a review be received.

16.0 Late-Night Levy

16.1 The Police Reform and Social Responsibility Act 2011 introduced the power for the Licensing Authority to charge a late-night levy (“the levy”) to all premises within its licensing area.

16.2 The late night levy is a discretionary power allowing the Council to collect an annual fee from all licensed premises in the area that are authorised to sell alcohol between the hours of midnight and 6.00am as a means of raising a contribution towards the costs of policing the night time economy.

16.3 As the powers are discretionary the Council, in its capacity as the Licensing Authority, must decide whether to introduce them; and in accordance with the 2011 Act in making that decision the Council must consider the cost of policing and other arrangements for reduction or prevention of crime and disorder in connection with the supply of alcohol between midnight and 6.00 am; and having regard to those costs, is there a desire to raise revenue to cover those costs.

16.4 In considering whether there is a ‘desire’ to introduce the late-night levy, the Licensing Authority must take into account the views of Thames Valley Police, the licence holders that will be affected by the levy and the residents of the borough.

16.5 The decision to introduce, vary or cease the levy will be made by full Council in conjunction with the Thames Valley Police.

16.6 The Licensing Authority recognises that this levy would cover the whole of the borough and not just those premises that are causing problems or those premises within any cumulative impact area. Therefore, serious consideration will be given to the introduction of the levy.

16.7 At the time of writing this policy, the Licensing Authority has not had a request to consider introducing a late-night levy. Should this change during the life of this policy then the designated procedure would be applied to determine if a late-night levy is appropriate.

17.0 Early Morning Alcohol Restriction Order (EMRO)

17.1 The power to make, vary or revoke an Early Morning Alcohol Restriction Order (EMRO) is set out in section 172A to 172E of the Licensing Act 2003.

17.2 An EMRO enables a Licensing Authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.

17.3 EMROs are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance and other instances of alcohol related anti-social behaviour which is not directly attributable to specific premises.

17.4 It is the Council's intention to support businesses rather than hinder them, whilst ensuring the promotion of the licensing objectives. However, where this has deemed to fail then an EMRO may be considered as a possible solution.

17.5 It is likely that any request for an EMRO will come from the Police; however, the request may also be made by a number of different organisations, for example, the request for an EMRO may originate from the Council, a strategic partner, Public Health or residents' association.

17.6 At the time of writing this policy, the Licensing Authority has not had a request to consider introducing an EMRO. Should this change during the life of this policy then the designated procedure would be applied to determine if an EMRO is appropriate.

18.0 Personal Licence

18.1 A Personal Licence authorises individuals to sell or supply alcohol and authorise the sale or supply of alcohol for consumption on or off the premises for which a premises licence is in force for the carrying-on of that activity.

18.2 Any individual may seek a personal licence whether or not they have current employment or business interests associated with the use of the licence.

18.3 Provided an applicant has a qualification determined by the Home Office and does not have certain criminal convictions the Council must grant the licence.

18.4 Applicants for a personal licence are required to submit their application in accordance with the Licensing Act 2003 (personal licence) Regulations 2005, which requires that they submit two (passport style) photographs, one of which must be endorsed by a solicitor, notary, person of standing in the community or any other professional person, with a statement to verify the likeness to the applicant. A statement of criminal convictions and a basic disclosure certificate (or similar) which does not exceed 30 days since issue must also be submitted along with the original copy of the Level 2 certificate for personal licence holders.

18.5 Where an applicant has a relevant conviction the Police may oppose the application. If an objection is lodged by the Police, a hearing of the Council's Licensing (Sub) Committee will be held. The Committee will consider carefully whether the grant of the licence is likely to compromise the crime prevention objective. It will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances.

18.6 The Council will normally refuse applications where there are recent "relevant offences" and will only grant the application if it is satisfied that there are exceptional and compelling reasons for doing so. If the Police do not

issue an objection notice and the application otherwise meets the requirements of the Act the Council must grant the licence.

18.7 Where a Personal Licence holder is convicted by a court for a relevant offence, the Court will advise the Council accordingly. On receipt of such a notification, the Council will notify the Police and if they consider the continuance of the licence will prejudice crime and disorder objectives, they may issue an objection notice. In these circumstances, a hearing before the Licensing Committee will be held.

18.8 In order for the sale of alcohol to take place, the Council would normally expect the premises licence holder to ensure that there are a sufficient number of personal licence holders at the premises when alcohol is being supplied or retailed. If a personal licence holder is not on the premises for any reason, the Council would expect provisions to be made for the immediate contact of the personal licence holder or Designated Premises Supervisor in the event of an emergency.

18.9 The Council will require one of the personal licence holders to be a Designated Premises Supervisor. The main purpose being to ensure that there is always one specified individual who can be readily identified at the premises in cases of emergency. Thus, it will be clear who is in charge of the day-to-day running of the business.

18.10 Where the Designated Premises Supervisor is not available at the premises for whatever reason, the Council will expect an individual to be nominated as a point of contact who will have details of where the Designated Premises Supervisor can be contacted.

18.11 Personal licence holders must notify the Licensing Authority, as soon as practicably possible of any change of address and/or any relevant or foreign conviction.

18.12 When authorising members of staff to sell alcohol on their behalf, whilst not a legal requirement, personal licence holders are advised that it may be considered good practice to issue such authorisation in writing and to keep a record of both the authorisation and any training that has been provided.

18.13 Following deregulation, the ten-year validity period for a personal licence has now been repealed. Currently, a personal licence is valid indefinitely or until such a time as it is surrendered by the licence holder or suspended / revoked by a Magistrates' Court. Any person who currently holds a personal licence which displays an expiry date are advised to disregard this date. There is no need to return the licence to the Licensing Authority for the date to be removed.

19.0 Policy Consultation

19.1 In developing this policy the Council has consulted widely to ascertain an appropriate licensing framework for its area. The bodies consulted have included those specified in section 5(3) and in paragraph 29 of Part 4 of Schedule 8 to the Act: -

- the chief officer of police;
- the fire authority;
- representatives of holders of existing licenses;
- representatives of existing registered clubs;
- representatives of the local licensing trade;
- representatives of local businesses;
- representatives of local residents.

20.0 Temporary Event Notices (TEN's)

20.1 Certain temporary events are not required to be licensed but can be notified to the Licensing Authority using the Temporary Event Notice procedure. Nevertheless, depending on the nature and location of such events, these can have serious crime and disorder and noise implications. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the Police and the Council to work with them to identify and reduce the risk of crime and disorder and noise nuisance.

20.2 The Council recommends that at least 28 days' notice be given to hold such events, to allow it to help organisers to plan their events safely. Any longer period than this may mean that organisers do not have all the details available at the time of submitting the notice, and any lesser time means that planning may be rushed and haphazard.

20.3 There are two types of TEN; a standard TEN and a late TEN. These are subject to different processes: a standard notice is given no later than ten working days before the event to which it relates; and a late notice is given not before nine and not later than five working days before the event.

20.4 The most important aspects of the system of temporary event notices are that no permission is required for these events from the Council. In general, only the Police and Environmental Health may intervene to prevent such an event or modify the arrangements for such an event. The Council will only ever intervene itself if the limits on the number of notices that may be given in various circumstances, as outlined in the Act, would be exceeded.

20.5 Many of those who give temporary event notices will not have commercial backgrounds or ready access to legal advice. They will include, for example, those acting on behalf of charities, community and voluntary groups, schools, churches and hospitals all of which may stage public events to raise funds at which licensable activities will take place. The Council will ensure that local guidance about the temporary permitted activities is clear and understandable and will strive to keep the arrangements manageable and user-friendly for these groups.

20.6 In the event of a relevant representation from the Police and/or Environmental Health to a standard TEN the Council will hold a hearing not less than 24 hours before the event is due to take place. There is no right of hearing if an objection is lodged against a late TEN.

21.0 Larger Events

21.1 For licensable events where the capacity exceeds 499 a premises licence will need to be applied for. A premises licence can be time limited so that it is only in effect for the duration of the event.

21.2 Open air events may range from relatively small local events, like fairs, which may last for four or five days, to major pop festivals lasting one or more days. Despite the temporary duration of such major events, they can attract huge crowds of people and the risks to public safety and to crime and disorder as well as public nuisance may be considerable. A temporary event likely to attract more than 499 people will require an application for a premises licence and will not be covered by the Temporary Event Notice provisions.

21.3 It is recommended that the applicant make an initial approach to the Licensing Authority at least 6-9 months prior to the proposed event. This will allow the Council and the Emergency Services sufficient time to assist the organisers to plan their events safely. Many events will give rise to special considerations in respect of public safety and public nuisance. Operating schedules should therefore reflect an awareness of these matters. It is recommended that an application be made at least 3 months prior to the event. It is the responsibility of the organisers/promoters to satisfy the Council that they have met the standards outlined in the following relevant documents:

- The Event Safety Guide - A guide to health and safety and welfare at music and similar events ("The Purple Book") available at <http://www.thepurpleguide.co.uk>
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997) ("The Green Guide") ISBN 0 11 300095 2

21.4 Applications for large events will be scrutinised by the Safety Advisory Group (SAG) as well as the Licensing Authority. The SAG may consist of officers from Responsible Authorities such as Thames Valley Police,

Licensing, Health & Safety, Environment Agency, Food Safety, Fire Authority, Emergency Planning, Highways, Waste, and Ambulance Service.

21.5 The SAG allows officers to question applicants about the operation of their event to ensure it will be a “safe” event and will minimise disruption to traffic management and nuisance. The SAG will not determine licence applications but may recommend conditions be attached to a licence. The Licensing Authority will expect applicants and organisers of large temporary events to produce a satisfactory event management plan for their event and to comply with any recommendations made by the group.

21.6 Applicants may notify the SAG of an event or a proposed event that maybe organised in the future by emailing: Licensing@wokingham.gov.uk

21.7 For smaller events that do not require a full SAG meeting. The Council encourages the use of Multi-Agency Meetings. Please contact the Licensing Officer who can direct you on which route would be most suitable for your application.

21.8 A representative of the Licensing Authority will be present at all SAG or Multi-Agency to help promote safe events in the Borough and direct partner agencies on the objectives of the Act, this Statement of Licensing Policy and other published guidance or relevant legislation concerning licensed premises.

22.0 Reviews

22.1 At any stage, following the grant of a premises licence, a Responsible Authority or any other person, may apply for a licence to be reviewed because of a matter arising at the premises in connection with any of the four Licensing Objectives.

22.2 A licence will be reviewed where it is alleged that the Licensing Objectives are not being promoted and there is evidence to show this. The Licensing Authority will regard applications for the review of any premises licence particularly seriously where they involve evidence of:

- Use of licensed premises for the sale and distribution of drugs and the laundering of drugs money;
- Use of licensed premises for the sale and distribution of illegal firearms;
- Evasion of copyright in respect of pirated or unlicensed films and music;
- Underage purchase and consumption of alcohol;
- Use of licensed premises for prostitution or the sale of unlawful pornography;
- Serious risks to children;
- Use of licensed premises for unlawful gaming and gambling;
- Use of licensed premises as a base for organised criminal activity;
- Use of licensed premises for the organisation of racist, homophobic, sexual abuse, attacks or any discriminatory behaviour;
- Use of licensed premises for the sale of illicit tobacco, alcohol or goods;
- The use of licensed premises for the sale of stolen goods;
- Incidents of disorder;
- Instances of public nuisance where warnings have been disregarded;
- Serious risks to public safety which the management is unable or unwilling to correct;
- Frequently operating outside permitted hours or repeatedly breaching conditions (particularly those which have been attached by a licensing panel as a result of previous review hearing).

22.3 In instances where a review meets the criteria of being particularly serious, the licensing panel will consider the strongest most appropriate action, including revocation in the first instance.

22.4 At a review hearing the committee can make the following decisions:

- Modify the conditions of the premises licence;
- Exclude a licensable activity from the scope of the licence;
- Remove the Designated Premises Supervisor;
- Suspend the licence for up to three months;
- Revoke the licence;
- Take no action at all.

22.5 The Council must reject any request for a review if the reason does not relate to one or more of the four licensing objectives. The Council will expect anybody requesting a review to produce evidence to support allegations that one or more of these objectives are not being met.

22.6 Requests for reviews will also be rejected if, in the opinion of the Licensing Service Manager, the grounds are frivolous, vexatious or repetitive. Repetitive grounds are those which are identical to those considered at a previous hearing and where no further relevant evidence is brought to substantiate the request.

22.7 Any review of a licence will take place before the Licensing committee or one of its sub-committees.

23.0 Appeals

23.1 Where an applicant is aggrieved by any decision or condition, there is a right of appeal. This appeal must be lodged within a period of 21 days from the day on which the applicant was notified in writing to confirm the decision. The 21 days is calculated from the date of the letter. The appeal application must be made to the Justices' Chief Executive of the Magistrates' Court.

23.2 In respect of a personal licence, appeals must be made to the Magistrates' Court in the area where the licence was issued/refused. Appeals in relation to all other licenses must be made to the Magistrates' Court where the premises or event is situated.

On determining an appeal, the court may:

- dismiss the appeal
- substitute for the decision appealed against any other decision which could have been made by the Council
- remit the case to the Council to dispose of it in accordance with the direction of the court.

23.4 In anticipation of such appeals, the Council will give comprehensive reasons for its decisions. On making findings of fact in its reasons, the Council will also ensure that they address the standard of proof and the burden of proof that they have adopted. The Council will also address the extent to which the decision has been made with regard to its statement of licensing policy and the Guidance issued by the Secretary of State under section 177.

23.5 As soon as the determination of the Magistrates' Courts has been promulgated, the Council will not delay its implementation and necessary action will be taken forthwith unless ordered by a higher court to suspend such action (for example, as a result of an on-going judicial review). The Act provides for no further appeal against the determination of the Magistrates' Courts.

24.0 Nudity and Adult Entertainment

24.1 Whilst applicants are at liberty to make an application in respect of any type of licensable activity, including any form of regulated entertainment, there are certain types of entertainment where greater consideration and stronger controls may be appropriate. Such activities would certainly include any form of nudity and/or adult entertainment.

24.2 There is provision within the application form under section 'N' to highlight 'any adult entertainment or services or other entertainment ancillary to the use of the premises that may give rise to concern in respect of children'. If confirmed in this box that no such entertainment is to take place, this will be entered as a condition on any licence issued. If no answer is given in box 'N' the situation is not as clear, this Authority has considered this matter and intends to treat such applications as below.

24.3 It is essential that such activity although not automatically precluded should, if offered be adequately controlled. Therefore, for the avoidance of doubt and to avoid any circumventing of the law in this respect, when no answer is given in box 'N' in respect of applications that include regulated entertainment of any description, the sale of alcohol for consumption on the premises and/or late night refreshment, this will be treated as if there is to be no such activity and there will be a condition placed on the licence that no such activity or entertainment will be permitted.

24.4 If a 'yes' answer is given in box 'N' the applicant will be expected to outline specifically the nature of the regulated entertainment and to address all potential issues in the operating schedule as well as proposing measures relevant to each of the licensing objectives in order to control the effects of the activity on all objectives but with particular regard to the protection of children from harm. Any licence issued will permit only those activities that have been specifically addressed in the application.

24.5 This authority has adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1982 (LG (MP) 82) for the licensing of sex establishments including sexual entertainment venues (SEV's). A consequence of this is that 'regulated entertainment' under the Licensing Act

2003 will no longer include sexual entertainment as defined under the terms of (LG (MP) 82) and if such activities are to be offered a separate SEV licence will be required.

25.0 Authorisation

25.1 The Designated Premises Supervisor in a premises that is concerned with the sale of alcohol whether in respect of 'off' sales or 'on' sales carries direct responsibility for all sales at any time within the licensed premises.

25.2 There is currently no requirement (unless a specific condition on the premises licence, following a licensing sub-committee hearing or voluntary proposal in the operating schedule of the application) that the Designated Premises Supervisor or any other Personal Licence holder should be present at all or at any particular times. In the event of the absence of such authorised person(s) regardless of the length of absence, it is a requirement that authorisation must be passed down to those who sell alcohol at or from the premises. For the purpose of proof that such authorisation has been given and equally in order to show due diligence should such cause arise, it is strongly recommended that such authorisation should not be verbal, but given in writing to each person so authorised and that if required this should be available to be produced to any authorised officer upon request.

25.3 In respect of a private members' club, where alcohol is supplied by or to the order of a member, there is no Designated Premises Supervisor or Personal Licence holder, however, any supply of alcohol by non-members or minors should be specifically authorised and again it is strongly recommended that such authorisation should be given in writing where appropriate.

26.0 Non-Standard Hours

26.1 Since the implementation of the Licensing Act there have been many applications where it appears that the applicant requests a specified number of events where no dates or times are given e.g. 'on 12 occasions per year' or 'on one weekend per month' etc. Such events are not measurable and provide difficulty in assessing their impact upon the licensing objectives and hence in ascertaining what if any conditions are relevant.

26.2 For the above reason applicants are advised that additional days should be clearly identified with dates and/or times which will allow proper consideration of their impact on the licensing objectives and permit their inclusion specifically on any licence issued.

26.3 Although every application will be treated on its own merits, it will not be normal practice to accept applications with such ambiguous specifications. There exists a system of Temporary Event Notices to allow for the conduct of any unusual, 'one off' or unforeseen events.

27.0 Smoking - Health Act 2006

27.1 From 01 July 2007 it is illegal to smoke in virtually all enclosed public places and workplaces in England. The ban includes offices, factories, shops, pubs, clubs, bars, restaurants and public transport.

27.2 Businesses are required as from 1 July 2007 to display signs at entrances to premises. The signs are available from the department of health at www.smokefreeengland.co.uk/stayinformed or by calling 0800 169 1697.

27.3 A likely impact of the public places smoking restriction under the Health Act 2006 is that customers wishing to smoke may be attracted to premises that have 'beer gardens' or designated outside areas. There is likely therefore, to be more drinking outside of licensed premises. Although smoking is not a licensable activity, it may clearly at times be associated with a licensable activity i.e. sale of alcohol and may be viewed as an area which requires consideration of possible control measures in the interests of avoidance of public nuisance.

27.4 There may be occasions where licensees are required (following representation or application for review) to control areas/hours for such activity and/or have conditions imposed upon their licence if this is deemed proportionate and appropriate in meeting one or more of the licensing objectives and in particular that of the prevention of public nuisance.

28.0 Licensing Hours

28.1 The 2003 Act gives the Licensing Authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement.

28.2 The Council recognises the role that greater flexibility over licensing hours has played in the development of thriving and safe evening and night-time local economies, which are important for investment and employment locally and attractive to domestic and international tourists, providing customers with greater choice and flexibility.

28.3 Licensing Authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. This Licensing Authority will not impose predetermined licensed opening hours. However, the Council is aware of problems within the borough which are attributed to the availability of alcohol both early in the morning and late at night. Applicants wishing to provide alcohol before 10am and after 10pm, regardless of where the premises is located in the borough, are expected to detail in their operating schedule how the early or late operation of their business will promote the licensing objectives. The Licensing Authority will give individual consideration to the merits of each application.

28.4 This policy stresses the importance of compliance with measures detailed as conditions of a Premises Licence when the licence authorises hours before 10AM and after 10PM. Should a premises have a pattern of non-compliance with these measures or a pattern of other incidents then, on review, members of the sub-committee are encouraged to consider restricting the Premises Licence to the hours of 10AM to 10PM.

28.5 We acknowledge that the guidance issued under Section 182 of the Licensing Act 2003 states that Shops, stores and Supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

28.6 This Licensing Authority would define a “good reason” as an evidentially based representation from a Responsible Authority or other person which details problems in a particular area which are contrary to the promotion of the licensing objectives. In addition, evidence of street drinking, alcohol related antisocial behaviour, public nuisance and alcohol abuse will also be viewed as a “good reason” to depart from the guidance issued under section 182.

28.7 The Council is aware of the increased risk of antisocial behaviour and public nuisance in areas close to public transport links (such as train stations or bus stops). Applicants will be expected to address this risk in their operating schedule, particularly if the proposal is to sell alcohol for consumption off the premises before 10AM or after 10PM, or if the application is to licence a takeaway for late night refreshment.

28.8 Restrictions could be appropriate on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue.

28.9 Restrictions might be appropriate on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises are open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time. Opening hours beyond midnight may be more likely to attract relevant representations and if the Council’s discretion is engaged it is possible conditions relating to opening hours may be imposed.

28.10 When considering applications for later closing times in respect of a premises licence, where relevant representations have been made, the Council will take the following into consideration in accordance with Government Guidance:

- Whether the premises is located in a predominantly commercial area
- The nature of the proposed activities to be provided at the premises

- Whether there are any arrangements to ensure adequate availability of taxis and private hire vehicles and appropriate places for picking up and setting down passengers
- Whether there is an appropriate amount of car parking, readily accessible to the premises, and in places where the parking and use of vehicles will not cause demonstrable adverse impact to local residents
- Whether the operating schedule indicates that the applicant is taking appropriate steps to comply with the licensing objective of preventing public nuisance
- Whether the licensed activity, particularly if located in areas of the highest levels of recorded crime, may result in a reduction or increase in crime and anti-social behaviour
- Whether the licensed activities are likely to cause adverse impact especially on local residents, and whether, if there is a potential to cause adverse impact, appropriate measures will be put in place to prevent it
- Whether there will be any increase in the cumulative adverse impact from these or similar activities, on an adjacent residential area
- Any representations from a Responsible Authority or interested party that identify the premises as a focus for disorder and disturbance.

28.11 As far as premises in residential areas are concerned, these may be subject to stricter controls with regard to opening hours to ensure that disturbance to local residents is minimised. The Council considers that it is self-evident that the risk of disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning. For example, the risk of residents' sleep being disturbed by patrons leaving licensed premises is obviously greater at 2AM than at 11PM. It is, therefore, the policy of the Council to strike a fair balance between the benefits to a community of a licensed venue and the risk of disturbance to local residents. In predominantly residential areas, therefore, it may not be appropriate to allow closing times later than midnight. It may be acceptable to open later on a limited number of occasions, for example up to 15 times a year. This would allow licensees to extend opening beyond midnight for special occasions such as New Year. However, every application will be determined on its merits, and applicants wishing to operate beyond midnight will need to demonstrate to the satisfaction of the Council, in their operating schedule, that there will be no significant disturbance to members of the

public living, working or otherwise engaged in normal activity around the premises concerned. This policy is aimed at the fulfilment of the licensing objective of “prevention of public nuisance”.

28.12 One of the greatest flashpoints occurs at closing times. In order to combat these flashpoints, it is the policy of the Council to encourage ‘wind down times’. In this regard it is suggested that licensees should consider remaining open for at least 30 minutes after the last service of alcohol. During this time the licensee may wish to offer for sale non-alcoholic beverages. The reason for this is to encourage patrons to leave the venue gradually and encourage licensed premises away from the ‘chucking out’ culture. Clearly, any period of time an establishment wishes to remain open after the end of licensed hours is acceptable provided no alcohol is sold. This policy is aimed at the fulfilment of the licensing objective of “prevention of crime and disorder”.

28.13 In respect of premises predominantly supplying take-away food, between the hours of 11PM and 5AM the Council would need to be satisfied that the supply of alcohol will not lead to an increase in crime and disorder or public nuisance in the vicinity of the premises. For example, alcohol to only being made available for sale alongside a food delivery or pre-ordered collection, and not readily available for consumption immediately outside or on a nearby street, bus stop or park bench.

28.14 All premises applying for licensing beyond 12AM must demonstrate that its customers will be capable of leaving the area without causing a disruption to local residents or impact upon crime and disorder. For example, where appropriate and relevant an assessment of the availability of late night transport, and the likely flow of pedestrian traffic away from the premises, could be included in the operating schedule.

29.0 Administration, Exercise and Delegation of Functions

29.1 One of the major principles underlying the Act is that the licensing functions contained within the Act should be delegated to an appropriate level so as to ensure speedy, efficient and cost-effective service delivery.

29.2 The Council is committed to the principle of delegating its powers to ensure that these objectives are met and has arranged for its licensing functions to be discharged in accordance with the Guidance issued by the Secretary of State.

29.3 The Act itself creates a presumption that applications will be granted unless a representation is raised. Where a function is delegated to an officer, that officer will be responsible for liaising between the applicant, interested parties and the responsible authorities to ensure that any licence granted is subject to the appropriate conditions. Where objections are made then the licensing officer will once again liaise with the applicant, interested parties and the responsible authorities to see if a “settlement” is possible to overcome the objections without the need for the matter to go before the Committee or Sub Committee. Only where objections are raised which cannot be settled will matters be referred through to either the Sub Committee or the Full Committee for determination.

29.4 Whilst contested licensing applications are quasi-judicial in nature the (Sub) Committee will try to keep the proceedings as informal as possible. However, some degree of formality is needed to ensure that all parties receive a fair hearing and are able to express their views openly and fairly.

29.5 The (Sub) Committee will determine each case before it on its individual merits whilst taking into consideration the terms of this Policy document.

29.6 In determining the application the Licensing Committee or Sub-Committee, will consider:

- (a) The case and evidence presented by all parties;
- (b) The promotion of the four licensing objectives;
- (c) Guidance issued by central Government;
- (d) The Council's own Statement of Licensing Policy.

29.7 Where the (Sub) Committee determines that it is appropriate to attach conditions to a licence/certificate it will ensure that those conditions are directed towards preventing or minimising the impact of the activities taking place at the premises concerned on members of the public living, working or engaged in normal activity in the area concerned. Such conditions will be proportionate to the activity to be controlled and will only be imposed in the interests of the licensing objectives.

29.11 All licence applications will be determined in accordance with the table in **Appendix C**.

30.0 The Role of Ward Councillors

30.1 Ward councillors play an important role in the local community. They can make representations in writing and speak at the hearing on behalf of an interested party such as a local resident or local business if specifically requested to do so. They can also make representations in their own right. For example, ward councillors may apply for a review of a licence if problems at a specific premises which justify intervention are brought to their attention.

30.2 Ward councillors are informed of all new applications and any application to vary a licence in their ward. Individual councillors may choose to consult with residents locally in addition to the statutory publication carried out by the applicant.

30.3 Local residents and businesses may wish to contact their local ward councillors in respect of a licence application. Details on how to contact ward councillors may be obtained from the Council's website or by contacting the Licensing Officer.

30.4 If a local resident or business makes a representation about an application it is often helpful to send a copy to the local Councillors. This helps them to gain an understanding of local feelings.

30.5 Ward councillors may attend hearings of licensing Sub Committees considering applications and speak on behalf of local residents and businesses, but only if:

- They have made a personal representation; or
- They have made a representation on behalf of local residents or businesses as 'community advocates'; or
- They have been nominated by (an objector) who cannot attend the hearing or prefers to be represented by them at the hearing.

31.0 Application Consultation

31.1 The aim of consultation is to provide the opportunity for other persons to be involved in the licensing process. The consultation procedure required for each type of application is prescribed within the Act and Regulations made thereunder.

31.2 Applicants are required to advertise an application for the grant or variation of a Premises Licence or Club Premises Certificate and for an application for a Provisional Statement. For such applications the consultation required is: -

- Copies of the application must be received by the Responsible Authorities on the same day as the original application is received by the Local Authority.
- A blue coloured notice(s) must be displayed at the premises for the full 28-day consultation period. It must be clearly visible 24hrs a day and legible to passers-by. The notice must give a brief outline of the application including the regulated activities and the hours applied for.
- An advertisement must be placed in a local borough wide publication, within 10 working days of the application being received by the Licensing Authority. It is the responsibility of the applicant to forward evidence of the newspaper notice, its wording and its date of publication to the Licensing Authority.
- For 'minor' variations, there is no requirement for the applicant to send copies to the responsible authorities or for a newspaper notice and the premises notice need only be made on white paper and be displayed for 10 days, The Licensing Authority will advise the appropriate responsible authorities of the application.

31.3 Applications for review of Premises Licence or Club Premises Certificate will be advertised by the Licensing Authority in accordance with Regulations. For ordinary review applications this will take the form of notices being displayed near to the premises for 28 days, and for 'summary' reviews notices being displayed for 7 working days.

31.4 The Licensing Authority will make copies of applications available for inspection by the public.

32.0 Provisional Statements

32.1 Applicants may need to apply for a Provisional Statement where premises are being constructed, extended or substantially changed structurally for the purpose of licensable activities.

32.2 This Licensing Authority's Policy in relation to Provisional Statements is identical to that for a Premises Licence. Before premises with a Provisional Statement may be used for licensable activities an application must be made and granted for a Premises Licence or Club Premises Certificate.

32.3 If representations are received in respect of an application for a Provisional Statement, conditions may be imposed on the Provisional Statement in the same manner as if it was a Premises Licence or the application may be refused by the Licensing Authority.

33.0 Film Classification

33.1 The admission of children to any film exhibition shall be restricted in accordance with the classification given to that film by the British Board of Film Classification (or the Licensing Authority). No person under the age of 18 shall be admitted to any film that has not been classified by the British Board of Film Classification (or the Licensing Authority).

33.2 The Licensing Authority agrees with the recommendation of the Secretary of State that Licensing Authorities should not ordinarily duplicate the role of the British Board of Film Classification by choosing to re-classify films themselves. The classification recommended by the British Board of Film Classification for any film will be applied by this Licensing Authority unless there are exceptional reasons for this Licensing Authority to adopt the role of film classifier and classify or re-classify any particular film. The decision as to whether to classify or re-classify any particular film will be at the absolute discretion of this Licensing Authority.

33.3 If the Licensing Authority is concerned about the classification given by the British Board of Film Classification to a particular film, it may give notice to the holders of a premises licence that the film may not be exhibited until it has been viewed and classified by the Licensing Authority. In such circumstances the Licensing Authority will view and classify the film as a matter of urgency.

33.4 Licence conditions may specify that immediately before each exhibition at the premises of a film (other than a current newsreel) passed by the British Board of Film Classification, there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of a certificate of the Board, or, as regards a trailer advertising a film, of the statement approved by the Board indicating the category of the film. Conditions may also require notices to be displayed both inside and outside the premises so that persons entering can readily read them and be aware of a category attached to any film or trailer.

33.5 Where any video works are shown on premises with a licence (e.g. in pubs) they should be suitable for the age group of those persons present,

having regard to the official age classification of the work given by the British Board of Film Classification.

34.0 Suspension of a Licence and Certificates for Non-Payment of Annual Fees

34.1 As a result of powers introduced under the Police Reform and Social Responsibility Act 2011, the Licensing Authority must suspend a Premises Licence or a Club Premises Certificate if the holder of the relevant authorisation fails to pay their annual fee.

34.2 However, this does not apply immediately if the payment was not made before or at the time of the due date because of an administrative error, or because the holder disputed liability for the fee. In either of these cases, there is a grace period of 21 days. This period will be used by the Licensing Authority to contact the licence or certificate holder in attempt to resolve the dispute or error. If the dispute or error is not resolved during this 21-day period, the licence or certificate will be suspended.

34.3 When suspending a licence or certificate a notice of suspension will be given in writing to the licence or certificate holder. The police and any other relevant responsible authorities will also be notified of the suspension at the same time.

34.4 A premises licence or certificate that has been suspended does not have effect. However, it can for example be subject to a hearing or, in the case of a premises licence, an application for transfer. The licence will nevertheless only be reinstated when the outstanding fee has been paid. Formally, the debt is owed by the holder who held the licence at the time it was suspended. However, it may be more likely in practice that the new holder will actually make the payment.

34.5 Once payment has been received a written acknowledgement will be given to the licence/certificate holder and the suspension will be lifted. The police and any other relevant responsible authorities will be notified that the suspension has been lifted at the same time.

35.0 Immigration Act 2016

35.1 Section 36 of and Schedule 4 to the Immigration Act 2016 made a number of amendments to the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention of these changes is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

35.2 The statutory prevention of crime and disorder licensing objective in the Licensing Act 2003 includes the prevention of immigration crime and the prevention of illegal working in licensed premises. The Council will work with the Home Office (Immigration Enforcement) as well as the police, in respect of these matters.

35.3 Section 36 of and Schedule 4 to the Immigration Act 2016 (the 2016 Act) amended the 2003 Act to provide that in England and Wales:

- Premises licenses to sell alcohol or provide late night refreshment and personal licenses cannot be issued to an individual who does not have permission to be in the UK, or is not entitled to undertake work relating to the carrying on of a licensable activity;
- Licenses issued to those with limited permission to be in the UK will lapse when their permission to be in the UK and work in a licensable activity comes to an end;
- Immigration offences, including civil penalties, are ‘relevant offences’ as defined by the 2003 Act;
- The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of responsible authorities in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licenses) and applications to transfer premises licenses, and in some limited circumstances personal licence applications, and permits Home Office (Immigration Enforcement) to make appropriate representations and objections to the grant of a licence; and
- Immigration officers are permitted to enter premises which they have reason to believe are being used to sell alcohol or provide late night refreshment, to investigate whether immigration offences are being committed in connection with the licensable activity.

35.4 The Licensing Authority will have regard to any guidance issued by the Home Office in relation to the immigration related provisions now contained in the Licensing Act 2003.

35.5 The Licensing Authority will also work in partnership with the Home Office (Immigration Enforcement) and Thames Valley Police with a view to preventing illegal working in premises licensed for the sale of alcohol and/or late-night refreshment.

36.0 Other References & Guidance

36.1 Applicants are advised, prior to making an application, to have regard to the following documents (as appropriate to their premises and the activities that will be provided): -

- The current guidance provided on the Home Office, including the amended Guidance issued under Section 182 of the Licensing Act 2003
- Technical Standards for Places of Entertainment - available from the Licensing Team.
- Home Office: Safer Clubbing Guide
- LACORS/TSI Code of Practice on Test Purchasing
- Guidance issued by the Security Industry Authority in connection with door supervisors etc.
- The Event Safety Guide: A Guide to Health, Safety and Welfare at Music and Similar Events' - HSG195
- Managing Crowds Safely HSE 2000 ISBN 07176-1834-X
- '5 Steps to Risk Assessment: Case Studies' HSE 1998 ISBN 0-7176-15804
- 'The Guide to Safety at Sports Grounds' SGSA ("The Green Guide")
- 'Safety Guidance for Street Arts, Carnivals, Processions and Large-Scale Outdoor Performances' Independent Street Arts Network (ISAN) available from:
<http://www.streetartsnetwork.org.uk/pages/publications.htm>
- The Guidance issued by the Department of Communities and Local Government under the Regulatory Reform (Fire Safety) Order 2005. Website: www.communities.gov.uk
- The Purple Guide to Health, Safety and Welfare at Music and Other Events ("The Purple Guide") <https://www.thepurpleguide.co.uk/>

37.0 Pre-Application Advice Service

37.1 We offer a pre-application advice service to support your licensing application made under the Licensing Act 2003. The aim is to help you to anticipate and fix any problems which may arise during the application process.

37.2 However, our advice cannot pre-judge the outcome of the licensing application, especially if representations are received and a hearing is scheduled to take place before a Licensing Sub-Committee.

The pre-application service will highlight common pitfalls and assist business owners through the licensing consultation process, in turn promoting a successful and thriving borough, creating pride in our local area; which forms part of the seven corporate priorities for Wokingham Borough Council.

37.3 Our pre-application consultation service offers:

- Advice and assistance with completing application forms;
- Advice on appropriate conditions taking into account the type and style of the operation intended at the premises, its location and in consultation with the Council's Senior Licensing Officer;
- Advice on drawing up plans to accompany the application in accordance with the relevant regulations;
- Advice on nominating an appropriate Designated Premises Supervisor;
- Assistance with completing the statutory notices and advertisements
- On-site visits are available to ensure plans are compliant with regulations and the appropriate statutory notices are correctly on display;
- Advice on matters you may need to consider assessing possible noise transmission to neighbouring properties, dependent on the type of operation proposed for the premises;
- Advice on measures to promote the licensing objective of prevention of crime and disorder;
- Advice on age verification measures and protecting children from harm on licensed premises.

37.4 Our current charges for this service are based on the application type. These fees may be subject to change as part of the Council's annual fees and charges review.

Licensing Application	Consultation Service	Price
Small	Up to 3 hours of officer time. For advice on the licensing process, guidance on plans, public notices and newspaper advertisements, licence conditions, completion of operating schedule and advice on the Live Music Act deregulation. Includes a face-to-face meeting but does not include any site visits.	£157.50 (includes VAT)
Medium	For advice where site visit is essential. Up to 6 hours of officer time. Includes meeting and site visit by the Licensing Officer. For advice on the licensing process, guidance on plans, public notices and newspaper advertisements, licence conditions, completion of operating schedule and advice on the Live Music Act deregulation.	£394.50 (includes VAT)
Large	For applications which need considerable officer time of up to 15 hours. Includes multiple site visits and liaison with the Licensing Officer, Environmental Health and Trading Standards, for events which would generally need to also go through the Safety Advisory Group process.	£1342.50 (includes VAT)

Disclaimer

37.6 With regard to any pre-application consultation, the written confirmation will state that pre-application consultation advice will not give applicants any exemptions from the licensing process. Responsible Authorities, including the Licensing Authority, Public Protection, Health & Safety, Trading Standards, may still make a representation against the application and the case may still need to be heard at Licensing Sub-Committee for a decision to be made.

37.7 The advice given will not include views from other responsible authorities such as Thames Valley Police, Fire Authority, Environmental

Health, Trading Standards, Planning etc. Determining any application that is subject to representations will be the function of the Licensing Sub-Committee who will consider the application and the representations on its own merits and determine the application accordingly on the basis of whether it promotes the licensing objectives.

37.8 The impartiality of the Licensing Officer will be maintained throughout the consultation process, when processing any subsequent application and where an application goes before the licensing sub-committee. Where possible, a different licensing officer will provide the pre-application advice to that of the officer who processes the subsequent application. Any applications where representations are made will be determined by the licensing sub-committee. The Licensing Officer's role at the sub-committee is limited to providing advice on policy and national guidance.

37.9 The pre-application consultation service is provided by experienced officers of the Licensing Authority. It is not provided by solicitor and therefore does not constitute legal advice.

Make a request for pre-application advice

37.10 Once we receive your request, we will contact you to take payment over the phone by debit or credit card and arrange a date and time for the pre-application meeting to be scheduled within five working days.

37.11 Email a request for advice to licensing@wokingham.gov.uk please provide your contact information and a brief overview of the type of premises that needs to be licensed such as off licence, restaurant, bar, club, public house, indoor arena, sports stadium, outdoor music festival.

38.0 Contact Details

38.1 Further details about the licensing and application process, including application forms, can be obtained from: -

Licensing Service
Wokingham Borough Council
Shute End
Wokingham
RG40 1BN

Telephone: 0118 974 6000

Email: licensing@wokingham.gov.uk

Website: www.wokingham.gov.uk

38.2 The Responsible Authorities detailed in this policy will also be willing to give advice and guidance to applicants.

39.0 Late Night Refreshment – Local Powers to Deregulate

39.1 Section 71 of the Deregulation Act 2015 inserted paragraph 2A into Schedule 2 of the Licensing Act 2003 in relation to the provision of late-night refreshment.

39.2 This amendment created a discretionary power to licensing authorities to exempt premises in certain circumstances, from the requirement to have a licence to provide late night refreshment.

39.3 The powers allow a relevant Licensing Authority to exempt the supply of late night refreshment if it takes place:

- on or from premises which are wholly situated in a designated area;
- on or from premises which are of a designated description; or
- during a designated period (beginning no earlier than 23.00 and ending no later than 05.00).

39.4 The Licensing Authority does not currently consider it appropriate to exercise the discretionary powers within paragraph 2A of Schedule 2 to the Licensing Act 2003.

39.5 If the Licensing Authority was going to consider exercising the powers in the future, it would only do so having carefully considered the risks to the promotion of the licensing objectives and the impact on the locality.

40.0 Outside Space

40.1 Applicants will want to consider whether they might want to use a garden or other outdoor space as a location from which alcohol will be consumed. The sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. In scenarios where drink orders are taken by a member of staff in the garden or outdoor space and the member of staff then collects the drinks from the licensed premises and returns to deliver them to the customer this would be treated as an off-sale and any conditions that relate to off-sales would apply.

40.2 In such cases it will not be necessary to include the garden or other outdoor space on the plan as part of the area covered by the premises licence. However, it will be necessary for the applicant to include the garden or other outdoor space on the plan as part of the area covered by the premises licence if the intention is to provide a service whereby drinks are available for sale and consumption directly from that area (i.e. the provision of on-sales). This would apply in the case of an outdoor bar or a service whereby a member of staff who is in the garden or outdoor space carries with them drinks that are available for sale (without the need for the staff member to return to the licensed premises to collect them).

40.3 If the beer garden or other outdoor area is to be used for the consumption of off-sales only, there is no requirement to show it on the plan of the premises, but the prescribed application form requires the applicant to provide a description of where the place is and its proximity to the premises.

Tables and chairs on the public highway

40.4 Licensed premises that wish to use a portion of a public street, road or place for the for the placing of tables, chairs or other temporary furniture outside a restaurant or cafe for patrons to use may only do so under permission of a Street Cafe licence issued by the Council as Highway Authority. Applicants should be aware that approval is not automatic and no tables or chairs should be placed on the highway until formal approval has been obtained. Street Cafe licenses are subject to their own specific restrictions, including limitations on the hours during which they may be used and the number of tables and chairs that may be provided.

40.5 Applicants are expected to have specific regard to the impact upon the Licensing Objectives that the operation of any areas on the public highway that are licensed for tables and chairs might have.

40.6 Applicants should note that the grant of a premises licence to include part of the highway does not in itself grant permission to use that part of the highway and similarly a licence from the highway authority does not grant permission to undertake any other licensable activity.

Appendix A: Current Mandatory Conditions

Mandatory Condition	Applicable to
<p>No supply of alcohol may be made under the premises licence –</p> <p>(a) at a time where there is no Designated Premises Supervisor in respect of the premises licence, or</p> <p>(b) at a time when the Designated Premises Supervisor does not hold a personal licence or his personal licence is suspended.</p> <p>Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence</p>	<p>Any premises licence or which authorises the sale of alcohol.</p>
<p>(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.</p> <p>(2) In this paragraph, an 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—</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—</p> <p>(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</p> <p>(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</p> <p>(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 in a manner which carries a significant risk of undermining a licensing objective;</p>	<p>Any premises licence or club premises certificate which authorises the sale of alcohol for consumption on the premises.</p>

<p>(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 in a manner which carries a significant risk of undermining a licensing objective;</p> <p>(d) 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;</p>	
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<p>(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).</p>	
<p>The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.</p>	<p>Any premises licence or club premises certificate which authorises the sale of alcohol for consumption on the premises.</p>
<p>(i) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.</p> <p>(ii) The Designated Premises Supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.</p> <p>(iii) 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 either—</p> <p>(a) a holographic mark, or (b) an ultraviolet feature.</p>	<p>Any premises licence or club premises certificate which authorises the sale of alcohol.</p>
<p>The responsible person must ensure that—</p> <p>(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</p>	<p>Any premises licence or club premises certificate which authorises the sale of alcohol for consumption on the premises.</p>

<p>advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—</p> <p>(i) beer or cider: 1/2 pint; (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml;</p> <p>(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and</p> <p>(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.</p>	
<p>(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.</p> <p>(2). For the purposes of the condition set out in paragraph 1—</p> <p>(a) “duty” is to be construed in accordance with the Alcoholic Liquor</p>	<p>Any premises licence or club premises certificate which authorises the sale of alcohol.</p>

<p>Duties Act 1979;</p> <p>(b) “permitted price” is the price found by applying the formula— $P = D + (D \times V)$</p> <p>where—</p> <p>(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;</p> <p>(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—</p> <p>(i) the holder of the premises licence, (ii) the Designated Premises Supervisor (if any) in respect of such a licence, or</p>	
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<p>(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;</p> <p>(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</p> <p>(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.</p> <p>(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.</p> <p>(4) (i) 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.</p> <p>(ii) 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.</p>	
<p>(1) The supply of alcohol for consumption off the premises must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.</p>	<p>Club premises certificates which authorise sale of alcohol for consumption</p>

<p>(2) Any alcohol supplied for consumption off the premises must be in a sealed container.</p> <p>(3) Any supply of alcohol for consumption off the premises must be made to a member of the club in person.</p>	<p>off the premises.</p>
<p>Exhibition of Films</p>	<p>Any premises licence or club premises certificate which authorises the exhibition of films.</p>

<p>Admission of children must be restricted in accordance with any recommendation made by the film classification body specified in the licence</p> <p>Or</p> <p>where the Licensing Authority has notified the holder of the licence that it considers a classification, or an alternative classification is necessary then admission of children must be restricted in accordance with any recommendation made by that Licensing Authority</p> <p>In this section-</p> <p>"children" means persons aged under 18; and</p> <p>"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).</p>	
<p>Door Supervisors</p> <p>Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority.</p>	<p>Any premises licence or club premises certificate which includes a condition relating to door supervisors / security.</p>

Appendix B:

Licensing Act 2003 Model Conditions

Counter Terrorism

1. At all times that the premises are open to the public for licensable activities, all staff on-duty at the premises and all on-duty managers must have completed ACT: Awareness training. In addition, a minimum of 1 on-duty manager must also have completed the ACT: Operational or ACT: Strategic training.
2. The Designated Premises Supervisor must complete the ACT: Awareness training and ACT: Operational or ACT: Strategic training course within 28 days of the grant or variation of the licence. Should the Designated Premises Supervisor named on the licence change, the new Designated Premises Supervisor must complete those courses within 28 days of being named on the licence.
3. Within 28 days of the grant or variation of the licence, a documented security vulnerability assessment, which must incorporate counter terrorism measures, must be undertaken for the premises to include all areas in which licensable activities takes place and which the public will have access and/or transit through. The assessment shall be routinely reviewed and must be reviewed following the elevation of the change of the national threat level. All reviews shall be documented.
4. Within 28 days of the grant or variation of the licence, the premises licence holder shall evaluate any risks identified through the security vulnerability assessment and take promptly such steps to eliminate

them or to reduce the risk as far as is reasonably practicable. A documented record must be maintained of any remedial action implemented and made available upon request to any police officer or an authorised officer of Wokingham Borough Council.

5. Within 28 days of the grant or variation of the licence, the premises must have a documented counter-terrorism plan, which sets out counter measures to be implemented in response to a terrorist attack, through the principles of 'Guide', 'Shelter' and 'Communicate'-
 - **Guide** - Direct people towards the most appropriate location (in vacuuation, evacuation, hide)
 - **Shelter** - Understand how your place or space might be able to lock-down and shelter people within it for several hours
 - **Communicate** - Have a means of communicating effectively and promptly with users of your place and have staff capable of giving clear instructions. Also have the capability of integrating with any response or rescue operation by providing things like building plans.

Admission and control of entry

6. The designated queuing area shall be enclosed within appropriate barriers and ensure that a minimum width of 1.8m [or specify if greater] is maintained on the footway to allow safe passage by pedestrians.
7. An ID scanning system approved in writing by the Licensing Authority must be operated at the premises at all times it is open to the public. All persons entering the premises must provide verifiable ID and record their details on the system.

8. All persons entering or re-entering the premises must be searched by an SIA registered door supervisor [and all searches must be monitored by the premises CCTV system].
9. No patron shall be admitted or readmitted to the premises [after XX:XX hours] unless they have [passed through a metal detecting search arch] [been searched using hand-held electronic search wands] and, if the search equipment is activated, have been physically searched in accordance with a procedure agreed with Thames Valley Police, which must include a 'pat down search' and a full bag search. Search equipment must be kept in working order.
10. No customer will be permitted to enter or re-enter the premises between the hours of [specify] save for persons who have temporarily left the premises (e.g. to smoke).
11. Between [specified times] no customer will be permitted to enter or leave the premises by means of [specified entrances].
12. No more than [insert number] customers will be permitted on the premises at any one time.
13. The premises licence holder shall ensure a suitable method of calculating the number of people present during licensable activities is in place.

Door supervisors

14. Door supervision must be provided on (specify days / circumstance).
Door supervisors must be on duty from [specify hours] and must remain on duty until the premises are closed and all the customers have left.

15. On [specify days/hours], at least [insert number] of SIA registered door supervisors must be on duty at the premises [specify location at the premises] [or as shown on the plan].
16. Door supervisors shall be employed at the ratio of [XX] door supervisor for every 100 customers (or part thereof).
17. Door supervisors shall be employed by the premises based upon a risk assessment carried out in relation to the following factors:
 - (i) Size of the venue
 - (ii) Expected attendance
 - (iii) Type of event taking place
 - (iv) Location of the premises
 - (v) Time of year
 - (vi) Special occasion (New Year, Halloween, Local events etc.)
 - (vii) Premises Licence Conditions
18. At least [XX] female door supervisor(s) shall be on duty at the premises at such times as door supervisors are required to be provided.
19. All door supervisors, and other persons engaged at the premises for the purpose of supervising or controlling queues or customers, must wear [high visibility jackets or vests or armbands].
20. Any door supervisors on duty at the premises must be supplied by an SIA-Approved Contractor Scheme company.
21. The Designated Premises Supervisor or on-duty manager must ensure that all door supervisors on duty at the premises are correctly displaying their current SIA accreditation and are briefed on their responsibilities and relevant company operating procedures before they commence duty.

22. Door supervisors must be provided with radios to enable them to contact each other and the duty manager at the premises.
23. Where SIA registered door supervisors are used at the premises, a record must be kept of their SIA registration number and the dates and times when they are on duty.
24. Random searches shall be undertaken of customers entering the premises between the hours of [insert times] and prominent signage to this effect.
25. A metal detection device shall be randomly used by door supervisors to search patrons for weapons.
26. A search arch shall be used at the premises to detect customers who may be carrying weapons.
27. Bag clips shall be made available on the premises.

Bodycams

28. On [specify days/hours], at least [insert number] of SIA registered door supervisors on duty at [specify location at the premises] [or as shown on the plan] must wear working body cams.
29. All body cams must:
 - (i) be activated by the wearer to record any incident of crime and disorder they witness;
 - (ii) provide a continuous recording loop designed to ensure that relevant information is still captured if the User is unable to immediately activate the recording;
 - (iii) produce an acceptable video recording under street lighting and inside buildings, including low-light conditions

- (iv) be overt, be pointed correctly to ensure best evidence is captured, and worn so that it will not be obscured by clothing;
 - (v) be capable of clearly recording a conversation between the User and people in close proximity; and be optimised to record speech rather than background noise;
 - (vi) record synchronised video and audio;
 - (vii) employ a wide-angle lens that records a broad scene in full focus;
 - (viii) be securely attached to avoid accidental loss and malicious removal
 - (ix) be equipped with sufficient storage and battery capacity to cover the requirements of a working shift.
 - (x) record in a format viewable in its original format using free software including VLC media player
 - (xi) when transferred off the device, recordings should be preserved in their original format and any metadata retained
 - (xii) must always show the correct time and date in video footage, for evidential continuity
 - (xiii) be capable of still capturing video if the microphone malfunctions, and audio is still captured if the camera malfunctions.
 - (xiv) not overwrite data once recording capacity is reached.
30. A record must be kept of the SIA registration number of the door supervisor and the ID of bodycam worn by them.
31. Bodycam images must be stored so that they are retrievable and accessible for replay and viewing, and kept in an environment that will not be detrimental to the quality or capacity for future viewing. They should be appropriately labelled to enable identification and retrieval and kept for a minimum of 28 days.

32. The premises licence holder must ensure there are members of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).

CCTV

33. The premises licence holder must ensure that:

- (i) CCTV cameras are located within the premises to cover all public areas including all entrances and exits [The location of cameras could also be specified on the plan attached to the premises licence].
- (ii) The system records clear images permitting the identification of individuals.
- (iii) The CCTV system is able to capture a minimum of 24 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
- (iv) The CCTV system operates at all times while the premises are open for licensable activities [or specify timings].
- (v) All equipment must have a constant and accurate time and date generation.
- (vi) The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
- (vii) There are members of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).

- (viii) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a police officer or authorised council officer copies of recent CCTV images or data with the minimum of delay when requested.

Preventing illegal drug use

34. There shall be a lockable 'drugs box' at the premises to which no member of staff, except the DPS and/or [designated role-holder at business], shall have access. All controlled drugs (or items suspected to be, or, containing controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all its contents must be given to Thames Valley Police for appropriate disposal.
35. The premises shall operate a zero-tolerance policy to drug use and posters shall be prominently displayed to this effect. All staff shall be trained in the implementation of the venue's drugs policy.
36. Toilet cisterns shall be provided with sloping lids or similar to discourage drug use.

Promotional activity

37. The premises licence holder must submit to [insert contact details for Responsible Authority] a completed risk assessment form as prescribed at least 14 days before any event that is
- (i) Promoted / advertised to the public at any time before the event;
and

- (ii) Features DJ's, MC's or equivalent performing to a record backing track; and
- (iii) Runs anytime between the hours of [insert hours].

38. No promotional social media communication may be carried on for the purpose of encouraging the sale or supply of alcohol at the premises, which can reasonably be considered to condone, encourage or glamorise antisocial behaviour or to refer to the effects of drunkenness in any favourable manner.

Incident reporting

39. An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the police or an authorised officer of the Licensing Authority, which will record the following incidents including pertinent details (delete as appropriate):

- (i) All alleged crimes reported to the venue or by the venue to the police
- (ii) All ejections of patrons
- (iii) Any complaints received
- (iv) Any incidents of disorder
- (v) Seizures of drugs, offensive weapons, fraudulent ID or other items
- (vi) Any faults in the CCTV system, searching equipment or scanning equipment
- (vii) Any refusal of the sale of alcohol
- (viii) Any faults in the CCTV system, searching equipment or scanning equipment
- (ix) Any visit by a Responsible Authority or emergency service

- (x) The times on duty, names and the licence numbers of all licensed door supervisors employed by the premises.

Staff training (alcohol & vulnerability welfare)

- 40. All staff authorised to sell alcohol shall be trained in (delete as appropriate):
 - (i) Relevant age restrictions in respect of products
 - (ii) Prevent underage sales
 - (iii) Prevent proxy sales
 - (iv) Maintain the refusals log
 - (v) Enter sales correctly on the tills so the prompts show as appropriate
 - (vi) Recognising signs of drunkenness and vulnerability
 - (vii) How over-service of alcohol impacts on the four objectives of the Licensing Act 2003
 - (viii) How to refuse service
 - (ix) The premises' duty of care policy, understanding and dealing with situations involving vulnerable people, and incidents of harassment
 - (x) Action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services
 - (xi) The conditions in force under this licence.
- 41. Training must include evidence that the trainee has gained knowledge and understanding of the training, which may consist of a test or quiz, completed and signed by the trainee.

42. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 [or specify] monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Wokingham Borough Council.

Preventing and dealing with drunkenness and vulnerability

43. The premises shall have a documented Duty of Care policy for managing intoxicated and vulnerable customers and dealing with incidents of harassment at the premises. The policy shall also include provision for persons refused entry to the premises who are also considered vulnerable by staff.
44. The premises shall display prominent signage indicating [at any point of sale] [at the entrance to the premises] [in all areas where alcohol is located] that it is an offence to sell alcohol to anyone who is drunk.
45. A Personal Licence Holder must be present at the premises to supervise all sales of alcohol.
46. A minimum of [specify] persons must be employed and on duty at the premises between [specify days/hours] who are specifically tasked to maintain the safety of customers who may be vulnerable, ill or in distress as a result of alcohol and/or drug-related intoxication. Such persons must be trained on drunkenness, vulnerability, and drugs awareness in the night-time economy; and responding to these matters.
47. The premises shall provide facilities for customers to securely recharge their mobile phones.

Off Licenses and reducing nuisance associated to illegal street drinking (Public Spaces Protection Order)

48. No sale of single cans of beer, lager or cider.
49. The premises will not sell any beer, lager, or cider that is equal to or greater than 6% ABV. For the avoidance of doubt, this does not include specialist products from craft microbreweries or limited edition / seasonal products (e.g. Christmas gift packs), subject to Police and Licensing Authority discretion.
50. All sealed containers of alcoholic drinks offered for sale for consumption off the premises must be clearly labelled or marked with the name and postcode of the premises.

Glassware and use of ice fountains / bottle sparklers

51. Drinks must only be served in polycarbonate/plastic containers [on specified days or events] [upon reasonable notice by Thames Valley Police].
52. Customers will not be permitted to remove from the premises any drinks supplied by the premises (alcoholic or otherwise) in open containers [except for consumption in any delineated external area as shown on the plan attached to the licence].
53. Spirit, Champagne and all other glass bottles greater than [70cl] are restricted to customers seated at a [table] [booth] in the delineated area[s] as shown on the plan attached to the licence. These bottles must be secured to the table or ice bucket and must only be dispensed

by a member of staff who is trained in the responsible service of alcohol. Customers must not be permitted to leave their table carrying any such bottle or be permitted to drink directly from the bottle.

54. Ice fountains or similar products (which are classed as HT4 explosives):

- a) Must be kept in their original packaging and only stored in a secure storeroom or fire-resistant cabinet that the public have no access to. The room/cabinet must be kept locked, except for the depositing or removal of products but must be locked immediately thereafter.
- b) Their use must be risk assessed in advance and appropriate control measure put in place to reduce the risk to staff and customers, which must include (but is not limited to):
 - (i) staff training in their safe use and dispersal
 - (ii) the provision of appropriate first aid training and equipment
 - (iii) suitability of areas of the premises where the products will be used
- c) The risk assessment and control measures identified must be documented, kept on the premises and made available for inspection to a police officer, fire or other authorised officer upon request.

Preventing underage sales

55. The Challenge [25] scheme must be operated to ensure that any person who appears to be under the age of [25] shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA

national ID card or similar document, an HM Forces warrant card, a card bearing the PASS hologram, or any electronic or biometric age verification technology approved by the Licensing Authority.

56. The premises shall display prominent signage indicating [at any point of sale] [at the entrance to the premises] [in all areas where alcohol is located] that the Challenge [25] scheme is in operation.
57. The premises shall display prominent signage indicating [at any point of sale] [at the entrance to the premises] [in all areas where alcohol is located] that it is an offence to buy or attempt to buy alcohol for a person who is under 18 and for a person under the age of 18 to buy or attempt to buy alcohol.
58. A refusals record must be kept at the premises which details all refusals to sell alcohol. This record must include the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. All entries must be made within 24 hours of the refusal. The record must be made available for inspection and copying within [specify days / hours or a reasonable time] of a request by an officer of a Responsible Authority.

Alcohol deliveries

59. The premises licence holder shall provide the following information in writing to the Licensing Authority before any sale of alcohol is carried out (and notify change to this information to the Licensing Authority within 7 days):
- (i) The trading name of any company that will operate under the licence
 - (ii) All telephone numbers that will be used to accept orders

- (iii) The URL/website address that will be used to accept orders.
60. Any promotional material and/or any website home page used as part of the business operating under this licence will clearly state the premises licence number. For the avoidance of doubt, this includes flyers, leaflets and business cards promoting the business.
61. All deliveries of alcohol shall only be delivered to a premises address with a valid postcode and will only be delivered directly to that property.

Restaurants and takeaways (alcohol)

62. The premises must only operate as a restaurant:
- (i) in which customers are seated at a table,
 - (ii) which provides food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non-disposable crockery,
 - (iii) which do not provide any takeaway service of food or drink for immediate consumption, and
 - (iv) where alcohol must not be sold, supplied, or consumed on the premises otherwise than to persons who are taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
63. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to, a takeaway meal.

Restricting alcohol sales in relation to designated special events, e.g. football matches

64. Prior to any [designated special event by Thames Valley Police]

[‘designated sporting event’ (as defined in the Sporting Events Control of Alcohol Act 1985)] the premises licence holder shall ensure that:

- (i) Alcohol sales in respect of cans of beer or cider are limited to no more than four cans per person for a minimum of four hours before the commencement of the relevant designated [special] [sporting] event
- (ii) No sales of alcohol in bottles or glass containers are made in the period four hours before the commencement of the designated [special] [sporting] event
- (iii) Alcohol sales cease for a period of one hour immediately before the commencement of the relevant designated [special] [sporting] event
- (iv) On any day where there is a relevant designated [special] [sporting] event taking place, the premises will not externally advertise as a result of a local store promotion the availability of beer or cider in such a way as to be likely to be the sole inducement to attract persons to the premises who are either attending the designated [special] [sporting] event or in the vicinity of the premises as a result of the designated [special] [sporting] event
- (v) All members of staff working at the premises are informed of this condition prior to taking up employment
- (vi) On the day of the relevant designated [special] [sporting] event, upon the direction of a police officer, using the grounds of the

prevention of crime and disorder or public safety, the premises will immediately cease to sell alcohol until further directed.

Use of special effects

65. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used if 10 days' prior notice is given to the Licensing Authority where consent has not previously been given:

- (i) Dry ice and cryogenic fog
- (ii) Smoke machines and fog generators
- (iii) Pyrotechnics, including fireworks
- (iv) Firearms (e.g. Blank firing pistols)
- (v) Lasers
- (vi) Explosives and highly flammable substances
- (vii) Real flame
- (viii) Strobe lighting.

Emergencies

66. The premises licence holder shall ensure that at all times when the public is present there is at least one competent person able to administer first aid, that an adequate and appropriate supply of first aid equipment and materials is available on the premises, and that adequate records are maintained in relation to the supply of any first aid treatment.

67. All external emergency exit doors shall be fitted with sensor alarms and visible indicators to alert staff when the doors have been opened.

68. All staff on duty at the premises shall be trained in the Emergency and Evacuation procedures for the premises and aware of their individual responsibilities. This includes any door supervisors. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than [specify] monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Wokingham Borough Council.
69. The premises shall have a minimum 20m rescue throwline available on the premises for emergency use. All on-duty staff (including security) shall be knowledgeable of its location and the manufacturer's instructions for use.

Preventing noise and other public nuisances

70. All external windows and doors must be kept shut at all times when regulated entertainment is being provided. Doors may be opened for normal entrance and egress of people but must be shut immediately thereafter.
71. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.
72. A noise limiting device must be installed and must operate at all times regulated entertainment takes place at the premises. The device must be of a type, in a location and set at a level [specify if known] [approved in writing by the appropriate officer of the Council]. Only the Premises Licence Holder and the Designated Premises Supervisor will have access to the noise limiting device.

73. The location and orientation of loudspeakers must be as specified on the attached premises plan.
74. An [acoustic lobby / acoustic door / acoustic curtains/ acoustic door seals / automatic door closer] must be installed [specify the location / define on plan].
75. There shall be no noise or odour caused by the kitchen extraction equipment that gives rise to a nuisance.
76. Any queue in a (designated queuing area) to enter the premises must be supervised at all times by door supervisors.
77. Between [specified times] no customer will be permitted to enter or leave the premises by means of [specified entrances].
78. The dispersal of customers from the premises must be managed in accordance with the following:
- a. Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly.
 - b. Public announcements requesting customers to leave quietly to minimize disturbance to nearby residents
 - c. A [specify minutes] period where music volume is reduced / lighting increased / alcohol sales cease.

Deliveries (nuisance)

79. A direct telephone number for the duty manager must be prominently displayed where it can conveniently be read from the exterior of the

premises by the public. The telephone must be manned at all times the premises is open for licensable activities.

80. No deliveries or collections relating to licensable activities at the premises will take place between the hours of [insert hours].
81. Delivery drivers shall conduct the delivery in a manner that will not cause a noise disturbance to the occupiers of any residential properties surrounding the delivery address. This includes the avoidance of slamming doors, playing loud music, shouting, over-revving engines and sounding horns to signal their arrival. The driver shall turn the engine off immediately upon arrival at the delivery address and will park considerately without causing any obstruction to the highway.
82. Customers must be instructed when placing the order that they will not be able to collect the order from the vehicle. All deliveries will only be made directly to the property address and customers will not be permitted to take orders from the vehicle.

Smoking and other external areas

83. Customers permitted to temporarily leave and then re-enter the premises to smoke must be restricted to a designated smoking area defined as [specify location / mark on plan]. No more than [insert number] of customers will be permitted to remain in the designated smoking area at any one time.
84. Clear and legible notices must be prominently displayed at any area used for smoking requesting customers to respect the needs of local residents and use the area quietly.

85. No more than *[insert number]* customers will be permitted to enter or remain in *[define outdoor area(s)]* of the premises at any one time, between the hours of *[specify]*.
86. The tables and chairs outside the premises shall be brought inside at *[insert time]*
87. Staff shall regularly supervise the pavement area outside the premises to ensure customers are not blocking pavements or causing nuisance to neighbouring premises.
88. The use of the garden/external area shall cease after *(insert time)* hours on *(insert days of the week)*
89. A direct telephone number for the duty manager must be prominently displayed where it can conveniently be read from the exterior of the premises by the public. The telephone must be manned at all times the premises is open for licensable activities.

Litter and cleansing

90. At *[specify times]* *[specify areas]* outside the premises, including *[specify areas]* must be swept and/or washed, and litter and sweepings collected and stored *[specify storage and collection]*.
91. All takeaway packaging and wrappers shall clearly identify the premises, i.e. by way of company logo or name.
92. Where the premises provide late night refreshments for consumption off the premises sufficient waste bins must be provided at or near the exits, to enable the disposal of waste.
93. Empty bottles which have been collected must be placed into locked bins when deposited outside.

94. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
95. Between the hours of [insert hours] no waste/glass bottles will be moved or deposited outside.
96. Persons wishing to leave the premises to smoke shall not be permitted to take drinks outside with them.

Children on the premises

97. No person under the age of [insert age] years of age is permitted to enter or remain on the licensed premises when alcohol is being sold or supplied.
98. The PLH/DPS will provide [specify ratio] adult supervisors at a ratio of [specify ratio] who can provide care for the children as they move from stage to dressing room etc., and to ensure that all children can be accounted for in case of an evacuation or an emergency.
99. The licence holder and/or DPS shall ensure that any child performer is licensed with Wokingham Borough Council and accompanied by a registered chaperone. Documented records should be kept for six months, including the child's name, their licence number and chaperone details.
100. Where children are allowed on the premises, information shall be displayed [location] on what to do if there is a cause for concern regarding a child's welfare. This shall include reporting to Wokingham Borough Council via 0118 974 6000, NSPCC on 0808 800 5000 (free 24-hour service) or dialling 999 in the event of an immediate threat.

Late night refreshment

101. Any hot food or hot drink provided after 11pm (late night refreshment) under this licence must only be consumed on the premises.
102. Between [specify hours from 11pm/days] customers must not be permitted to remove from the premises any hot food or hot drink (late night refreshment) provided at the premises.

Large events

103. The Premises licence Holder must comply with the Event Management Plan submitted to and approved by the Licensing Authority and no changes will be made to the Event Management Plan without the prior written consent of the Licensing Authority.

Boxing and wrestling (including MMA and other combat sports)

104. The Premises licence Holder must comply with the Event Management Plan submitted to and approved by the Licensing Authority and no changes will be made to the Event Management Plan without the prior written consent of the Licensing Authority. The Plan must set out (but is not limited to):
 - (i) Full contact details of the organisers and other parties involved in the event.
 - (ii) The medical cover that will be provided at this event. Will there be a Registered Doctor and a Paramedic will be provided as a minimum? Has facility to providing an ambulance been considered for the event? The Council would prefer that an ambulance is provided.

- (iii) The medical checks that will be carried out on the boxers before and after the fight. The Council would expect all boxers taking part to have a medical card and competition record book. This should detail previous bouts, medical history etc.
- (iv) How boxers will be matched up for the event. All boxers will be expected to be evenly matched and fall in the same weight category.
- (v) Details of the ring set up and who will be carrying this out.
- (vi) The numbers of referees and judges taking part in the event.
- (vii) The type and weight of boxing gloves that will be used by the boxers and how these will be inspected.
- (viii) What will be the safety rules for the fight and how these rules will be communicated to the boxers, coaches, trainers and other relevant parties.
- (ix) Details of the Personal Protective Equipment that will be worn by boxers.
- (x) Actions that will be taken in an emergency and how parties will communicate.
- (xi) Site checks that will be completed prior to the event taking place.
- (xii) Referee details including qualifications.

Adult entertainment

105. The premises may not show R18 films without the benefit of a sex cinema licence.

106. No person under the age of 18 will be permitted to enter or remain on the premises when any “relevant entertainment” (as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 is taking place.

For reference:

Relevant entertainment is ‘Any live performance or any live display of nudity, which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

Display of nudity means in the case of a women - exposure of her nipples, pubic area, genitals or anus; and in the case of a man - exposure of his pubic area, genitals or anus.

The audience can consist of one person.

Dispersal

107. The dispersal of customers from the premises must be managed in accordance with the following:

- (i) Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly.
- (ii) Public announcements requesting customers to leave quietly to minimise disturbance to nearby residents.
- (iii) A [specify minutes] period where [music volume is reduced / lighting increased / alcohol sales cease].
- (iv) A suitable member of staff or a Door Supervisor[s] will be visible at each public entrance / exit to control the dispersal, to remind people to leave quietly, and to prevent patrons from re-entering the premises, and shall deter customers from using private hire vehicles without a prior booking
- (v) All drinks and glass vessels must be removed from patrons as they leave to ensure no glass leaves the premises.

108. From no later than 1 hour before the premises closes to the public, a member of staff shall be dedicated to monitor the dispersal of

customers and ensure patrons do not contribute to anti-social behaviour in the vicinity. They will be easily identifiable by way of their uniform or high visibility jacket / vest; will have a detailed knowledge of all transport options in the area and provide directions for patrons who may be loitering in the vicinity of the premises.

Appendix C: Scheme of Delegations

Matter to be dealt with	Full Council	Licensing Panel	Officer
Review of Statement of Licensing Policy, receipt of annual report and other relevant reports.	In all Cases		
Application for a personal licence		If a representation is made.	If no representations are made.
Application for a premises licence or a club premises certificate		If a representation is made.	If no representations are made.
Application to vary an existing premises licence or club premises certificate		If a representation is made.	If no representations are made.
Application for minor variation of a premises licence or club premises certificate			In all cases.

Application to vary the Designated Premises Supervisor (DPS)	If a Police representation is received	All other cases
Requests to be removed as DPS		All cases
Application for transfer of a personal licence	If a Police representation	All other cases

Application for interim authorities	If a Police representation	All other cases
Applications to review premises licenses and club premises certificates	All cases	
Decisions on whether a complaint is irrelevant, frivolous or vexatious etc.		All cases
Determination of a Police representation to a Temporary Event Notice	All Cases	
All applications will be considered in accordance with any statutory framework. Applications will only be accepted if they contain all required information and have been correctly made. Any application that falls short of the requirements will be returned to the applicant for correction or addition.		

In the matter of Wokingham Borough Council, Statement of Licensing Policy (Licensing Act 2003): Consultation on draft policy for 2023 - 2028

And in the matter of the Remenham Parish Council and the Remenham Farm Residents Association

RESPONSE TO CONSULTATION

Statement of Licensing Policy (SLP)

Each local licensing authority must for each five-year period determine and publish its statement of licensing policy before the beginning of the period (LA 2003, s 5(1)).

Before the determination of the policy the licensing authority must engage in consultation including with such persons as the licensing authority considers to be representative of residents in its area (LA 2003, s 5(3)(f)).

In carrying out its functions a licensing authority must have regard to any guidance issued by the Secretary of State – the s 182 Guidance. Chapter 14 of the current guidance provides guidance on the development and publication of a statement of licensing policy. The current guidance was issued in August 2023.

The current WBC Statement of Licensing Policy (2018) is a very short (23 pages) and basic document.

The draft licensing policy 2023- 2028

We congratulate WBC as the draft Statement of Licensing Policy 2023-2028 is a vast improvement on the existing policy. For the most part the draft policy is a good example of a general statement of licensing policy. It sets out the general approach to licensing in a thorough and robust manner.

For example, where an applicant seeks to vary an existing licence – a variation application – the draft policy provides that particular scrutiny will be given to applications for a variation where there has been a proven history of non-compliance at the premises (3.22).

The draft policy highlights the value of a full risk assessment (6.3). While noting that the licensing authority cannot demand a risk assessment it states that it would be in the applicant's interest to provide the fullest possible detail in the operating schedule.

Overall Approach

The Borough and Parish should welcome commercial ventures provided they observe certain principles:

- There should be no direct or indirect cost to the borough council, parish council or community.
- There should be no cumulative impact either throughout the year or on any particular day on the residents.
- There should be a benefit to the community.
- The residents should be able to exercise the peaceful enjoyment of their properties.

Further improvements

Throughout the draft policy there is a clear understanding the nature of operation, type of operation, capacity, location *etc.* will have an impact on the licensing objectives and be essential considerations.

The draft policy is lacking context and granularity. For example, many current policies will set out an overview of the area including both a general profile and a profile of the licensing and entertainment profile of an area. It is self-evident that the profile of a town centre is very different to that of a rural village.

Whilst the draft policy sets out a best practice approach to applications it does not provide any sense of vision or licensing strategy. Thus, new applications and variations will all be considered on a case-by-case basis. For example, there are no framework hours policies which favour (again, as an example) food led venues but not high-volume vertical drinking establishments. There is no cumulative impact assessment and there is consequently no cumulative impact policies (see below).

Remenham

Remenham is a rural parish that has been a site for licensed sporting and social events on a large scale enjoying national prominence. The number and size of these events have increased dramatically in recent years. The village of Remenham has a population of 500 residents which is impacted by a series of events and festivals from early May until late September each year – the most famous of which is the Henley Royal Regatta – in 2021 this was a period of 187 days in effect every summer weekend. In 2022 there were some 138 days of events from June to September, again, every weekend throughout the summer. The scale of the events dwarfs the population of the village; the maximum capacity for the Henley Festival is 25,000 and for Rewind it is 40,000. During the Henley Royal Regatta, the range of events is exacerbated by pop-up and temporary events along the river from small traders to large funfairs. Between September and mid-May, there are several rowing and other river events.

The one-mile stretch between Henley Bridge and Temple Island hosts three major annual events; Henley Royal Regatta “HRR” (since 1839, total attendance of 300,000 in 2019); Henley Festival “HF” (since 1983, total attendance of 25,000 in 2019) and the Rewind Festival “RF” (since 2009, total attendance 40,000 in 2019). In total, these three events deposit the equivalent of the entire population of Coventry or Cardiff on this tiny piece of geography, more than the populations of Newcastle or Southampton.

There are three major open landowners in the area that allow the use of their land for festivals and events. The impact comes from the events themselves, the cumulative impact with other events and established non-seasonal premises, the set up for events and the break down and get out – all of this accessed by a single-track rural track. Within the village and its proximity there are nearly twenty premises licences that operate in conjunction with each other. These are quite apart from the various additional food and entertainment facilities that pop-up in conjunction with the licensed premises.

Location is a crucial factor in the promotion of the licensing objectives. In *Hope & Glory* [2011] EWCA Civ 31 the Court of Appeal, in a useful summary, stated that licensing decisions involve an evaluation of what is to be regarded as reasonably acceptable in the particular location [42]. The s 182 Guidance highlights the importance of location as the basis for a proper risk assessment (see paras 8.41 – 8.45) of proposed licensable activities. The s 182 Guidance gives advice on the cumulative impact of a concentration of licensed premise in an area – there does not

need to be a Cumulative Impact Assessment (“CIA”) for there to be consideration of negative cumulative impact (para 14.42).

Wokingham Borough

As the events are essentially pop-up events, the Borough Council is ultimately responsible for the public realm with only voluntary contributions (if any) from the commercial organisations who benefit. For example, for Henley Royal Regatta, WBC pays for litter picking, public toilets and traffic marshalling. There have been numerous initiatives designed to have these costs borne by the event holders to no avail. The events are mainly held in what are agricultural fields and therefore are free from business rates or council tax and yet there is a considerable burden of surveillance and administration undertaken by the local authority, for which there is no contribution from the event holders, which are commercial undertakings mainly from outside the borough. In these straightened times, when local authority funds are stretched to meet statutory requirements should not commercial organisations bear all the cost direct and indirect of these events? Though such funding considerations are not within the direct scope of the Licensing regime, the indirect consequences and costs however should be considered. The licensing policy should address this

Remenham Parish Council

Remenham Parish Council is of the view that a full and proper local area profile for the village is a key preliminary stage in the preparation of the forthcoming SLP and any consideration of the most appropriate licensing strategies for the village and surrounding areas. The Parish Council and Remenham Farm Residents Association is keen to work with the licensing authority to provide this profile.

Remenham in Berkshire includes the stretch of the Thames downstream from the Henley Bridge which contains the villages of Remenham and Aston. This part of Remenham Parish has long been a venue for licensed sporting and social events. Most of the events take place on Greenfield sites. In addition to attendees, all equipment and infrastructure for these events, even the waste disposal, are transported by road, access being along three single lane roads. The number and size of events have increased dramatically in recent years, with a direct and adverse impact on the local community. And while the size of most events has increased, and the scale of building and taking down operations has also increased, the local

infrastructure (three effectively single-track roads, the river and the Thames Path) which provides access to most events and to the villages, has not.

Given the rural character of Remenham and its very limited infrastructure, every event held compromised local residents' access to and quiet enjoyment of their properties. Major events (**especially in Temple Island Meadows**) and simultaneous or overlapping events, seriously impacted both, to the extent that residents' quiet enjoyment was impacted and/or they were effectively deprived of the normal use of their homes for much of this period.

It is the view of the Parish Council and the Remenham Farm Residents Association that the forthcoming SLP needs to address:

[1] Cumulative Impact within and surrounding the parish, the local area profile will be an invaluable evidential resource in the development of the required Cumulative Impact Assessment. The Parish Council take the view that Remenham has long passed the threshold of unacceptable cumulative impact. (The effect of the special policy is that the Council will refuse applications for a new Premises Licence, of Club Premises Certificate, or variation of an existing licence or certificate, whenever it receives relevant representations, unless an application can demonstrate why the operation of the premises involved will not add to the cumulative impact already being experienced.) The Parish Council take the view that the Licensing Authority ought to undertake a Cumulative Impact assessment as a matter of urgency – the Parish Council are keen to assist in this endeavour.

[2] Framework Hours and activities. The Parish Council and Residents Association takes the view that the local area requires a special policy in respect of framework hours and activities within the parish and local area.

[3] Environmental Impacts Policy. The Parish Council and Residents Association take the view that the council needs to consider the wider environmental impacts of these large-scale events on a rural area.

[4] Temporary Events Notice Policy (“TENs”). The Parish Council and Residents Association is of the view that TENs are used to add to the existing offerings often used as a way of circumnavigating licensing requirements. The Parish Council and Residents Association take the view that a policy statement setting out the

expectations of the licensing authority in respect of applicants, the Environmental Health team and the Police would be a useful addition to policy.

[5] Dedicated Remenham Parish Safety Advisory Group (“SAG”). The Parish Council and Residents Association considers that the terms and participation of a SAG should be set out in the policy to provide greater transparency and participation to the local community and its representatives.

On the 14th February 2023, Remenham Parish Council (RPC) and the Remenham Farm Residents Association (RFRA) wrote to the Wokingham Borough Council (WBC) Licensing Department with a preliminary submission for the review of the existing Statement of Licensing Policy and a request for a Cumulative Impact Assessment. Up to now no response has been received.

In its preliminary submission the Parish Council and Residents Association expressed the view that Wokingham Borough Council should undertake a full and proper local area profile for the village of Remenham to enable the forthcoming statement of licensing policy to develop the most appropriate licensing strategies for the village and the surrounding areas. The Parish Council and the Residents Association offered to work with Wokingham Council to provide this profile.

In its preliminary submission RPC and RFRA opined that the area that the number of licensed premises and licensed events was now so high that the promotion of the licensing objectives were being undermined – in particular from May to September.

RPC and RFRA suggested to WBC that a Cumulative Impact Assessment should be carried for the area in and around the village.

Cumulative Impact

The draft policy sets out a basic overview of cumulative impact (15.0). At 15.2 the draft policy states that “Guidance issued under S 182 of the Act allows Councils to adopt a special saturation policy ...”. It seems to me that this refers to s 182 Guidance that pre-dates the amendment of the 2003 Act with the adoption of s 5A which makes provision for a cumulative impact assessment.

The s 5A procedure for a cumulative impact assessment is independent of the statement of licensing policy review *but* informs a statement of licensing policy.

Section 5A is not mandatory. A licensing authority may publish a cumulative impact assessment – it is not required to do so.

The aim of the preliminary submission was to encourage the licensing authority to review the evidence base for cumulative impact in Remenham and the surrounding areas to consider whether a cumulative impact assessment should be issued for the area.

A cumulative impact assessment provides the evidential basis for the adoption of cumulative impact policies (*i.e.* special saturation policy, also known as cumulative impact zones, special areas of consideration *etc.*).

Notwithstanding, the foreword by Cllr Shenton highlights the Henley Royal Regatta, the Henley Festival and Rewind Festival, the draft includes no cumulative impact policies.

A key aspect of cumulative impact is that the absence of a Cumulative Impact Assessment does not prevent any responsible authority or other person from making representations on the grounds that the premises will give rise to a negative cumulative impact. In each case it would be incumbent on the person making the representation to provide relevant evidence of cumulative impact (see paragraph 14.42 of the s 182 Guidance). We would have expected to see words to this effect at Ch 15 and in Ch 5 (Determining Applications) of the draft policy. This is in our view a failing of the draft policy.

Conclusion

We await a response from the Council to our previous submission. We welcome and look forward a response to our five suggestions with reasons for their inclusion or exclusion to the draft statement of licensing policy.

[1] Will the Council commission a cumulative impact assessment for Remenham? If not, please provide us with reasons why our concerns to not merit this consideration.

If the Council intends to commission a cumulative impact assessment please provide details on how the local community can engage, support and inform this process.

[2] Will the statement of licensing policy contain an hours policy? If not, please provide reasons why hours policies are not being considered.

[3] Will the statement of licensing policy contain an Environmental Impact Policy? If not, please provide reasons why environmental impacts are not being considered.

[4] Will the statement of licensing policy include clearer guidance on TENs? If not, please provide reasons why such guidance is not being considered.





[5] Will the statement of licensing policy recognise the role of the parish council and residents association in the organisation and participation of SAGs? If not, please provide reasons why such local participation is not being considered.

Remenham Parish Council

Remenham Farm Residents Association

Licensing Policy

2. Page 2



1. Are you responding as				
Answer Choices			Response Percent	Response Total
1	A Wokingham borough resident		83.33%	30
2	An elected borough councillor		11.11%	4
3	A town or parish councillor		2.78%	1
4	Representing an organisation		0.00%	0
5	Completing the survey for someone else		0.00%	0
6	Other (please specify):		2.78%	1
			answered	36
			skipped	0
Other (please specify): (1)				
1	06/01/2024 13:44 PM ID: 234887025	and a union member		

3. Page 3

2. If you are representing an organisation or individual, please tell us more, such as the name of the organisation				
Answer Choices			Response Percent	Response Total
1	Open-Ended Question		0.00%	0
No answers found.				
			answered	0
			skipped	36

4. Model conditions

3. Do you agree with the statement that the inclusion of a model pool of licence conditions will support residents, businesses and councillors in identifying appropriate measures for bespoke licence applications to support the licensing objectives?



Answer Choices			Response Percent	Response Total
1	Yes		85.71%	30
2	No		14.29%	5
			answered	35
			skipped	1

Do you have any comments about this?: (8)

1	19/11/2023 16:26 PM ID: 231767974	with some amendments
2	30/11/2023 09:25 AM ID: 232818786	I think it will be used to refuse applications when there is no need. It will turn down applications for the slightest thing. Computer says no. Gives no leeway for common sense or experience. It will be box ticking only not a considered decision.
3	05/12/2023 23:36 PM ID: 233201258	Why change a scheme that already works well. Save money and scrap it.
4	12/12/2023 08:43 AM ID: 233737470	Anything that makes applying for and getting licence, under the right circumstances, will be helpful.
5	03/01/2024 15:52 PM ID: 234724832	Not sure what the question means
6	04/01/2024 08:29 AM ID: 234744566	Just more weasel word survey that the average resident won't likely respond to.
7	06/01/2024 11:49 AM ID: 234882772	A model pool of licence conditions is a good place to start to make changes for individual circumstances
8	08/01/2024 13:43 PM ID: 234952802	It would behelpful if the model pool was presented in the form of a flow chart with questions/decision points to make it easier for businesses to identify which of the 28 sections in App B apply to them.

5. Pre-Application Advice Service

4. Do you agree with the statement that the introduction of a pre-application service will help promote responsible business and make Wokingham thrive?

Answer Choices			Response Percent	Response Total
1	Yes		83.33%	30
2	No		16.67%	6
			answered	36
			skipped	0

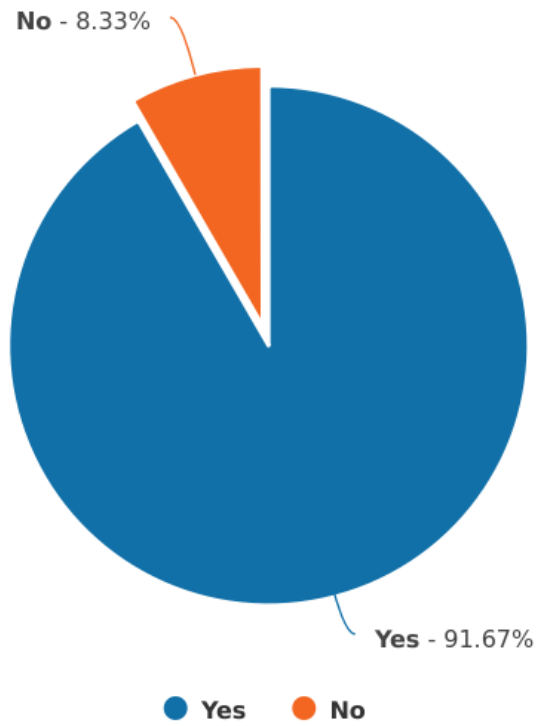
Do you have any comments about this?: (10)

4. Do you agree with the statement that the introduction of a pre-application service will help promote responsible business and make Wokingham thrive?

1	20/11/2023 11:31 AM ID: 231807366	No further comments
2	30/11/2023 09:25 AM ID: 232818786	Yes another cost on a business that they do not need.
3	05/12/2023 23:36 PM ID: 233201258	Worked before, stop wasting money on pointless new roles and surveys.do your job
4	12/12/2023 08:43 AM ID: 233737470	As long as the cost is appropriate this seems like a good idea
5	12/12/2023 15:39 PM ID: 233779562	anything to make Wokingham a proper market town
6	03/01/2024 15:52 PM ID: 234724832	I think WBC have made their decision.
7	04/01/2024 08:29 AM ID: 234744566	This won't help Wokingham businesses thrive. Stopping the parking police prosecuting as many members of the public as possible might help.
8	06/01/2024 11:49 AM ID: 234882772	Helping people to do the right thing and the thing right is always good
9	06/01/2024 15:53 PM ID: 234891430	Presumably this can be part of a continuing service which supports licensed businesses and monitors their conformance to license conditions.
10	08/01/2024 13:43 PM ID: 234952802	TBC whether it will 'make Wokingham thrive' but should support businesses in understanding the objectives of the licensing and support compliance

6. Women's safety in the night time economy

5. Do you think that Wokingham's Statement of Licensing Policy should include best practice to support women's safety in the night time economy?





Answer Choices		Response Percent	Response Total
1	Yes	91.67%	33
2	No	8.33%	3
		answered	36
		skipped	0

Do you have any comments about this? (22)

1	06/11/2023 15:55 PM ID: 230743196	The policy should be amended so that all new alcohol licenses must have a condition whereby the employer provides free transport home for anyone working after 11:30pm.
2	19/11/2023 13:34 PM ID: 231761523	The Council should amend policy so that all new alcohol licenses must have a condition whereby the licensee must provide free transport home for anyone working after 11pm.
3	19/11/2023 15:58 PM ID: 231767049	Please include the requirement for employers to provide safe transport home for their staff after 11pm
4	19/11/2023 16:26 PM ID: 231767974	Additional safeguards needed eg new applications for licences to include paid for travel for staff after public transport has ceased. Employers should provide taxi or minibus door to door for staff in the night time economy. Another suggestion - for current licence holders night time buses could be asked to drop passengers off at request near homes not just at defined bus stops. Other cities do this
5	19/11/2023 21:52 PM ID: 231779200	A condition of the licence should be that female workers should be provided with safe transport home if they finish after 11pm
6	20/11/2023 11:31 AM ID: 231807366	Businesses should provide a taxi free of charge to take staff home after 11pm and when public transport is not available.
7	22/11/2023 08:07 AM ID: 232098793	The policy should be amended so that all new alcohol licenses must have a condition whereby the licensee must provide free transport home for anyone working after 11pm.
8	28/11/2023 16:41 PM ID: 232669370	I'd like WBC to amend the policy so that all new alcohol licensees must have a condition whereby the licensee must provide free transport home for anyone working after 11pm.
9	30/11/2023 09:25 AM ID: 232818786	It won't make any difference though. Police don't take this issue seriously. There is an attitude that it is all the woman's fault anyway.
10	12/12/2023 08:43 AM ID: 233737470	Not limited to women. Safety for everyone.
11	12/12/2023 15:39 PM ID: 233779562	paramount
12	03/01/2024 15:52 PM ID: 234724832	Should support everyone's safety
13	06/01/2024 10:46 AM ID: 234881065	<p>In my opinion the Council has a responsibility and a duty of care to Wokingham residents and their families who work in the hospitality/licensed premises, as well as customers/users of such premises, to ensure that the policy requires all new alcohol licenses, and those existing licence holders where the process requires these to be renewed/extended, must meet the obligations requirements of an enforceable condition whereby the licensee/premises owner or operator must provide free transport home for anyone working after 11pm.</p> <p>This should be extended to those who finish work close to 11.00pm where no public transport is readily available to their place of residence and should also be at no cost to the employee.</p>
14	06/01/2024 11:49 AM ID: 234882772	<p>This would benefit all workers but it would particularly benefit women, to protect them from potential harassment or violence.</p> <p>Businesses may want to pool their resources to get women home safely.</p>
15	06/01/2024 12:23 PM ID: 234884475	Transport home needed for staff
16	06/01/2024 13:44 PM ID: 234887025	I want to emphasize my support for the Get Me Home campaign to make sure license holders are required to provide transport home at night for their staff it should be a requirement for a licensee.
17	06/01/2024 13:50 PM ID: 234888246	It should include protection for ALL employees, as young men are at greater risk from violence than anyone else. Years ago one of my sons was always provided with a taxi home when working late as a barman for Reading Borough. This was a huge relief to both him and his parents.
18	06/01/2024 15:53 PM ID: 234891430	I hope that the excellent Ask for Angela campaign doesn't discriminate against anyone called Angela working in a bar 😊

		I support a suggestion that all new alcohol licenses must have a condition whereby the licensee must provide free transport home for anyone working after 11pm, which would be especially beneficial to women. Any business operating after that time would surely be doing well enough to absorb the cost.
19	07/01/2024 18:53 PM ID: 234919224	The policy should be amended to ensure all new licensees should provide transport home for employees working after 11pm
20	08/01/2024 09:09 AM ID: 234930404	Definitely! I have experienced harassment whilst travelling on public transport due to working shifts
21	08/01/2024 11:04 AM ID: 234939348	The policy should include a requirement that all new alcohol licenses must include a condition whereby the licensee must provide free transport home for anyone working after 11pm. There must not be an option to give a cash/money alternative as this would encourage people on limited means to opt for the money and put themselves at risk. It could include walking home with someone who lived close. The transport must be safe - ie the use of taxis/mini cabs registered with the council or being run home by another member of staff/owner of the licensed premises.
22	08/01/2024 13:43 PM ID: 234952802	This should include guidance/ requirements round how employees of businesses get home safely from work late at night. For example, Reading Hexagon provides taxis for staff leaving work after 11pm and have built a relationship with reliable cab companies (Found this out when they ordered a taxi for me as a customer after the panto, that picked my family up from the stage door. Felt safe having a 'vouched for ' cab company and no need to walk through dark streets)

7. Best Bar None



6. Do you agree with the statement that the Best Bar None accreditation and awards program will promote responsible management of liquor-licensed premises?				
Answer Choices			Response Percent	Response Total
1	Yes		83.33%	30
2	No		16.67%	6
			answered	36
			skipped	0
Do you have any comments about this? (8)				
1	30/11/2023 09:25 AM ID: 232818786	Meaningless babble. Extra hoops and costs, more admin. Money better spent on providing proper services to residents.		
2	05/12/2023 23:36 PM ID: 233201258	Let pubs self regulate and get back to doing what a council should do.waste of more money		
3	12/12/2023 15:39 PM ID: 233779562	who will check all these items? more staff required?		
4	06/01/2024 10:46 AM ID: 234881065	I disagree as it is not clear that sufficient funding will be provide or be available in the current environment to deliver on these commitments/requirements for assessments.		
5	06/01/2024 11:49 AM ID: 234882772	So long as businesses have to focus on the policy rather than achieving the check list		
6	08/01/2024 09:09 AM ID: 234930404	It will promote it and put the message out there as a deterrent to those who make life miserable for women		

6. Do you agree with the statement that the Best Bar None accreditation and awards program will promote responsible management of liquor-licensed premises?

7	08/01/2024 11:04 AM ID: 234939348	All licensed premises should meet the conditions for responsible management as set out above. The standards should be high and trained assessors/inspectors should check all premises and if they do not meet the requirements action should be taken. The council is short of money and needs to use it wisely. If the license conditions are good enough, then inspectors are needed to ensure they are adhered to. Good reputation is better than any display of BBN!!!
8	08/01/2024 13:43 PM ID: 234952802	WBC should encourage Town and Parish Councils to promote the scheme in their areas.

8. General feedback

7. Does this new policy adequately inform elected members of the Licensing Committee of the powers attributed to them by the Act and to highlight the boundaries within which to make decisions?

Answer Choices			Response Percent	Response Total
1	Yes		75.00%	24
2	No		25.00%	8
			answered	32
			skipped	4

Do you have any comments about this? (7)

1	20/11/2023 11:31 AM ID: 231807366	Yes but I am no expert on licensing laws.
2	12/12/2023 08:43 AM ID: 233737470	I don't have enough information to answer this question.
3	12/12/2023 15:39 PM ID: 233779562	a tentative 'yes' as any written instruction can invariably be subject o scrutiny, and flaws revealed. Cannot include every aspect...
4	04/01/2024 08:29 AM ID: 234744566	How would I know ?
5	06/01/2024 15:53 PM ID: 234891430	TBH I've no idea if it does, but it obviously needs to and should be modified as necessary so that it does.
6	08/01/2024 11:04 AM ID: 234939348	I would hope so - but am probably not qualified to answer a definite 'yes' or 'no' to this question.
7	08/01/2024 13:43 PM ID: 234952802	This is a sound start for elected members - but will need to be supplemented by 'real life' experience around areas of discretion.

8. Have you got any experiences locally, good or bad, that might help us when we are thinking about future licensing activity such as policy or service development?

Answer Choices			Response Percent	Response Total
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8. Have you got any experiences locally, good or bad, that might help us when we are thinking about future licensing activity such as policy or service development?

1	Open-Ended Question	100.00%	13
1	06/11/2023 15:55 PM ID: 230743196	Free transport home for workers in the hospitality industry working late at night would benefit all workers but would particularly benefit women, to protect them from potential harassment or violence. No-one should have to worry about walking home safely after dark. This would tie in with the Council's aim to be White Ribbon accredited.	
2	19/11/2023 13:34 PM ID: 231761523	None	
3	19/11/2023 16:26 PM ID: 231767974	Engage regularly with stakeholders. This is a policy about preventative issues, not just policing	
4	20/11/2023 11:31 AM ID: 231807366	No	
5	12/12/2023 15:39 PM ID: 233779562	no	
6	04/01/2024 08:29 AM ID: 234744566	Where there is anti social behaviour, which I have had experience of. The Anti Social Behaviour team after being notified took 2 weeks to respond. This make a mockery of having such a team.	
7	05/01/2024 08:54 AM ID: 234826159	NO	
8	06/01/2024 11:49 AM ID: 234882772	No, not recently	
9	06/01/2024 15:53 PM ID: 234891430	No.	
10	06/01/2024 18:16 PM ID: 234895536	Yes - the impact of a licence on the neighbours of a premise (especially live music) should be considered over the desire for the premise to make money. If there are neighbours within 25 metres of a premise there should be no live music.	
11	08/01/2024 09:09 AM ID: 234930404	Anti social behaviour is on the increase due to various reasons, and women are easy targets. Not helped by social media - a massive influence on the attitude younger men seem to be adopting towards women	
12	08/01/2024 11:04 AM ID: 234939348	No	
13	08/01/2024 13:43 PM ID: 234952802	No	
		answered	13
		skipped	23

9. Have you got any other comments you'd like to add?

Answer Choices		Response Percent	Response Total
1	Open-Ended Question	100.00%	13
1	19/11/2023 13:34 PM ID: 231761523	None	

9. Have you got any other comments you'd like to add?

2	19/11/2023 16:26 PM ID: 231767974	References to drugs and cigarettes for younger people should include vapes	
3	20/11/2023 11:31 AM ID: 231807366	No	
4	22/11/2023 08:07 AM ID: 232098793	N/A	
5	30/11/2023 09:25 AM ID: 232818786	Why are you wasting time and money on this nonsense? Most premises are just fine as they are.	
6	03/01/2024 13:53 PM ID: 234712855	Whilst I can appreciate the thinking behind this, I do not see it as a priority and just want the authority to concentrate on delivering the basic needs of all residents to a high standard.	
7	04/01/2024 08:29 AM ID: 234744566	This is a very poorly constructed survey and not clear what it is trying to accomplish	
8	06/01/2024 12:23 PM ID: 234884475	Clamp down hard on offenders and revoke their licenses.	
9	06/01/2024 15:53 PM ID: 234891430	It look a good piece of work to me. It's nice to know that some aspects of politics and government are working.	
10	06/01/2024 18:16 PM ID: 234895536	It is important that complaints from local residents are taken seriously when they are unable to sleep in their own beds after 10.30pm due to live music.	
11	08/01/2024 09:09 AM ID: 234930404	Due to cuts in public services, people being convicted is taking too long plus mental health services have been so drastically cut by the current government, I just can't see an quick way to fix it. Also, the media is responsible for the hatred, what can be done about accountability with regards to newspapers (for example), printing false information?	
12	08/01/2024 11:04 AM ID: 234939348	No	
13	08/01/2024 13:43 PM ID: 234952802	Note that the whole document needs to be checked regarding the spelling /appropriate use of 'licence' (noun) and license (verb). I started making a note but there were too many errors - see for example paras 7.19, 7.20, 13.12, 13.8, 18.0, 34.1. Given that WBC is responsible for schools in the Borough it would be good if we could get this right!	
		answered	13
		skipped	23

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