



**GREAT YARMOUTH**  
BOROUGH COUNCIL

# Licensing Committee

**Date:** Monday, 22 October 2018

**Time:** 18:30

**Venue:** Supper Room

**Address:** Town Hall, Hall Plain, Great Yarmouth, NR30 2QF

## AGENDA

Open to Public and Press

### 1 APOLOGIES FOR ABSENCE

To receive any apologies for absence.

### 2 DECLARATIONS OF INTEREST

You have a Disclosable Pecuniary Interest in a matter to be discussed if it relates to something on your Register of Interests form. You must declare the interest and leave the room while the matter is dealt with.

You have a Personal Interest in a matter to be discussed if it affects

- your well being or financial position
- that of your family or close friends
- that of a club or society in which you have a management role
- that of another public body of which you are a member to a greater extent than others in your ward.

You must declare a personal interest but can speak and vote on the matter.

Whenever you declare an interest you must say why the interest arises, so that it can be included in the minutes.

To confirm the minutes of the meeting held on the 10 September 2018.

**4      FIRST CLASS HACKNEY CARRIAGE FARES**      **8 - 15**

Report attached.

**5      TAXI POLICY**      **16 - 105**

Report attached.

**6      GAMBLING POLICY**      **106 - 167**

Report attached.

**7      ANY OTHER BUSINESS**

To consider any other business as may be determined by the Chairman of the meeting as being of sufficient urgency to warrant consideration.

**8      EXCLUSION OF PUBLIC**

In the event of the Committee wishing to exclude the public from the meeting, the following resolution will be moved:-

"That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12(A) of the said Act."

# Licensing Committee

## Minutes

Monday, 10 September 2018 at 18:30

Present :

Councillor Lawn (in the Chair); Councillor Annison, Bensly, Borg, Carpenter, Drewitt, Galer, A Grey, Jeal, Lawn, Robinson-Payne, Wainwright and Walker.

Also in attendance :

Mrs D Wilby (Licensing and Elections Manager), Mrs J Cooke (Head of Organisational Development), Mr D Lowens (Solicitor, nplaw) and Mrs S Wintle (Member Services Officer).

### **1 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Mavroudis.

### **2 DECLARATIONS OF INTEREST**

There were no declarations of interest declared at the meeting.

### **3 MINUTES**

The minutes of the meeting held on the 23 July were confirmed.

#### **4 PRIVATE HIRE VEHICLE**

The Committee received and considered the Licensing and Elections Manager report which asked Members to consider a request from a plate holder asking that a wheelchair accessible vehicle over 10 years old be permitted for licensing as a private hire vehicle.

The vehicle is 14 years old and therefore contrary to the Council's current policy, which states that wheelchair accessible vehicles should be no older than 10 years on initial registration.

Members were advised that the vehicle had been specially adapted to carry a number of large wheelchairs in one journey and would only be used as a spare for the company should it be required.

#### **RESOLVED:**

That approval be given to allow the request subject to the vehicle passing the required six monthly testing. This is on the basis that current policy remains unchanged and that any further requests continue to be considered on their merits.

#### **5 VEHICLE OVER 9 YEARS OLD**

The Committee received and considered the Licensing and Elections Manager's report which asked Members to consider a request from a plate holder asking permission for his vehicle to remain on his private hire plate when his licence is renewed in September. The vehicle will be over 9 years old at this time.

The Licensing and Elections Manager reported that the vehicle was in good condition and continued to pass all of the licensing requirements. The vehicle was available for inspection should members wish to view it.

#### **RESOLVED:**

That approval be given to allow the request for the vehicle to continue being licensed as a private hire on the basis that the Committee believe the vehicle to be in good condition and subject to it passing the required six monthly tests. The decision is on the basis that the current policy remains unchanged and that any further requests continue to be considered on their merits.

#### **6 HACKNEY CARRIAGE DRIVER -1**

The Committee considered the Licensing and Elections Manager's report which asked Members to review the licence of a Hackney Carriage/Private Hire Driver who had been disqualified from driving for six months due to a totting up of points.

The Licensing and Elections Manager reported that the Borough Council's current policy regarding driving offences stated that Licence holders convicted during the period of the licence of such offence may be warned as to future conduct and that any disqualification may lead to revocation of any licence to drive held with the Borough Council. The public are entitled to have the utmost confidence in drivers of hackney carriage and private hire vehicles. The Borough Council must ensure that only fit and proper persons obtain drivers' licences.

Members were advised that following an annual check by the Licensing team it had been revealed that the driver had received a significant number of penalty points throughout the year which had resulted in a six month disqualification from driving. The driver has surrendered his Hackney Carriage/Private Hire driver's licence to the Licensing Team but has indicated that he intends to continue as a taxi driver at the end of the period of disqualification. It was reported that his Hackney Carriage/Private Hire driver's licence expires on 31 May 2020.

The driver reported to the Committee that he was not aware that he needed to inform the Licensing Team of his convictions, he commented that he was keen to get his livelihood back on track and understood the seriousness of the convictions he had received.

A Member asked if the driver has been in any other employment since surrendering his licence, he confirmed that he had been working at a local public house as and when required.

A Member asked if the driver had been carrying passengers at the time of the convictions, to which he confirmed that no passengers had been present in the taxi. A comment was made by a Member that two speeding penalties had been received on the same day, this was confirmed by the driver who stated that he had been trying to get to and from jobs as quickly as he could in light of being newly appointed.

The Solicitor, Nplaw asked the driver if he had any matters pending, he confirmed he had a further two matters pending for speeding offences.

The driver and Licensing and Elections Manager left the meeting to allow Members time to debate the licence.

Members considered the case to determine if it was necessary to take any action to suspend or revoke the drivers licence. They took account their policies but felt the circumstances of the speeding being to impress a new employer would not be repeated following the drivers comments to Committee and that he would exercise more discipline in future.

**RESOLVED:**

That the Committee agree that the driver is a fit and proper person to hold a

Hackney Carriage/Private Hire Drivers Licence but that a formal warning be issued. Any future incidents will be referred back to Committee with view to revocation of licence.

## **7 HACKNEY CARRIAGE DRIVER - 2**

The Committee considered the Licensing and Elections Manager's report which asked Members to consider granting a licence for a Hackney Carriage/Private Hire drivers licence in view of previous convictions.

The Licensing and Elections Manager reported that the council's current policy on convictions states that an applicant should be free of serious convictions for 3 – 5 years before an application is considered but applications may be refused if a serious offence has been committed in the past five years. Offences involving dishonesty assault, indecency, drink and drugs and reckless or dangerous driving are to be viewed particularly seriously.

The public are entitled to have the utmost confidence in drivers of hackney carriage and private hire vehicles. The council must ensure that only fit and proper persons obtain drivers' licences.

Members were advised that information received from the Disclosure and Barring Service revealed that the applicant had received a number of convictions.

The applicant advised the Committee that he had been warned when he had received his last conviction that he would receive a custodial sentence should he receive any further convictions during the following 12 month period. The applicant commented that this had given him a wake up call and encouraged him to work hard.

The applicant explained that the incidents all happened when excess alcohol was involved so he now limits the amount of alcohol he has.

A Member asked whether the applicant had received any support and he confirmed that he had attended sessions with a drink and drug councillor in 2013 and that these sessions lasted for a 12 month period.

A Member asked whether the applicant intended to keep his current job but to work as a taxi driver for extra income, this was confirmed.

A Member asked how long the applicant had not drunk alcohol for, the applicant reported that he had drunk a very limited amount of alcohol since 2013.

The Solicitor, Nplaw asked whether the applicant had any pending convictions, the applicant confirmed he did not.

The applicant and the Licensing and Elections Manager, left the meeting in

order for the Committee to debate the application.

Members entered into a discussion to determine whether they felt the applicant to be a fit and proper person to hold a licence. They took into consideration the applicants current employment status and the two good character references from his workplace. They also had regard to the period that had elapsed since the incidents occurred and the explanation given regarding the applicant's current approach to alcohol.

**RESOLVED**

That the Committee agree that the applicant is a fit and proper person and approve the application for a Hackney Carriage/Private Hire Driver's licence.

**8 ANY OTHER BUSINESS**

There was no other business to be considered at the meeting.

**9 EXCLUSION OF PUBLIC**

**RESOLVED :**

"That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12(A) of the said Act."

**10 CONFIDENTIAL MINUTES**

That the confidential minutes of the meeting held on the 23 July 2018 be approved.

The meeting ended at: 20:30

Subject: First Class Hackney Carriage Fares

Report to: Licensing Committee

Date: 22 October, 2018

Report by: Licensing Manager

### **SUBJECT MATTER AND DECISIONS REQUIRED:**

**This report asks Members to consider a request from a local taxi firm for a hackney carriage fare increase.**

**Recommendation: Members are asked to approve one of the following options:**

- 1) That the proposed fare increase be approved in principle subject to results of the formal advertising process**
  
- 2) That the proposed fare increase not be approved**

#### **1. Background:**

- 1.1 Local authorities have a power to set/vary fares for hackney carriages under section 65 of the Local Government (Miscellaneous provisions) Act 1976. This usually happens upon request from the taxi trade as it is felt that they are best placed to know whether their business can withstand any increase. The current table of fares is attached Appendix 1 and was set in 2013.
  
- 1.2 A request has been received for a fare increase from a local taxi firm. This is shown as Appendix 2 and contains their rationale for change.

#### **2. Proposals and consultations**

- 2.1 As a result of this letter, the proposal was sent to all current plate holders and drivers to enable them to have the opportunity to comment, make any observation or objection to the proposal. One objection letter was received from a driver, who felt that the price increase was unnecessary at this time. (the full letter is attached as Appendix 3)
  
- 2.2 No other comments were received.

### 3. Proposed Fare increase

3.1 The proposals would equate to the following fare increase based over one mile (1760 yards).

Tariff	Increase
Tariff One	£1.20p
Tariff Two	£0.75p
Tariff Three	£1.05p
Tariff Four	£0.65p

3.2 To help Members put this into context attached are examples of journeys showing the existing and proposed fares (See Appendix 4).

3.3 Fare tariffs from other Local Councils in the Eastern region are also attached to see how the proposed increase compares to other authorities (See Appendix 5).

3.4 If Committee approves in principle the fare increase, the new fares will have to be formally advertised in the local press to see if there are any objections to the proposals. If objections are received within the objection period, the Council may consider these and have the discretion to make any modifications as they see fit. If no objections are received, the fares will come into effect after the expiry of the objection period.

#### Recommendation:

Members are asked to approve one of the following options:

- 1) That the proposed fare increase be approved in principle subject to results of the formal advertising process
- 2) That the proposed fare increase not be approved

#### FINANCIAL IMPLICATIONS:

There will be costs in advertising and implementation.

Approximate total cost £1,000

#### LEGAL IMPLICATIONS:

Dealt with in report

#### EXECUTIVE BOARD OR DIRECTOR CONSULTATION:

Report seen by Head of Organisational Development.

Does this report raise any legal, financial, sustainability, equality, crime and disorder or human rights issues and, if so, have they been considered?	Issues	
	Legal	✓
	Financial	✓
	Risk	X
	Sustainability	X
	Equality	X
	Crime and Disorder	X
	Human Rights	X
	Every Child Matters	X



**Tariff 1 - Day Rate: 0600-2300**

For distances up to 176 yards .....	2.20
Thereafter for each subsequent 176 yards or part thereof .....	0.20
Waiting time for each 45 seconds or part thereof .....	0.20

**Tariff 2 - Night Rate: 2300-0600 & Public Holidays (except Xmas/New Year)**

For distances up to 390 yards.....	2.60
Thereafter for each subsequent 195 yards or part thereof .....	0.30
Waiting time for each 45 seconds.....	0.30

**Tariff 3 - Sunday Rate: 0600-2300**

For distances up to 330 yards.....	2.40
Thereafter for each subsequent 185 yards or part thereof.....	0.25
Waiting time for each 45 seconds or part thereof.....	0.25

**Tariff 4 - Christmas & New Year Rate: From 1800 24<sup>th</sup> December**

**to 0600 27<sup>th</sup> December & from 1800 31<sup>st</sup> December to 0600 2<sup>nd</sup> January**

For distances up to 880 yards .....	4.00
Thereafter for each subsequent 195 yards or part thereof .....	0.40
Waiting time for each 45 seconds or part thereof.....	0.40

**Public Holidays**

All other public and/or bank holidays charged at Tariff 2

**Additional Charges**

For each article of luggage carried outside the carriage.....	0.20
For each person in excess of one ( <i>Children under 3 years not counted</i> ) .....	0.20
For cleaning following the soiling of the interior of the vehicle, a charge not exceeding .....	£75.00
For cleaning following the soiling of the exterior of the vehicle, a charge not exceeding .....	£25.00

**Plate Number:**

**Registration No:**

**Licensed for Passengers**

**Complaints**

Passengers should check at the start of a journey that the meter starting price is correct in accordance with the rates set out. The charges shown are the maximum permitted. If you are not satisfied, ask the driver for an explanation.

If you have any complaints, please inform my Licensing Team at the Town Hall, Great Yarmouth telephone (01493) 846201. They will need to know the details of your journey, the licence number shown on the door crest and the number on the driver's badge.

**Licensing Authority**  
**February 2013**

Finally, not in the consultation but would like raised is to suggest an increase in the taxi meter rates, the last increase was in 2013 and since then the living wage / work place pensions/cost of living (fuel/Insurance/food etc) has all gone up but the taxis fares have stayed the same. So, would like to purpose the following increases.

#### Proposed Change of Hackney Carriage Table of Fares

##### TARIFF 1 – DAY RATE 0600-2300

FOR DISTANCES UP TO <b>176</b> YARDS.....	£2.50
THEREAFTER FOR EACH SUBSEQUENT <b>176</b> YARDS OR PART THEREOF.....	£0.25
WAITING TIME FOR EACH <b>45</b> SECONDS OR PART THEREOF.....	£0.25

##### TARIFF 2 – NIGHT RATE 2300-0600 & PUBLIC HOLIDAYS (except Christmas/New Year)

FOR DISTANCES UP TO <b>390</b> YARDS.....	£3.00
THEREAFTER FOR EACH SUBSEQUENT <b>195</b> YARDS OR PART THEREOF.....	£0.35
WAITING TIME FOR EACH <b>45</b> SECONDS OR PART THEREOF.....	£0.35

##### TARIFF 3 – SUNDAY RATE 0600-2300

FOR DISTANCES UP TO <b>330</b> YARDS.....	£2.70
THEREAFTER FOR EACH SUBSEQUENT <b>185</b> YARDS OR PART THEREOF.....	£0.30
WAITING TIME FOR EACH <b>45</b> SECONDS OR PART THEREOF.....	£0.30

##### TARIFF 4 – CHRISTMAS & NEW YEAR RATE 1800-0600 24<sup>TH</sup> DECEMBER TO 0600 27<sup>TH</sup> DECEMBER

##### & 1800 31<sup>ST</sup> DECEMBER TO 0600 2<sup>ND</sup> JAN

FOR DISTANCES UP TO <b>880</b> YARDS.....	£4.40
THEREAFTER FOR EACH SUBSEQUENT <b>195</b> YARDS OR PART THEREOF.....	£0.45
WAITING TIME FOR EACH <b>45</b> SECONDS OR PART THEREOF.....	£0.45

#### ADDITIONAL CHARGES

For each article of luggage carried outside the carriage..... [Page 11 of 167](#) £0.25

For each person in excess of one (*Children under 3 years not counted*)..... £0.25

For cleaning following the soiling of the **interior** of the vehicle, a charge

not exceeding .....£80.00

For cleaning following the soiling of the **exterior** of the vehicle, a charge

not exceeding .....£30.00

13/09/2018

Licensing Team  
GYBC

**The Manager,**

I am writing in regards to the fare increases proposed by [REDACTED]

As an independent taxi driver I feel that the price increase is unnecessary and would be detrimental to all those who are independent and the smaller taxi companies.

With Great Yarmouth being a deprived area all the increase will achieve is the small tips we do receive stopping altogether.

Going up in stages of 25p will be inconvenient as most people don't like dealing with these small unnecessary coins.

The average fare from Gorleston to Great Yarmouth is £10 which I believe is quite sufficient for a journey of usually less than 15 mins.

I personally feel that all the price increase would achieve is people sharing a mini bus instead of using the normal cars, again this having a large effect on the independent driver.

Most of the drivers who drive for [REDACTED] are P.A.Y.E. so they will earn the same no matter how many jobs they do, whereas we independent drivers need these jobs to survive.

I also feel that Bank Holiday Rate & Night Rate are already high enough and believe that night rate should only come into force from midnight as opposed to 23:00.

There are many times of the year when we sit out there for hours on end just waiting for our next job so we can make ends meet at home and this proposed price increase would surely make a very difficult job a lot harder, bigger firms can afford not to worry about how much work comes off the ranks as they have their own bookings and many drivers are private hire anyway, but us independent drivers do worry about the next job off the ranks as this our bread and butter.

Thank You

START POINT	DESTINATION	MILES	YARDS	T1 OLD	T1 NEW	diff	T2 OLD	T2 NEW	diff	T3 OLD	T3 NEW	diff	T4 OLD	T3 NEW	diff
Sealife Centre	North Denes Holiday Park	2.05	3,608.00	£6.10	£7.38	£1.28	£7.55	£8.78	£1.23	£6.83	£8.02	£1.19	£9.60	£10.70	£1.10
Theatre Plain rank	Peggotty Road	1.10	1,936.00	£4.20	£5.00	£0.80	£4.98	£5.77	£0.80	£4.57	£5.30	£0.73	£6.17	£6.84	£0.67
Gorleston Feathers Rank	James Paget Hospital	1.37	2,441.20	£4.77	£5.72	£0.94	£5.76	£6.68	£0.93	£5.25	£6.12	£0.87	£7.20	£8.00	£0.80
James Paget Hospital	Northgate Hospital	4.35	7,656.00	£10.70	£13.13	£2.43	£13.78	£16.04	£2.26	£12.30	£14.58	£2.28	£17.90	£20.04	£2.14
White Hart Pub Hopton	Vauxhall Station	6.50	11,440.00	£15.00	£18.50	£3.50	£19.60	£22.83	£3.23	£17.41	£20.72	£3.30	£25.66	£28.77	£3.11
Walpole Rd	Matalan Southtown	1.80	3,168.00	£5.60	£6.75	£1.15	£6.87	£7.99	£1.11	£6.24	£7.30	£1.07	£8.69	£9.68	£0.99

APPENDIX 5

TABLE OF COMPARISONS

MILE	Tariff 1 DAY RATE	Tariff 2 NIGHT RATE and PUBLIC HOLIDAYS		Tariff 3 SUNDAY RATE	Tariff 4 CHRISTMAS/ NEW YEAR
GYBC CURRENT FEE February 2013	£4.00	£4.70		£4.35	£5.80
GYBC PROPOSED FEE	£5.20	£5.45		£5.40	£6.45
BRECKLAND COUNCIL	£3.60	£ 5.40		£4.50	N/A
KINGS LYNN AND WEST NORFOLK	£4.00	£6.00		£5.00	N/A
NORWICH CITY COUNCIL	£4.80	£5.20		£5.40	£7.80
SUFFOLK COASTAL (July 2012)	£4.20	£4.90 (night time only)	£7.35 (public hols)	N/A	+100% for Xmas day, Boxing day and New Years day
WAVENEY DISTRICT	£4.00	£4.80		£4.80	£6.20

Subject: Taxi policy

Report to: Licensing Committee

Date: 22 October 2018

Report by: Licensing and Elections Manager

### **SUBJECT MATTER AND DECISIONS REQUIRED:**

**A review of the current taxi licensing policy has been undertaken and the proposed revised policy has been subject to consultation over a six week period during June and August 2018. Several comments were received during this consultation and have been considered within the revised policy.**

#### **Recommendation:**

**Members are asked to approve the attached draft policy as the new Taxi Licensing Policy (amendments to the existing policy are highlighted in red) with effect from 1 January 2019.**

### **1. DRAFT POLICY AND CONSULTATION**

- 1.1 Great Yarmouth Borough Council's current policy has been amended to include several proposed amendments to procedures and legislation. The new draft policy is attached at appendix 1.
- 1.2 The draft policy has been subject to a six week formal consultation process; which has taken place between June and August 2018. Consultation was by way of letters to all consultees and publication of the draft policy on the website.
- 1.3 Several comments were received following the consultation, and these have been set out in the attached document Appendix 2, together with officer comments as to whether they have been incorporated into the policy.

### **2. SAFEGUARDING TRAINING**

- 2.1 If members approve the amendments, in particular the requirement for all drivers to attend Safeguarding training it should be noted that there will be a cost implication.
- 2.2 It is proposed that safe guarding training is provided by Breckland Training Services as they already provide this service to several Norfolk authorities (Broadland, Norwich and South Norfolk). It has been agreed that we can join this group to provide training for new drivers. The course is run once a month and would allow us up to 6 places at a cost to the Council of £90 per month which would be offset by additional costs to the applicant of approx. £15 - £20.

- 2.3 For existing drivers, the training can be provided at the Town Hall by Breckland Training Services and because of the number of drivers involved would be at a reduced cost of approx. £6 per driver. There are currently 371 licensed drivers, making a total approx. cost of £2,300
- 2.4 The other local authorities in Norfolk have been contacted to ascertain how they implemented this and a number confirmed that they have paid the initial cost for existing drivers but are planning to charge for new applicants. Costs for this are shown in 2.3 above.
- 2.5 It is proposed that the council covers the cost of training for existing drivers only.

### **3. DECISIONS REQUIRED**

- 3.1 That the draft policy be considered and approved as the taxi licensing policy to commence from 1 January 2019.

#### **LEGAL IMPLICATIONS:**

Statutory Changes

#### **FINANCIAL IMPLICATIONS:**

Approx. one off cost for training existing drivers £2,300. This will be funded from existing service budgets.

Ongoing cost for joining Norfolk group to provide training for new drivers £90 per month. This cost would be offset by additional costs to the applicant of circa £15-20.

#### **EXECUTIVE BOARD OR DIRECTOR CONSULTATION:**

Head of Organisational Development has been consulted

Does this report raise any legal, financial, sustainability, equality, crime and disorder or human rights issues and, if so, have they been considered?	Issues	
	Legal	Yes
	Financial	
	Sustainability	
	Equality	
	Crime and Disorder	
	Human Rights	
	Risk Considerations	Yes

**Comments received on draft Taxi Licensing policy**

No.	Organisation	Comments	Accepted into policy?	Reason why or why not?
1	Licensed driver	<p>I received your letter dated June 22nd in which you solicit the opinions about the council's policy on Hackney Carriage &amp; Private Hire Licensing.</p> <p>I am unsure about the objectives of this comments exercise. The foremost question in my mind is whether the consultation exercise is intended to discuss solely the contents of the current policy manual about taxi driver licensing in Great Yarmouth, or whether a more general discussion of the operating conditions for taxis and private hires in the borough is sought.</p> <p>The comments I have do not relate specifically to how the licensing team issues licences to ply for taxi trade, but instead about operational matters that arise on a daily basis for taxi drivers and operators as well as the local populace who use these transportation services; for example the location and operation of local taxi ranks. Is the council licensing team interested to receive opinion about such operational matters from local taxi drivers in the framework of the current consultation process?</p>	Comments only	Email sent to confirm Licensing Team are happy to discuss any issues he may have – yet to receive reply
2	Norfolk County Council –	With many operators in the Borough delivering home to school transport and Special Education Needs for the County Council, I would like to suggest an addition to point 28 regarding CCTV.		Change wording to: Licensed Vehicle proprietor may, install and use a visible closed

	Highways and Transport	<p>This is also relative to safeguarding of both driver and pupils - CCTV that covers the cabin (driver and passengers) with audio if required can safeguard the driver from malicious accusations. With the amount of transport for those with behavioural issues increasing, there is a wider need for this type of contract. Special Needs schools with pupils who cannot fully explain any problem would also be assisted. We have seen streetwise pupils who know what to say to get the driver in trouble and maybe removed from their journey falsify and exaggerate issues with the driver. This often means we only have the driver's word or the pupils word to go on. If something is amiss, then CCTV (with audio) that covers the cab would resolve the issue quickly and simply, allowing for the situation to be dealt with appropriately.</p> <p>Whereas, I do not see this as an overall policy, it appears sensible to add a clause that should an operator have a contract with NCC that requires the use of CCTV, then this can be included if agreed with GYBC, following confirmation of requirement and reasoning from NCC.</p>		<p>circuit TV surveillance camera in their vehicles which face outward and are for insurance purposes only.</p> <p>Should CCTV be required inside the vehicle by the Operator, written approval must be sought from the Council and would be subject to conditions.</p>
3	Community Development Manager GYBC	<p>Whilst not an expert on licensing policy, I endorse the need for safeguarding awareness for licence holders. I think this a well needed modern day requirement. I also like the equality measures in the policy too.</p> <p>Only one comment- do we still refer to Brewery Plain as the rank</p>	Comments only	Comments only – Brewery Plain is the rank near to the old Tesco site now used for the Palace Bingo

		near the entrance to Tesco? Rhetorical question!		
4	Local taxi firm	<p>PAGE 7 – ADD MUST HAVE ENGLISH AS THEIR FIRST OR SECOND LANGUAGE</p> <p>Language proficiency</p> <p>Reference below comes from D o T Best Practice guide</p> <p>71. Authorities may also wish to consider whether an applicant would have any problems in communicating with customers because of language difficulties.</p> <p>Page 8: -</p> <p>In relation to new drivers applying for a Hackney Badge there should be a proviso to accommodate drivers who wish to only do education work only, as currently they have to pass the full test which is limiting the pool of drivers but also having a restriction who we can employ for these types of contracts.</p> <p>Referring to D o T report the following has been recommended.</p> <p>And with government trying to get people to work I feel this needs to be looked at.</p> <p>PAGE 8 - Section E- Safeguarding Awareness Training – Applicants must provide evidence of attending a safeguarding awareness training session approved by the</p> <p>Borough Council: - ANY DRIVER ISSUED A NORFOLK COUNTY COUNCIL EDUCATION BADGE (which includes an enhanced disclosure check) must undertake Safeguarding Awareness Training.</p>	<p>No</p> <p>No</p>	<p>Applicants are required to pass a local knowledge test which is a verbal test. This test contains various elements which all drivers should be expected to know.</p> <p>The council issues a joint Hackney carriage/Private Hire drivers licence so it would not be possible to distinguish. The knowledge test contains various elements which all drivers should be expected to know.</p> <p>This is not a policy issue. This detail can be discussed once approved</p>

	<p>(would the council allow that training to be sufficient.</p> <p>Page 11: – The above refers again.</p> <p>Page 14: - In relation to this a signed disclaimer needs to signed stating that they are not aware of any impending NIP (Notice of Intending Prosecutions) i.e. we had a driver who had accumulated 3 Speeding tickets within a two-week period plus got a 2 mobile phone tickets on his personal car which would put then over the 12 points allowed. They asked for them to be considered all in one go at court which resulted in an 8 month wait. Whilst they were waiting the if a check is made it showed up no points and a clean licence. Driver was dismissed from us but went to another company.</p> <p>Page 14:- (b) The completed medical certificate issued within fourteen (14) days prior to the application being made that the applicant is physically fit to be a hackney carriage/private hire driver.</p> <p>Could this be changed to 3 months as to allow for PSV/HGV or Driver Licence renewals to be allowed rather than having to pay again for the same medical.</p> <p>Page 17:- 7. Safeguarding</p> <p>All licensed drivers must be aware of the responsibility with regards Safeguarding of vulnerable groups and will be required to undertake Safeguarding Training as prescribed by Great Yarmouth Borough Council. Drivers will also have an obligation to adhere to the code of conduct published by the Borough Council in relation to safeguarding.</p>	<p>As above Good comment</p> <p>No</p> <p>As above</p>	<p>This is not a policy issue. However the Licensing Team will look to amend the application form to include this point as part of our regular reviews of templates.</p> <p>New applications will be required to submit within 14 days of the application. Existing drivers however can provide a medical earlier if necessary, to avoid duplication. (this is the current procedure) A GYBC form will need to be completed at time of PSV/HGV medical.</p>
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	<p>See Earlier comments referring to Page 8</p> <p><b>Equality Act 2010</b></p> <p>Conclusion In conclusion hackney carriages and specially adapted private hire vehicles form a key part of the public transport system designed to transport people with or without disabilities. These vehicles can be the preferred method of transport for many wheelchair users as they can be taken direct to their home. It is imperative that all passengers, including wheelchair users are treated with respect and dignity by all licensed drivers and be transported in a safe and secure manner for the duration of the journey. On occasions this will be difficult; nevertheless, a professional driver is expected act in a calm and controlled manner, irrespective of the demanding behaviour of some passengers. It is not reasonable to expect that all vehicles will be able to accommodate every non-standard wheelchair and it is acknowledged that for some wheelchairs specialized transportation may be required - Which an extra charge may be allowed.</p> <p>(see Attached Guidance used by Plymouth City Council which could be amended and issued to all drivers.)</p> <p>Page 8 Carriage of Animals :-</p> <ul style="list-style-type: none"> <li>• The driver shall not convey in any vehicle any animals belonging to or in the custody of himself or the proprietor or Operator of the vehicle amendment needs to be added to state the above only applies whilst ply for trade or on a pre-booked job (if car is also used private use then they will be exempt.</li> </ul>	No	The policy does not require alteration. A list of designated vehicles is published by GYBC. All drivers of these vehicles must comply with Section 165 of the Equality Act 2010.
		Yes	Wording changed to Only animals belonging to or in the custody of any passenger may be carried in a licensed vehicle whilst operating. This is at the discretion of the driver with the exception of assistance dogs, which must be

	<p>Page 20 :- <b>Lost Property</b>        Needs to be amend as Norfolk Police have amended their Lost Property policy see link below  <a href="https://www.norfolk.police.uk/contact-us/report-something/lost-and-found-property">https://www.norfolk.police.uk/contact-us/report-something/lost-and-found-property</a></p> <p>Page 21: - Records to be kept by the operator (need to add in Section 29 GDPR request form for information).</p> <p>Page 24:- Deposit of Driver and Vehicle Licences</p>	<p>Yes</p> <p>No</p>	<p>accepted.</p> <p>Wording amended to:        The Driver shall immediately after the termination of any hiring of a vehicle or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there.</p> <p>Any property found by or handed to the driver, should be reported to the Borough Council Licensing Team and where necessary taken within 24 hours to the nearest police station and left in the custody of the officer in charge.</p> <p>Current working practises comply with GDPR regulations. Wording added: All records kept must comply with the Data Protection Act 2018</p> <p>Two copies of the drivers licence are issued by the Licensing Team for this purpose</p>
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	<ul style="list-style-type: none"> <li>Any Operator who employs or permits anyone to drive any licensed vehicle owned by him or her will ensure that the driver's licence is deposited with him during the period that the driver is employed or permitted to drive. The licence must be returned to the driver at the end of that period. <b>Can this be amended to say a copy of rather than holding the physical licence due to the Driving Licence being a Official Document and used as ID etc.</b></li> </ul> <p>Tinted windows</p> <p>30. The minimum light transmission for glass in front of, and to the side of, the driver is 70%. <b>Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in estate and people carrier style vehicles. When licensing vehicles, authorities should be mindful of this as well as the large costs and inconvenience associated with changing glass that conforms to both Type Approval and Construction and Use Regulations.</b></p> <p>Page 30:- Boot/Luggage Compartment - This should be empty except for a spare wheel, essential tools and a first aid kit. <b>Can this be amended to say Spare wheel or suitable tyre repair equipment (as many new cars now come with tyre repair kits and not spare wheels)</b></p> <p>Page 47:- Section 28:-CCTV Cameras</p>	<p>To consider at Committee</p> <p>Yes</p>	<p>The current policy doesn't allow tinted windows in the rear of a vehicle (with the exception of limousines) The law only specifies rules for the front and front side windows. There are no rules for tinting the rear windscreen or rear passenger windows. This is a policy decision for Members</p> <p>Wording amended to: This should be empty except for a spare wheel (where provided), essential tools inc suitable tyre repair equipment and a first aid kit.</p>
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	<p>Should be amended to allow Dash Cameras as this standard for Insurance Industry for fleets without written approval. CCTV with audio should be allowed in vehicles this would protect the driver and passengers (Norfolk County Council ref (Sean Aspin) are all for this on their contracts and don't understand why we don't have it (Kings Lynn/Norwich councils have allowed it. (ref Best Practice Guidance D of T March 2010) <a href="https://www.autocab.com/blog/2017/07/31/pros-cons-adding-cctv-fleet/">https://www.autocab.com/blog/2017/07/31/pros-cons-adding-cctv-fleet/</a></p> <p>Page 55: - Lost Property see details for Page 20 to change.</p> <p>Page 67: - (MOT) 8. Vehicles which are less than 3 years old and do not under national law require an MOT are required to be tested which will include a compliance test as well as a mechanical test to MOT standards.</p> <p>Would like amendment to this to state Brand new vehicles only require a compliance test for the first year, and then MOT &amp; Compliance after that.</p> <p>Reference <a href="https://www.gov.uk/getting-an-mot/mot-test-fees">https://www.gov.uk/getting-an-mot/mot-test-fees</a></p> <p>If the above ref MOT on new vehicles still must be required, then a suggestion that we adopt the National Inspection standard form as one test so MOT &amp; Compliance on one form &gt; with one fee</p>	<p>Please see response to Comments from NCC</p> <p>Amended as above No</p>	<p>The MOT is a national requirement. When a vehicle is to be plated and undergoes a compliance check the safety elements will be checked as per the national MoT standards. It does not automatically follow that the testing garage issue a new MoT certificate.</p> <p>The team will, however, look at the current compliance certificates issued by the Testing stations to see if improvements can be made as part of our regular review of templates.</p>
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5.	Guide dogs for the Blind	<p><b>Guide Dogs response to Great Yarmouth's Hackney Carriage and Private Hire Licensing Policy</b></p> <p><b>09/08/18</b></p> <p><b>Summary</b></p> <p>Guide Dogs provides mobility services to increase the independence of people with sight loss in the UK. Alongside our mobility work we campaign to break down physical and legal barriers to enable people with sight loss to get around on their own terms. Current estimates suggest about 35,130 people with vision impairments are living in Norfolk, of which about 125 are guide dog owners. Within Great Yarmouth itself, there are approximately 3,790 people with sight loss, of which 21 are guide dog owners.</p> <p>Taxis and private hire vehicles (PHVs) and the door to door service they provide are essential to the independence of blind and partially sighted people, who are often unable to drive or use public transport. However, accessing taxis and PHVs can be a major challenge for assistance dog owners: a Guide Dogs survey found that 42% of assistance dog owners were refused by a taxi or PHV driver in a one-year period because of their dog – despite this being a criminal offence under the Equality Act 2010. Such access refusals can have a significant impact on assistance dog owners' lives, leading to feelings of anger and embarrassment and a loss of confidence and independence.</p> <p><b>Key recommendations:</b></p> <ul style="list-style-type: none"> <li>The policy should clearly state that it is an offence under the Equality Act to refuse carriage to an assistance dog or to charge extra for carriage of an assistance dog.</li> </ul>	Comments noted some amendments have been made	<p>Yes</p> <p>Wording amended to: It is an offence under the Equality Act for a driver (unless they hold an Exemption certificate) to refuse</p>
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	<ul style="list-style-type: none"> <li>• The policy should specify that all taxi and PHV drivers must undertake disability equality training, which includes information regarding the carriage of assistance dogs and their obligations under the Equality Act 2010. The training should focus on the concept of people being disabled by society's barriers and attitudes and highlight the role an organisation and individuals play in the removal of those barriers, while also including awareness elements such as customer care, etiquette and appropriate communication.</li> </ul>	Not at this time	<p>to carry a Guide, Hearing, or other assistance dogs – Dogs for the Disabled, Support Dogs, Canine Partners for Independence - that is in the charge of a fare paying passenger. No charge shall be made for the carriage of such a dog whilst in the company of a disabled person or any person training such a dog and the dog should be allowed to remain with the passenger</p> <p>It is not proposed to include training for drivers at this time. The final policy will be distributed to all drivers to ensure they are aware of their requirements and obligations. In addition to this the Licensing team, as part of a regular review of processes will look to issue guidance notes to all drivers reminding them of their responsibilities. Questions will also be included as part of the knowledge test for drivers.</p>	

	<ul style="list-style-type: none"> <li>The policy should specify a medical exemption certificate for carrying assistance dogs will only be issued when authorised by a medical practitioner and accompanied by medical evidence, such as a blood test, a skin prick test or clinical history.</li> <li>Great Yarmouth Borough Council Licensing Authority should issue exemption certificates that are accompanied by features distinguishable to vision-impaired passengers, such as an embossed or raised 'E'.</li> <li>The policy should state that the Great Yarmouth Borough Council Licensing Authority will work together in conjunction with assistance dog owners to ensure that licensing requirements are being complied with by various means such as, but not limited to, test purchases to ensure that licensing requirements are being complied with.</li> <li>The policy should state that Great Yarmouth Borough Council Licensing Authority will use its best endeavours to investigate all reported violations of the Act in a timely manner with a view to pursuing a conviction and that breach of the Equality Act is deemed serious and therefore will result in suspension or revocation of licence.</li> </ul>	Noted Noted Noted Noted	<p>The medical exemption form requires a certificate from an authorised medical practitioner. This certificate includes guidance for the doctor when making their decision.</p> <p>The team will look to improve certificates issued also see point below where we would be happy to receive a sample as mentioned</p> <p>We do actively respond to any complaint or report of breach of any legal standard, and carry out compliance checks regularly. The wording under point 10 of the general policy has been improved to highlight this point.</p> <p>The wording with regard to the Equality Act 2010 has been amended to include: Any breach of the Equality Act will be treated seriously. All drivers where failings under the act are proven may be prosecuted and will be referred to Licensing Committee</p>
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	<p><b>Highlighting obligations under Equality Act 2010 in respect of Assistance Dogs</b></p> <p>We welcome the provisions in section 8 of 'Conditions relating to Drivers Licences' which specifies that no drivers may refuse to carry an assistance dog and must not charge for carriage of such a dog. We also welcome the reference to comply with the requirements of the Disability Discrimination Act 1995, however this legislation no longer applies in England, being replaced by the Equality Act 2010. This is correctly referenced in section 4 of 'Conditions relating to Operators Licences' and section 8 of the 'Driver Licence Admin Requirements'. We therefore recommend that the policy states in section 8 of 'Conditions relating to Drivers Licences' that all drivers must comply with the requirements of the Equality Act 2010 and make clear that it is an offence under this Act to refuse carriage of an assistance dog.</p> <p>We also recommend extending upon the duties listed under the Equality Act in section 8 of the 'Driver Licence Admin Requirements' to include the obligations under this Act for assistance dogs: s.168 and s.172 specify that it is an offence to refuse carriage or to charge extra for carriage of an assistance dog.</p>	Yes	<p>for a review of their licence with consideration given to revocation.</p> <p>Wording amended to replace the Disability Discrimination Act 1995 with the Equality Act 2010</p> <p>Comments noted</p> <p>Additional wording to section 8 : <u>Section 168</u></p> <p>This section imposes duties on the driver of a taxi which has been hired –</p> <ul style="list-style-type: none"> <li>• By or for a disabled person who is accompanied by an assistance dog, or</li> <li>• By another person who wishes to be accompanied by a disabled person with an</li> </ul>
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	<p><b>Disability equality training</b></p> <p>To help reduce the number of access refusals, it is important that drivers know their legal obligations and how to best offer assistance to their customers with vision impairments, including those travelling with a guide dog. We therefore recommend that all drivers undertake disability equality training when obtaining their licence. We welcome the introduction of mandatory safeguarding training in order to promote the welfare of service users and we recommend that disability equality training is also mandatory in order to promote the welfare of service users with a disability.</p> <p>Drivers who refuse to carry an assistance dog are committing a criminal offence under the Equality Act 2010. The consequences of delayed travel combined with the emotional impact of facing discrimination and confrontation when trying to carry out everyday activities take a significant toll on assistance dog owners.</p> <p>Apart from feelings of anger and embarrassment, refusals can undermine the independence that assistance dogs bring to their owners. Assistance dog owners also reported that the stress of refusals has had a detrimental impact on their mental health and on</p>	Noted	<p>assistance dog.</p> <p>The driver must –</p> <ul style="list-style-type: none"> <li>• Carry the disabled person's dog and allow it to remain with that person;</li> <li>• Not make any additional charge for doing so</li> </ul> <p>As mentioned above the final policy will be distributed to all drivers to ensure they are aware of their requirements and obligations. In addition to this the Licensing team, as part of a regular review of processes will look to issue guidance notes to all drivers reminding them of their responsibilities. Questions will also be included as part of the knowledge test for drivers.</p> <p>The Licensing Team will be pleased to receive any suggestions you may have with regard to the guidance notes.</p>	

	<p>whether they feel able to leave the house. This also has a negative impact on their ability to access work and other opportunities. As guide dog owners report:</p> <ul style="list-style-type: none"> <li>• “Each refusal is crushing, confidence shattering, rejecting, and traumatic. I always feel that I don't want to go out after - but work dictates I must.” Guide dog owner, Stevenage</li> <li>• “I was left on my own at the side of the road in the dark. I am deaf and unable to phone for help and it made me feel very vulnerable. It makes me feel afraid to go out.” Assistance dog owner</li> <li>• “I was very upset, it was dark, raining and 10pm at night. I was scared. I avoid evening invites, as I worry about getting home. I lose out on the chance of socialising with friends, which is bad, as I have no family.” Guide dog owner, Rochester</li> <li>• “I used to have a very tough two-hour commute to work. The taxi part of the journey was the shortest bit travel wise, but it always ended up being the bit that held me up the most because I was having to spend time facing drivers who wouldn't take me with my dog. ... It's good that my contract was flexi hours otherwise I'm sure I would have been sacked for being late all the time – it happened so often.” Guide dog owner, Daventry</li> </ul> <p>A Guide Dogs survey found that many taxi drivers are unaware of their legal obligations and the impact refusals have on assistance dog owners. The best way to address this is through disability equality training for all taxi and PHV drivers. Disability equality training focuses on the concept of people being disabled by society's barriers and attitudes. It highlights the role an</p>		
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	<p>organisation and individuals play in the removal of those barriers, while also including awareness elements such as customer care, etiquette and appropriate communication.</p> <p>Many of the positive experiences disabled people report when using taxis and PHVs come about following disability equality training. Councils that have introduced disability equality training report very positive results with fewer refusals and drivers feeling more confident in assisting passengers with disabilities.</p> <p>Disability equality training for all taxi and PHV drivers has also been recommended by the Transport Select Committee,<sup>1</sup> the Law Commission<sup>2</sup> and the House of Lords Disability and the Equality Act 2010 Committee<sup>3</sup>. Further, the Government has recently committed 'to consult on revised best practice guidance for local licensing authorities which will recommend that authorities require drivers to complete disability awareness training' and 'would urge the remainder [of local licensing authorities] to take action now, using their existing licensing powers, to ensure that every driver receives it'.<sup>4</sup></p> <p>1 Transport Select Committee, Access to Transport for Disabled People, 2013.</p> <p>2 Law Commission, Taxi and Private Hire Services, Law Com No 347, May 2014, 4.102.</p> <p>3 House of Lords, Select Committee on the Equality Act 2010 and Disability, The Equality Act 2010: the impact on disabled people, para. 480.</p> <p>4 House of Commons, Taxis: Equality, 28 March 2018, c134057 WS. <b>Enforcement</b></p> <p>While our survey shows that 42% of assistance dog owners have</p>		
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	<p>been refused over a one-year period, many of these incidents are not reported. Indeed, only 54% of respondents said they would 'definitely' or 'very likely' report an access refusal. In part, the underreporting is due to challenges of reporting, especially for people with sight loss. However, it is also due to disappointment at the lack of action taken following an access refusal and the low fines issued.</p> <p>Considering the significant impact an access refusal can have on assistance dog owners and their communities, it is important that assistance dog owners know that all cases of access refusals are viewed very seriously and are investigated.</p> <p>The current document, in the Appendix, states that failure to carry an assistance dog will result in 6 penalty points. The current document also does not contain any reference to prosecution of drivers who refuse a passenger. As mentioned, it is a criminal offence for any operator or driver to refuse to carry assistance dogs. On conviction for such an offence, drivers can be fined up to £1,000. As failure to carry an assistance dog is a criminal offence, we recommend a zero-tolerance approach to enforcement of the Equality Act. We therefore recommend clearly stating that Great Yarmouth Council Licensing Authority will use its best endeavours to investigate all reported violations of the Act in a timely manner, with a view to pursuing a conviction and state that breach of the Equality Act is deemed serious and therefore will result in suspension or revocation of licence. Refusal to carry an assistance dog should therefore be added to the list of circumstances in which a licence holder will be directly referred to the Licensing Committee.</p> <p>We also recommend that the policy should state that the Great</p>	Noted	This offence will be removed from the table for penalty points and reference to prosecution has been included as above
		Noted	See above notes on enforcement/compliance

	<p>Yarmouth Borough Council Licensing Authority will work together in conjunction with assistance dog owners to ensure that licensing requirements are being complied with by various means such as, but not limited to, test purchases to ensure that licensing requirements are being complied with.</p> <p><b>Medical Exemption Certificates</b></p> <p>We welcome the specification in section 2.2 of the 'Hackney Carriage and Private Hire Licensing Policy' that a medical certificate provided by a doctor is required to exclude a driver from carriage of guide dogs and the specification in section 8 of 'Conditions relating to Drivers Licences' which states that this medical certificate must be from a registered medical practitioner. We recommend that this is strengthened to include requirements for this medical certificate.</p> <p>We advise that the policy states that exemption certificates will only be issued when authorised by a medical practitioner and accompanied by medical evidence of the driver's genuine medical condition that is aggravated by exposure to dogs, such as a blood test, a skin prick test or clinical history.</p> <p>Further, it is often difficult for vision-impaired passengers to identify the validity of exemption certificates. Currently, it is not permissible for licensing authorities to issue exemption certificates which incorporate tactile features, as this would alter the certificate's prescribed form and render it invalid. Therefore, we recommend that that licensing authorities issue exemption certificates that are accompanied by features distinguishable to vision-impaired passengers, such as an embossed or raised 'E'. Guide Dogs would be happy to supply Great Yarmouth Borough Council with a tactile exemption card.</p>	Noted	See above notes on medical certificate
		Noted	The Licensing team will discuss these options and look to include where appropriate. The team would be pleased to receive a tactile exemption card in order to consider this proposal.

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**GREAT  
YARMOUTH**  
BOROUGH COUNCIL

# Hackney Carriage and Private Hire

## Policy and Handbook

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## Hackney Carriage and Private Hire Policy & Handbook

### **Introduction**

This handbook is the policy document for matters relating to the licensing of Hackney Carriages, Private Hire Vehicles and their drivers and Operators. It contains the following elements

1. The Borough Council Policy for Licensing of:
  - a. Hackney Carriage Vehicles (First, Second and Third Class)
  - b. Private Hire Vehicles
  - c. Drivers of Hackney Carriage and Private Hire Vehicles
  - d. Private Hire Operators
2. The procedures for applying for, processing and issuing of such licences
3. The general conditions attached to such licences

This handbook consolidates and replaces previous policy and guidance on this matter. It has been subject to consultation and has been formally adopted by the Borough Council.

The difference between the nature of the trades undertaken by hackney carriage and private hire vehicles may not be readily apparent, but the following brief description should clarify the situation:

- **A hackney carriage** - may ply for hire from an appointed hackney carriage stand (hereafter referred to as a rank) in the District or may be hailed in the street. The fares for such journeys are controlled under the rates or fares fixed by the Borough Council and the vehicle must be fitted with a taximeter calibrated to those fares.
- **A private hire vehicle** - may only undertake journeys in response to advance bookings. The charges for such journeys are not subject to Borough Council control and should be agreed with the client before the start of the journey.

The Borough Council has adopted the Local Government (Miscellaneous Provisions) Act 1976, Part II, Section 45; The Town Police Clauses Act 1847, Section 68 and the Public Health Act 1875, Section 171.

The Acts require that the Borough Council must be satisfied that the vehicle is suitable in type, size and design for use as a hackney carriage or private hire vehicle that it is in a suitable mechanical condition and is safe and comfortable. In the case of private hire vehicles, it is further required that they must not be of such design or appearance as to lead any person to believe that the vehicle is a hackney carriage. Any vehicle used as a hackney carriage or private hire vehicle must have in force a current insurance policy in relation to the use of that vehicle.

In addition to the statutory requirements, the Borough Council may attach to the grant of a licence such conditions as the Borough Council considers reasonably necessary. ~~However, the Act specifically states that the Borough Council shall not refuse such a licence for limiting the number of vehicles in respect of which the Borough Council grants such licences.~~

## Hackney Carriage and Private Hire Policy & Handbook

Any requirements of legislation that affects the operations being carried out under the terms of any licence granted should be regarded as if they are conditions of that licence. Wherever there appears in this Handbook a summary of any statutory provisions, you are advised that such summary may not be exhaustive.

Details held on drivers, vehicles or Operators are held in accordance with the Data Protection Act 1998. The authority will not share details of an individual unless it is with their consent or where it is required or permitted by law.

In case of a complaint against the service provision, the Borough Council has a formal complaint procedure. See the Borough Council website or phone or visit the Borough Council offices for details of this procedure.

## **Glossary and definitions**

Within this handbook the following expressions have effect as below

- **“Borough Council”** means the Great Yarmouth Borough Council
- **“Authorised officer”** means an officer of the Borough Council authorised in writing;
- **“Driver's licence”** means, in relation to the driver of a hackney carriage, a licence under section 46 of the Town Police Clauses Act 1847 and, in relation to the driver of a private hire vehicle, a licence under section 51 of Local Government (Miscellaneous Provisions) Act 1976;
- **“Hackney carriage”** means a carriage exposed for hire to the public, whether standing in the public street or a private yard;
- **“Hackney carriage byelaws”** means the byelaws for the time being in force in the district of the Borough Council relating to hackney carriages;
- **“Private Hire Vehicle”** is a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle which is provided for hire with the services of a driver for the purpose of carrying passengers. Private hire vehicles cannot ply for hire on a rank or be hailed in the street and must be pre-booked through a private hire Operator licensed by the Borough Council.
- **“Operate”** means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle;
- **“Operator's licence”** means a licence issued by the Borough Council under section 55 of the Local Government (Miscellaneous Provisions) Act 1976;
- **“Taximeter”** means any device for calculating the fare to be charged in respect of any journey in a hackney carriage by reference to the distance travelled or time elapsed since the start of the journey, or a combination of both;
- **“Vehicle licence”** means in relation to a hackney carriage a licence under sections 37 to 45 of the Town Police Clauses Act 1847 and in relation to a private hire vehicle means a licence under section 48 of Local Government (Miscellaneous Provisions) Act 1976. Once a vehicle is licensed it remains so **24/7 at all times** and must be driven at all times by a person who holds a **combined** driver's licence issued by the Borough Council.

| Hackney Carriage and Private Hire Policy & Handbook

- “**Special Event Vehicle**” means a private hire vehicle exclusively used for special occasions. .
- “**Hackney Rank/Stand**” A designated place adopted by the Borough Council where hackney carriages can wait for the arrival of a hirer.
- “**Notify the Borough Council**” means notify the Licensing Team at the Borough Council in writing.
- “**The District**” means the district administered by Great Yarmouth Borough Council
- “**Authorised Officer/Agent**” means An Officer so authorised or acting on behalf of the Borough Council or a Police Officer
- “**The Operator**” means the person to whom the Borough Council has granted an Operator’s Licence to which these conditions apply. In the case of a partnership, to each of the partners and in the case of a company, to each of the company directors
- “**The Vehicle**” means the vehicle subject of the hackney carriage or private hire vehicle licence to which the conditions are attached
- “**The Proprietor**” means person, persons, or body named in the licence as the proprietor of the vehicle. This includes a part proprietor and in relation to a vehicle that is the subject of a hiring agreement or a hire purchase agreement, means the person in possession of the vehicle under that agreement
- “**The Driver**” means the person to whom the Borough Council has granted a hackney carriage/private hire driver’s licence to which these conditions are attached.
- “**Nominated Garage**” means garage(s) approved by the Borough Council for the purpose of undertaking mechanical inspections
- “**Mechanical Inspection Report**” means certificate issued by the Borough Council’s Agent
- “**Licence plate**” means plate issued by the Borough Council for the purpose of identifying the vehicle as a Hackney Carriage or Private Hire vehicle

Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done

Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

## Hackney Carriage and Private Hire Policy & Handbook

### **Hackney Carriage and Private Hire Licensing Policy**

#### **1. General Policy**

The Borough Council is responsible for licensing all hire vehicles which operate within the district, which are provided with a driver and operate with less than nine passenger seats.

The Borough Council does not limit the number of licences of drivers, vehicles or Operators issued – all cases will be treated on their merits and in accordance with the licensing policy

There are two types of vehicle licences:

- ~~public hire Hackney Carriage~~ vehicles (~~hackney carriages~~) and
- ~~Private Hire~~ vehicles - which are only available by prior booking arrangement (~~private hire vehicles~~).

Although the description 'taxi' should only be applied to a hackney carriage any hire vehicle is usually known as a 'taxi' by the public.

Private Hire vehicles may only undertake journeys in response to advance bookings. The Borough Council is also responsible for granting private hire Operators' licences for the premises at which these bookings are made

The Borough Council is responsible for the licensing of the drivers of both classes of vehicle.

As provided for in Section 75(2) of the Local Government (Miscellaneous Provisions) Act 1976 the Licensing requirements do not apply:

- where a vehicle is used for bringing passengers into the District where the contract for hire was made outside the District, providing the vehicle is not made available for hire within the District
- to a vehicle used in connection with funerals or wholly or mainly by a person who is a funeral director, for the purpose of funerals
- when the vehicle is being used in connection with a wedding ceremony

#### **2. Hackney Carriage/Private Hire Drivers Licences** - criteria for grant of licence

Within the scope of legislation the Borough Council ensures that all drivers are 'fit and proper persons' to be licensed by carrying out checks on an applicant's background. The Borough Council issues dual driver's licences to all successful applicants, which enables the holder to drive either a hackney carriage vehicle or a private hire vehicle provided that these vehicles are licensed by this authority Borough Council

In considering new applications for Hackney Carriage/Private Hire Drivers Licences and also any breaches during the currency period of a licence, the Borough Council must be satisfied that drivers are fit and proper persons to hold a Licence. In doing so, they must have regard to all convictions, police cautions, charges, driving convictions, complaints of unacceptable conduct /behaviour, breach of licence conditions and other convictions. obtained during the course of a Licence. When

## Hackney Carriage and Private Hire Policy & Handbook

such circumstances occur the application may be referred to the Licensing Committee for determination.

The law states that a Council shall not grant a Hackney Carriage/Private Hire Drivers Licence unless they are satisfied:

- the applicant has the right to work in the UK
- the applicant is a fit and proper person to hold a licence
- The person has been authorised to drive a motor car for at least 12 months and
- the person is authorised to drive at the time of the application

In deciding whether the applicant is a fit and proper person the Borough Council have regard to a number of factors as outlined below. Each case will be considered individually on its merits. and the applicant will have the opportunity to present their case to the Licensing Committee in circumstances where a Licence cannot be automatically issued. The Borough Council does not have a limit on the number of Driver Licences issued.

In doing so, they must have regard to all convictions, police cautions, charges, driving convictions, complaints of unacceptable conduct/behaviour, breach of licence conditions and other convictions obtained during the course of a Licence, in accordance with the convictions policy. When such circumstances occur the application may be referred to a Panel of the Licensing Committee for determination.

### 2.1 Consideration of previous convictions

This is facilitated by the applicant jointly with the Borough Council obtaining an up to date enhanced Disclosure about the applicant from the Disclosure and Barring Service. (DBS)

The Borough Council will consider all convictions (whether spent or not) which are relevant to in relation to an application for a Licence. The Rehabilitation of Offenders Act (which provides for cautions and convictions to become spent over time) does not apply in relation to applications for taxi drivers licences

Relevant Gconvictions, cautions and any additional information listed on a Disclosure will therefore be considered on an individual case basis by Borough Council Officers. Should there be a need for the Licensing Committee of the Borough Council to consider the Licence application the applicant will be given the opportunity to explain the circumstances to them, with the applicant having the opportunity to explain the circumstances to the Licensing Committee of the Borough Council when they consider the Licence application.

Guidance on previous convictions/cautions etc can be found in the "Criminal Offence Guidelines" appendix of this handbook.

### .2 2 Other information as is considered necessary

The Borough Council will request and take into account such information as it considers necessary. This currently includes

## Hackney Carriage and Private Hire Policy & Handbook

- | a) Medical certificate (to Group 2 standard) – provided by a doctor to confirm the person is fit to drive (and if so whether or not entitled to exclusions from certain activities including carriage of guide dogs and wheelchair passengers because of their medical condition)
- | b) References (from 2 persons, not related to the applicant, who have known the applicant for ~~at least minimum of 5.2~~ years, one referee should where possible be a current or last employer)
- | c) Check on driving Licence / DVLA check – all current endorsements will be considered on a case by case basis as will previous endorsements or disqualifications where relevant
- | d) Local Knowledge Test - to assess the applicant's knowledge of the area and local conditions in relation to licensing
- | e) Safeguarding Awareness Training – Applicants must provide evidence of attending a safeguarding awareness training session approved by the Borough Council

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### **3. Conditions**

The Borough Council has the power to attach conditions to Driver, Vehicle and Operator licences. The standard conditions are as set out in this handbook document. Any requirements of legislation that effects the operations being carried out under the terms of a licence shall be regarded as if they are conditions of that licence.

### **4. The Licensing Committee**

The Licensing Committee consists of Councillors. A Chairman is appointed to supervise the Committee during the process. The Committee may be advised by a legal representative. A number of Council Officers may also attend the hearing, in an advisory capacity. However, they do not take part in the decision making process

#### **General Advice**

The Licensing Committee is a formal meeting where members sit in a quasi-judicial manner. This means that the Committee has to act in a similar fashion to a Court or Tribunal. It is therefore important that persons appearing before Committee should behave and dress in an appropriate manner. If a person appears before the Committee following a complaint about their conduct, they should not attempt to speak to the complainants / witnesses prior to the meeting as this could be deemed to be harassment.

### **5. Referral to the Committee**

Where an applicant or a driver is referred to Committee for consideration, they will be notified in writing of the reason and the date, time and venue of the Committee hearing. They will be advised that they may bring a representative to the hearing. The representative may be a friend, legal representative or a representative from the trade whom they wish to assist them in addressing the Committee members in support of their application/disciplinary hearing. Please note that any consultation

## Hackney Carriage and Private Hire Policy & Handbook

with a representative should take place in advance of the hearing date and not just prior to the meeting. This will ensure that their case is well prepared for Committee consideration.

### **6. The Hearing**

A number of applications and disciplinary matters could be considered on the day. Each matter will be considered on its own merits and the public will be excluded to protect confidentiality where appropriate. In these circumstances the public will not have access to the meeting ~~unless the applicant requests that they should~~.

When a person is called to appear before the Committee they and their representative and any complainants will be guided to their seats. They will be asked if they have received a copy of the report regarding the circumstances surrounding their case. The Committee will already have a copy of the report. Where the case arises from a complaint, the complainant, if present, will be asked to explain their complaint to the Committee. They will then be given the opportunity to question the complainant.

They will be asked to describe the circumstances surrounding the convictions or incident concerned and asked to demonstrate to the Committee why they think they are a fit and proper person to hold a Hackney Carriage/ Private Hire Drivers Licence or why they feel disciplinary action should not be taken.

### **7. The Decision**

When considering convictions, the Committee will have regard to the 'Guidelines relating to the Relevance of Convictions'

After hearing the evidence and representations from all parties, the Committee will make their decision, and the applicant will be informed. The person will also be advised of the decision in writing together with their rights of appeal. The Committee have a number of options which include the following:

- Grant or refuse the application
- Take no action
- Issue a verbal warning
- Suspend or revoke Licence
- Apply conditions and/or penalty points to the licence
- Require driver to complete Driver Standards Agency assessment (DSA) and/or sit the Borough Council's Knowledge test, or any other action deemed appropriate.

### **8. Right of Appeal**

If the Borough Council refuses the grant of a Vehicle, Operator or Drivers Licence, or in the case of a disciplinary hearing, decide to suspend or revoke a Drivers Licence or take any other formal action, the person will have the right of appeal to a Magistrates' Court. In the case of refusal to grant a Hackney Carriage Vehicle (Proprietors) Licence, appeal will be to the Crown Court. Appeals may be made

## Hackney Carriage and Private Hire Policy & Handbook

against all or any of the conditions attached to a licence granted. Any appeal must be made within 21 days of the grant of licence or the refusal of such a licence

### **9. Serving of Notices**

Sub-sections (2) to (5) of S233 of the Local Government Act 1972 shall have effect and are incorporated in the conditions for vehicles, Operators and drivers in relation to any notices required or authorised by the conditions to be given or served on the licensee by or on behalf of the Borough Council or any authorised officer.

### **10. Licence Compliance monitoring and enforcement**

The Borough Council ~~also~~ has a responsibility to secure compliance with legal standards and licence conditions of the drivers, vehicles and Operators it has licensed. Enforcement covers offences related to 'taxi' legislation, drivers' behaviour, the condition of the vehicles and the investigation of complaints made by the public against any licence holder.

As well as granting and issuing licences the Borough Council also has the power to suspend or revoke licences and take Court action if necessary against any offending licence holder. Licensing and enforcement is carried out by Borough Council officers appointed 'Authorised Officers' for that purpose and they have been issued with written authority to do so as well as having a Council identity badge

In any cases where checks on applicants for Drivers or Operator Licences reveal any concerns about the fitness or propriety to hold such licences then the application will be referred to the Borough Council's Licensing Committee for hearing and determination, unless the matter is in the interests of public safety. In this case the decision can be delegated to the Head of Service or Licensing Manager.

All complaints will be dealt with in a timely manner and compliance checks will be carried out by Authorised Officers on a regular basis.

Any driver found to be in breach of council licensing conditions will be dealt with appropriately. Those drivers caught breaking the law or behaving in an unacceptable way may also be reported to the Licensing Committee who may suspend or revoke their licence

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~~Following complaint or other investigation if information comes to light concerning breach of any Council Licence conditions then the matter may be dealt with through a Vehicle Notice or in accordance with the Borough Council Formal Points system.~~

Vehicle testing in accordance with national best practice and the requirements contained in this handbook will be undertaken by the Borough Council's appointed vehicle testing contractor as an authorised agent for the Borough Council at their nominated garage.

### **11. Unfit Vehicle Notices**

Unfit Vehicle Notices can be issued by Authorised Officers and Police Officers where vehicle defects give cause for concern.

## Hackney Carriage and Private Hire Policy & Handbook

Immediate Unfit Notices will be given if the vehicle appears to be unsafe to carry members of the public. Once a Notice is issued the vehicle must not be used for hire with immediate effect. The vehicle must be presented to either an Authorised Officer or the Borough Councils approved testing station with the faults rectified. Only after this will the Notice be lifted and the vehicle can then be used for hire.

If the Notice is not lifted within two-months, the vehicle licence will be deemed revoked.

Deferred Notices can be issued which means the vehicle can continue to be used for the time specified and the faults rectified within a specified time. When the faults are rectified the vehicle must be presented to the Borough Councils approved testing station for inspection.

### **12. General compliance**

Any breach of the requirements of this policy, including failure to disclose information relating to convictions etc., may result in suspension or revocation of a licence or other appropriate action.

## **Licensing Application Process**

### Hackney Carriage/Private Hire Driver Application

#### **Licensing prerequisites**

Applicants must:

- Have the right to work in the UK
- be a fit and proper person to hold a licence
- be 21 years or over
- hold a full DVLA Driver's Licence which has been valid for the past twelve (12) months
- undertake a medical to group 2 standard showing that the applicant is physically fit to drive a hackney carriage (taxi) or private hire vehicle
- pass a local knowledge test of the Borough or in the case of horse drawn hackney carriage drivers a knowledge test relating to animal welfare
- Attend an approved safeguarding awareness training session

In addition to the application form, all applications for driver licences must be accompanied by the following:

- Disclosure and Barring Service form (DBS);
- Driver's Group 2 Medical;
- DVLA Driving Licence – (photocard or old style paper licence)
- Code issued by DVLA
- Evidence of attending a safeguarding awareness training session approved by GYBC
- Fees;
- Passport Size Photograph ~~certified as being a true likeness~~;
- Horse drawn hackney carriage drivers licences only - Code of Practice Road Driving Assessment for single horse urban environment.

## Procedure for obtaining a driver's licence

### 1. Right to work check

Applicants must have a Right to Licence Immigration check. This requires a face to face meeting with a member of the Licensing team. Authorised Documentation must be provided to prove that the applicant has the right to work in the UK and the Council will use the right to work check list provided by the Home Office to establish this.

### 2. Local Knowledge test.

1. Applicants must then take a local knowledge test. The test consists of questions on the applicant's knowledge of the law, conditions of licensing, basic numeracy, popular destinations and local knowledge of the borough. The test fee is non-refundable and must be paid at the time of booking. Bookings can be made at Customer Services, Great Yarmouth Borough Council, Great Yarmouth.
2. An 80% pass rate is required and, should an applicant fail the test, each subsequent re-test will cost a further fee.
3. All applicants for horse drawn hackney carriages driver's licences will be required to undertake and pass a knowledge test relating to animal welfare (the required pass rate will be 100%)

### 3. Disclosure and Barring Service (DBS) Disclosures

On passing a local knowledge test, applicants will need to complete a criminal conviction disclosure form within 3 months of passing the local knowledge test. Before this form can be sent to the Disclosure and Barring Service (DBS), confirmation of identity is required. See "Documents required for completing a Disclosure and Barring Service (DBS) Check". <https://www.gov.uk/government/organisations/disclosure-and-barring-service>

Applicants are required to declare all convictions on their application form (not just driving convictions. The Licensing Officer will counter sign the conviction check form and send to the DBS. The completed conviction check will be returned direct to the applicant and should be presented to the Licensing Team.

Applicants who already have a disclosure and have signed up to the online update service must provide the original disclosure certificate and the unique online reference number so the Borough Council may access their record online.

You will be required to provide us with a new Disclosure and Barring Service check every 3 years unless your licence expires beforehand, or you have signed up for the online update service. Should you wish to re-apply you would be required to submit a new DBS disclosure.

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## Hackney Carriage and Private Hire Policy & Handbook

Information revealed on a DBS Disclosure will only be used for the purpose of determining an application in relation to hackney carriages or private hire licensing.

### **Convictions**

The public are entitled to have the utmost confidence in drivers of taxis and private hire vehicles and the Borough Council must ensure that only fit and proper persons obtain a drivers' licence.

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The Borough Council has adopted a policy on convictions in relation to taxi and private hire vehicle drivers. It is recommended that persons with convictions read the policy before applying for a licence. [see Appendix IV] They may also wish to speak to the Licensing Officer for advice.

Applicants for taxi and private hire licensing are exempt from the Rehabilitation of Offenders Act 1988. Therefore all convictions, regardless of how long ago may be taken in consideration when determining applications.

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4. For applicants whose previous residence is outside the UK, it will be necessary to obtain a Certificate of Good conduct from their embassy or home country. The Certificate of Good Conduct must be in English and provided at the applicant's own expense. This is in addition to the Enhanced Disclosure and Barring Service check. Once licensed, an enhanced Disclosure and Barring Service check must be produced every three years.

Once the applicant has presented the DBS disclosure to the Licensing Team, they will be sent a drivers application form and a prescribed medical certificate for a doctor to complete. It should be noted that the cost of the medical is borne by the applicant but the fee charged is at the discretion of the doctor.

### **4. Driver's Medical**

A medical will be required upon initial application and must be carried out by a registered Medical Practitioner. The medical standard required will be that of a Group 2 driver (DVLA Drivers Medical Group) the same standards that are applicable to other professional drivers. The driver's application pack contains the medical form, which your doctor will be required to complete. Subsequent medicals will be required at age 45, then every five years after the age of 45 and then annually from the age of 65 years. A driver under the age of 65 with a controlled medical condition may also be required to undergo a full medical annually.

## Hackney Carriage and Private Hire Policy & Handbook

Medicals can be obtained either by going to your family GP or from a central agency, (for example, Abermed or Examinair.) Applicants will need to pay for this service direct to the provider - there is no standard fee for this service.

If you have a Group 2 medical for other purposes (i.e. HGV or PSV Licence) it may be able to be used for your taxi driver's licence. Please discuss this with a member of the licensing team

## **5. DVLA Driving Licence & DVLA code**

You will need to supply your DVLA driving licence with your current address.  
Holders of Photo-card only driving licences are required to supply the photo card and holders of old style paper licences are required to provide their paper licence. There is a form in each application pack which must be completed and signed allowing officers to check your DVLA licence is valid. Please note: If you have 9 or more current penalty points and/or any previous convictions appear on your DVLA driving licence we may refer your application to the Licensing Committee to ascertain whether you are a 'fit and proper' person to hold a licence. A check will need to be carried out to ensure that an applicant's DVLA driving licence is valid. The applicant will need to register on line at <https://www.gov.uk/view-driving-licence> and submit the code to the Licensing Section. Please note that this code is only valid for 21 days, therefore should not be obtained until the applicant has completed and received all relevant documents. If you do not have access to the internet, help will be available from the Licensing Team

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## **6. Safeguarding Awareness and Conduct**

The Council has introduced a Safeguarding Code of Conduct, which can be found in Appendix D. You will also be required to attend a safeguarding awareness training session which has been approved by Great Yarmouth Borough Council. (Details on approved courses can be found on our website)  
Applicants will need to provide evidence that they have attended a Safeguarding awareness session which has been approved by Great Yarmouth Borough Council. A list of approved venues can be found on the website. A fee is payable to attend a training session.

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**2.** Applications with all the relevant supporting documentation will not be accepted without the appropriate fee. Any licence in respect of which the licence fee has been paid by cheque shall not be effective until the cheque has been cleared.

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## **Issue of Licence**

A Combined Driver's Licence shall be valid for a maximum term of three years (unless a shorter period is deemed appropriate by the Borough Council or by the Immigration Act).

## Hackney Carriage and Private Hire Policy & Handbook

Combined Driver Licence renewals will be accepted up to one calendar month before they are due to expire.

**3.1.** To complete the application for a Hackney Carriage/Private Hire Driver's Licence, the applicant will need to provide the following:

- (a) A DVLA Driver's Licence which has been valid for the past twelve (12) months and the DVLA code.
- (b) The completed medical certificate issued within fourteen (14) days prior to the application being made that the applicant is physically fit to be a hackney carriage/private hire driver.
- (c) One passport size photograph.
- (d) The completed application form, together with the prescribed licence fee

Providing the conviction check is clear and the DVLA check is satisfactory, a licence will be issued within 2-3 days. If any convictions have been disclosed, a meeting will be arranged with the applicant and the Licensing Enforcement Officer. The officers will decide whether the licence can be issued or whether to refer the application to the Licensing Committee for their determination.

## Driver Licence Admin Requirements

### **1. General Licence Conditions**

All drivers shall operate strictly within the terms of any licence issued by the Borough Council.

Any requirements of legislation, which effects the operations being carried out under the terms of this licence, shall be regarded as if they are conditions of this licence.

It is the driver's responsibility to provide the following information throughout the term of their licence:

- (a) DBS check every 3 years
- (b) Annual DVLA check
- (c) Medical Certificate in accordance with conditions

The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part II of the Act shall be guilty of an offence and liable on summary conviction to a fine. In addition to such action, whether or not resulting in criminal proceedings being taken, may lead to the suspension or revocation of an existing licence or refusal to renew such a licence.

### **2. Permitting or Employing any other Person to Drive**

- Before any proprietor of a vehicle permits or employs any person to drive his/her vehicle, he/she shall ensure that the vehicle is adequately insured for that person to drive and produce evidence of that insurance for inspection by any person permitted or employed to drive
- If the proprietor of a vehicle permits or employs any other person to drive his/her vehicle, he/she shall, before the person commences driving, cause the

## Hackney Carriage and Private Hire Policy & Handbook

driver to give him/her Licence to Drive for retention until such time as the driver ceases to be permitted or employed to drive a licensed vehicle owned by the proprietor

### **3. Driving licence**

- A driver shall produce their DVLA driving licence for inspection by an authorised officer annually and at any point during the period of the licence (within 7 days of request).

### **4. Convictions/Criminal Offences/Serious Illness**

- The driver shall notify the Borough Council in writing if he/she receives any summons, charge, conviction, caution, formal or informal notice, ~~County Court Judgement~~ or fixed penalty notice within seven days of receiving such. The written notification should include the following details:
  - Offence / alleged offence;
  - Date, place & time of offence/alleged offence;
  - Whether acting as a hackney/private hire;
  - If motoring offence:
    - whether paying passengers carried;
    - speed or alleged speed;
    - speed limit for road;
    - Punishment e.g. amount of fine, number of penalty points issued etc.
    - whether speed awareness course undertaken
- The Driver must immediately inform and in any case within seven (7) days, disclose to the Council in writing, details of any serious illness or any change in medical fitness to drive during the period of his licence
- The Council will have the power through its Authorised Officer/Agent to take drivers off the road in serious criminal offences pending Licensing Committee hearing and in cases of serious illness especially any change in medical fitness to drive
- For the avoidance of doubt such disclosure is made when it is received by the Licensing Manager in writing. The onus is on the driver to ensure the disclosure is received accordingly. The driver making a disclosure should obtain a receipt or other proof that the Council has received the information
- If a Driver accrues 9 or more points in a 3 year period on his/her DVLA driving licence, they will be required to appear before a the Licensing Committee in order for their continued suitability to hold a driver's licence to be assessed.
- Any driver who receives, during the currency of their licence, a conviction for drink driving may automatically have their licence suspended by an Authorised

## Hackney Carriage and Private Hire Policy & Handbook

Officer and will be required to appear before the Licensing Committee for consideration of revocation of their licence.

- Depending on the circumstances or the number of penalty points accrued on their DVLA driver's licence, drivers may be referred to the Licensing Committee. In doing so, the Committee must have regard to all convictions, police cautions, charges, driving convictions, complaints of unacceptable conduct/behaviour, breach of licence conditions and other convictions obtained during the course of a Licence.
- Drivers should be aware that if they fail to comply with this requirement it may prevent the Borough Council from renewing their driver's licence under delegated authority.

### **5. Change of Address**

- The Driver must inform the Council of any change of address, in writing, before the change of address, where possible, but not more than seven (7) days after in any case of such a change.

### **6. Deposit of Licence**

- If a driver is permitted or employed to drive a vehicle of which the Operator is someone other than himself/herself, he/she shall, before driving that vehicle, deposit his private hire licence with that Operator for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle.

The Operator must return such licence to the driver when he ceases to drive any vehicle operated by that Operator

### **7. Safeguarding**

All licensed drivers must be aware of the responsibility with regards Safeguarding of vulnerable groups **and will be required to undertake Safeguarding Training as prescribed by Great Yarmouth Borough Council**. Drivers will also have an obligation to adhere to the code of conduct published by the Borough Council in relation to safeguarding.

### **8. Equality Act 2010**

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#### Section 165

**All drivers of designated vehicles must comply with Section 165 of the Equality Act 2010.** This Act sets out the duties placed on drivers of designated wheelchair accessible taxis and PHV's. The duties are:

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- 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

## Hackney Carriage and Private Hire Policy & Handbook

- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required

The Act then goes on to define mobility assistance as giving assistance:

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

Any driver of a designated vehicle with a medical reason for not complying with these requirements must obtain a medical certificate from a registered medical practitioner to exempt him. An application must then be made to the Council for an Exemption Certificate. A payment for such certificate(s) may be charged.

### Section 168

This section imposes duties on the driver of a taxi which has been hired –

- By or for a disabled person who is accompanied by an assistance dog, or
- By another person who wishes to be accompanied by a disabled person with an assistance dog.

The driver must –

- Carry the disabled person's dog and allow it to remain with that person;
- Not make any additional charge for doing so

Any breach of the Equality Act will be treated seriously. All drivers where failings under the act are proven may be prosecuted and will be referred to Licensing Committee for a review of their licence with consideration given to revocation.

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## **9. Operators**

All drivers are responsible to check that the Operators through whom they are working has a current Operator's licence.

The driver shall notify the Borough Council in writing of any change in the private hire Operator he/she is working under the control of within 7 days of the change taking place.

## **10. Passenger Transport Badge Holders**

If a licensed driver holds a badge with a County Council to carry passengers on school or other contracts, and that badge is suspended or revoked by the County Council, the driver shall notify the Borough Council, in writing, within 72 hours.

## **Conditions relating to Drivers Licences**

### **1. Appearance**

- the Driver shall be clean and tidy in appearance

## Hackney Carriage and Private Hire Policy & Handbook

- the Driver shall at all times be dressed in a manner not to cause embarrassment to members of the public and in particular, but without prejudice, to the generality of the foregoing:
  - shall wear smart casual or business dress, which includes tailored knee length shorts and smart jeans
  - shall not wear - swimming costumes; sleeveless vests or singlets; ripped or torn jeans; cut-down shorts; T-shirts containing any printing of an offensive or inflammatory matter

### **2. Conduct**

- the Driver shall behave in a professional, courteous, civil and orderly manner at all times
- the Driver shall take all reasonable precautions to ensure the safety of persons conveyed in, entering or alighting from the vehicle
- the Driver shall at all times when operating, wear the badge provided by the Council in such position as to be plainly visible
- the Driver shall not smoke in the vehicle at any time. The use of Electronic Cigarettes (e-cigs), Personal Vaporizers (PV) and Electronic Nicotine Delivery Systems (ENDS) is also prohibited at all times.
- eating or drinking in the vehicle without the express consent of the passenger(s) is not permitted
- the Driver shall not cause or permit the noise emitted by any radio or other equipment in the vehicle to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle

When hired to drive to a particular destination, a driver shall (subject to any directions given by the hirer) proceed to that destination by the shortest available route.

### **3.Badges**

- The Driver's badge must be worn in a position where it may be seen at all times. The driver shall upon expiry (without immediate renewal), revocation or suspension of his licence, forthwith return to the Council the driver's badge issued to him by the Council. Driver badges remain the property of the Council at all times.
- A driver shall not damage or deface a driver's badge nor allow any other person to do so.
- In the event of a disqualification from driving, a driver shall immediately inform the Borough Council and return their driver's badge.

### **4. Prompt Attendance**

The Driver who has agreed or has been hired or he/she has otherwise been instructed by the Operator or proprietor of the vehicle to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at such appointed time and place

## **5. Fare to be demanded**

The Driver shall not demand from any hirer of a private hire vehicle a fare in excess of that previously agreed for the hiring between the hirer and the Operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the taximeter. Journeys shall be by the shortest or most direct route unless requested otherwise.

## **6. Number of Passengers**

- The Driver shall not convey in the vehicle a greater number of persons than the number of persons specified in the vehicle licence and on the plate affixed to the outside of the vehicle, regardless of the age of any passenger carried
- The Driver shall not convey in the front seat, any child below the age of twelve years, unless that child is wearing a suitable restraint and not more than one person in that seat
- The Driver shall not, without the consent of the hirer, permit any other person to be carried whilst hired

## **7. Luggage**

The Driver of a vehicle so constructed as to carry luggage shall, when requested by a person hiring the vehicle:

- convey a reasonable amount of luggage
- afford reasonable assistance in loading and unloading
- afford reasonable assistance in removing it to or from the entrance of any building, station or any place at which he may take up or set down such person

## **8. Carriage of Animals**

- ~~The driver shall not convey in any vehicle any animals belonging to or in the custody of himself or the proprietor or Operator of the vehicle~~
- ~~Any animal belonging to or in the custody of any passenger (other than an assistance dog) may be conveyed in a vehicle at the discretion of the driver~~
- ~~Only animals belonging to or in the custody of any passenger may be carried in a licensed vehicle whilst operating. This is at the discretion of the driver with the exception of assistance dogs, which must be accepted.~~
- ~~No driver It is an offence under the Equality Act for a driver~~ (unless they hold an Exemption certificate) ~~may to~~ refuse to carry a Guide, Hearing, ~~and or~~ other assistance dogs – Dogs for the Disabled, Support Dogs, Canine Partners for Independence - that is in the charge of a fare paying passenger. No charge shall be made for the carriage of such a dog whilst in the company of a disabled person or any person training such a dog and the dog should be allowed to remain with the passenger
- Any driver with a medical reason for not complying with this condition must obtain a medical certificate from a registered medical practitioner to exempt him. An application must then be made to the Council for an Exemption Certificate. A payment for such certificate(s) may be charged. All vehicles and drivers must comply with the requirements of the ~~Disability Discrimination Act 1995~~ ~~Equality Act 2010~~ in respect of carrying assistance dogs

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### **9. Receipts**

Any passenger requesting a receipt for any payment made, must be provided with a receipt showing the date, fare paid and must be signed by the driver. This shall be in such a form as to identify the company or individual providing the receipt.

### **10. Breakdowns**

In the event of a breakdown during a hiring, the driver shall ensure that alternative arrangements are made for passengers to continue their journey.

### **11. Lost Property**

- ~~the Driver shall immediately after the termination of any hiring of a vehicle or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there. any property accidentally left in a vehicle by any person who may have been conveyed therein~~
- ~~that Any property is found by or handed to the driver, unless it is sooner claimed by or on behalf of its owner, should be reported to the Borough Council Licensing Team and where necessary shall be taken within 24 hours to the nearest police station and left in the custody of the officer in charge.~~

### **12. Death of a Passenger**

- Any driver, who knowingly carries in the vehicle, the dead body of any person shall immediately thereafter notify the fact to the Borough Council Licensing Team:

### **13. Touting and Soliciting**

The Driver shall not, whilst driving or in charge of a private hire vehicle:

- tout or solicit any person to hire, or be carried for hire in any private hire vehicle
- cause or procure any other person to tout or solicit any person to hire or be carried for hire in any private hire vehicle
- ply for hire or appear to be plying for hire by offering a vehicle for immediate hire while they or that vehicle are on a road or other public place; accept an offer for the immediate hire of a vehicle while they or that vehicle are on a road or other public place except where the offer is first communicated to the driver in person by telephone or vehicle radio without him / her in any way procuring the offer.

In this condition "road" means any highway and any other road to which the public has access and includes bridges over which a road passes.

## **Licensing Application Process**

### **Private Hire Operators Licence Application**

Any person who receives bookings or has contracts for the hire and reward for a private hire vehicle is required to hold an Operator's licence.

~~The application must be accompanied with a list of vehicles and drivers used by the Operator together with the fee.~~

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An Operator must be a 'fit and proper person' and is therefore subject to a DBS check (see above). The applicant for the grant of a new licence will need to obtain a criminal records disclosure to enhanced level as an aid to establishing if an applicant is a suitable person to hold an Operator's licence. If a Combined Drivers Licence is held an additional criminal record check will not be necessary unless the DBS Disclosure is out of date (i.e. older than 3 years).

The applicant must make a declaration (by means of a form or questionnaire provided for the purpose) as to any criminal or motoring convictions recorded or pending against him/her in order to confirm that the applicant is a fit and proper person to hold a licence

An Operator's Licence shall be valid for a maximum term of five years (unless a shorter period is deemed appropriate by the Borough Council).

Licence renewals will be accepted up to one calendar month before they are due to expire.

### **Conditions relating to Operators Licences**

#### **1. Records to be kept by the Operator**

- records required to be kept by the Operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book, folder or other means approved by the Council (this can include electronic record systems providing the information is recorded, securely stored and readily retrievable), and produced for examination or on demand by an Authorised Officer/Agent or Police Officer
- the Operator shall enter in the record book, before the commencement of each journey, the following particulars of every booking invited or accepted by him
  - name and contact details of the hirer
  - location of the pick-up point
  - location of the destination
  - time the pick-up is required
  - time the booking was made
  - fare agreed and other details of booking
  - licence number of the vehicle and driver completing the hiring
- the Operator shall keep records of the particulars of all vehicles operated by him, including ;
  - Licence plate number,
  - name and address of the owner,
  - registration number
  - Names, addresses and badge numbers of driver of such vehicles, together with any radio call sign used
- The Operator shall keep all records for a period of six months or such longer period as is required by an Authorised Officer of the Borough Council.
- All records kept must comply with the Data Protection Act 2018

## **2. Standard of Service**

The Operator shall provide a prompt, efficient and reliable service to members of the public at all times of operation, and for this purpose shall in particular

- ensure when a vehicle has been booked, the driver attends at the appointed time and place punctually, unless delayed or prevented by sufficient means
- any premises provided by the Operator for the benefit of the public (whether for the purpose of booking or waiting), must be kept clean, adequately heated, ventilated and lit
- ensure the waiting area provided has adequate seating facilities
- ensure good order is maintained on the premises

## **3. Provisions Regulating Signs on Vehicles**

The proprietor of a private hire business shall not cause any advertisement in respect of his business or the vehicles used for that purpose to include the words 'taxi', or 'cab', whether in the singular or plural, or words of similar meaning or appearance to either of these words, whether alone or as part of another word. Only licensed vehicles may carry any advertisement in relation to any hackney carriage or private hire Operator.

## **4. Provisions Regulating the Conduct of the Operator**

- An Operator shall immediately upon receipt, notify the Council in writing, of any complaints concerning the cleanliness/condition of a vehicle or a complaint against a driver
- An Operator shall maintain a log detailing any complaints received from customers. This shall be available for inspection by any authorised officer or police officer upon request. The log must provide the complainants name/address/complaint details & any action taken against driver/vehicle proprietor.
- The Operator shall notify the Borough Council in writing if he/she(or if the Operator is a company or partnership, or on any of the directors or partners) receives any summons, charge, conviction, caution, formal notice or fixed penalty notice within seven days of receiving such. The written notification should include the following details:
  - Offence /alleged offence;
  - Date, place & time offence/alleged offence;
  - Punishment e.g. fine, penalty points etc.

Depending on the circumstances or the number of penalty points accrued on their DVLA driver's licence (if held), Operators may be referred to the Licensing Committee. In doing so, the Committee must have regard to all convictions, police cautions, charges, driving convictions, complaints of unacceptable conduct/behaviour, breach of licence conditions and other convictions obtained during the course of a Licence.

Operators should be aware that if they fail to comply with this condition, it may prevent the Borough Council from renewing their licence under delegated authority.

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- An Operator must not include in his trading title any reference to "taxi" or "cab" unless he/she is also the proprietor of a hackney carriage vehicle
- The Operator's licence must be produced on request of an authorised officer or police officer on request.
- Operators must ensure that non-licensed staff, i.e. controllers, cleaners etc behave in a civilised and appropriate manner when involved in the operation of the business.
- The Operator shall provide a suitable number of parking spaces for vehicles awaiting allocation for the conveyance of passengers. These parking spaces must be notified to the Licensing Team at the time of any application or at any time there is a change in these arrangements. The Operator shall ensure that no vehicle, being operated by him, shall at anytime park in a position where parking restrictions are in place, at that time, any breach of this condition will be contrary to Section 55 (3) of the Act.
- An Operator must, if possible, accept a booking for a Private Hire vehicle if the booking is requested by or on behalf of a disabled person, or a person who wishes a disabled person to accompany him/her.
- An Operator cannot make an additional charge for the carriage of an assistance dog.
- In addition to other requirement, an Operator of a special event vehicle must also record the nature of the special event i.e. why was a special event vehicle booked
- No Operator shall invite or accept a private hire vehicle booking or control or arrange a journey to be undertaken by a private hire vehicle without first making available the charge for the hire of the vehicle to the person making the booking. The charge can be notified in writing or verbally.
- The Operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times. This includes the following:
  - Ensure that when a private hire vehicle has been hired to attend at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, attend punctually at the appointed time and place.
  - Keep clean, adequately heated, ventilated and lit any premises which the Operator provides to which the public have access, whether for the purpose of booking or waiting.
  - Ensure that any waiting area provided by the Operator has adequate seating facilities.
  - Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- The Equality Act 2010 makes it an offence for a private hire Operator to fail or refuse to take a booking for a private hire vehicle:
  - if the booking is requested by or on behalf of a disabled person, or a person who wishes a disabled person to accompany him; and
  - the reason for the failure or refusal is that the disabled person will be accompanied by his assistance dog.

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- This is subject to medical exemption certificates and it is also an offence for the Operator to make any additional charge as a result of the need to carry an assistance dog.

### **5. Operator Office Location**

Operator's office must be located within the District to enable any Authorised Officer/Agent access to the premises or any records as required by statutes or conditions

The Operator shall notify the Borough Council in writing of any change of his address (including any address from which he operates or otherwise conducts his business as an Operator) during the period of the licence within seven days of such change taking place.

### **6. Deposit of Driver and Vehicle Licences**

- Any Operator who employs or permits anyone to drive any licensed vehicle owned by him or her will ensure that the driver's licence is deposited with him during the period that the driver is employed or permitted to drive. The licence must be returned to the driver at the end of that period.
- Any vehicle employed or used by an Operator must be licensed and the proprietor of the vehicle shall deposit his vehicle licence with the Operator during the period that his vehicle is so employed. The Operator must return the licence to the vehicle proprietor at the end of that period.

### **7. Vehicles and drivers**

- An Operator must ensure that all vehicles and drivers working for them are licensed by the Borough Council.
- When a new driver begins to work under the control of an Operator, and when an existing driver leaves, the Operator must inform the Borough Council in writing of that change within 7 days.
- An Operator shall undertake to ensure that all drivers and vehicles owned, controlled or operated by them shall be licensed and comply with all the conditions of their driver's licence and / or Private Hire Vehicle licence.

### **10. Penalties**

The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part II of the Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. In addition such action, whether or not resulting in criminal proceedings being taken, may lead to the suspension or revocation of an existing licence or refusal to renew such a licence

## **Licensing Application Process**

### **Vehicle Application**

#### **Licensing prerequisites**

The following will be checked before a vehicle licence is issued:

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- A satisfactory vehicle inspection report following an inspection by an Authorised Officer/Agent of the Council (to include towing and the carriage of the number of wheelchairs for which the vehicle is adapted, if necessary)
- A current vehicle insurance certificate or cover note
- There should be a valid excise licence for the vehicle.
- The registration document (V5) and/or proof of purchase
- A full vehicle registration document must be produced at the grant of a licence, or as soon as is reasonable - and following any change to the original document.
- Proof that the vehicle meets current MOT standards.
- A duly completed Council's application form
- Payment of the correct licence fee and any outstanding charge(s)

**Registration Document or Bill of Sale.** For initial applications only you will need to prove that you are the lawful keeper of the vehicle by providing an original copy of the vehicles V5 (vehicle registration document). A bill of sale (receipt) for that vehicle may be produced if the V5 is not available but the bill must include the date of first registration and the original V5 document must be produced within a calendar month.

**Insurance Certificate.** To enable us to licence a vehicle we require sight of an original valid insurance policy, and schedule or cover note for that vehicle covering the vehicle for Private Hire and/or Hackney Carriage work. Faxed or email copies of insurance documents are acceptable provided it is sent direct from the insurance company.

**Vehicle Inspection/MOT.** All vehicles licensed by the Borough Council require inspection at an approved garage (a list of approved garages can be found on the vehicle application form). [see Appendix V]

### **Suitability of vehicles for licensing**

The Borough Council will not grant or renew a licence unless satisfied that the vehicle is suitable to be a licensed vehicle, is in a suitable mechanical condition, safe and comfortable. Only vehicles which meet the following specification will be considered for licensing

#### **Vehicle Specification -**

- motor vehicles constructed or adapted to seat not more than eight (8) passengers. If you wish to licence a vehicle with above eight (8) passengers, you must contact the Traffic Commissioner's Office;
- Generally the policy for Private Hire Vehicles and Hackney Carriage Vehicles pre 2005 is not to accept vehicles exceeding nine years of age on initial registration, ~~or on subsequent renewals. In the case of purpose built vehicles, the age limit shall be nine years on initial registration, or ten years with wheelchair access~~, with no renewal limit providing the Council's licensing conditions continue to be complied with (The age of the vehicle to be taken from the vehicle registration document)

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- ~~Hackney Carriage Vehicles which have petrol or diesel engines must have an engine size of at least 1.4 (1400cc);~~
- The Borough Council encourages the use of eco-friendly vehicles. No minimum engine capacity is required; however please note the seating requirements with respect to the size of vehicle to be licensed.
- Hackney Carriage vehicles that are London type vehicles must have at least two doors for the use of passengers travelling in the vehicle, neither being the door used by the driver. Normal saloon type vehicles must be fitted with four road wheels.
- Other vehicles may be plated as private hire vehicles where recommended by the Borough Council's Authorised Testing Agent and confirmed by the Borough Council's Authorised Licensing Officer
- Hatchback type vehicles – the hatch will not be considered or counted as a door for means of entry or exit;
- The seating capacity of a vehicle will be determined as follows: where separate seats for each person are provided, one person shall be counted for each separate seat where the vehicle is fitted with continuous seats, one person shall be counted for each completed length of 40.7cm (16") measured in a straight line along the front of each seat. Where continuous seating is fitted with arms for separating the seating spaces and they can be folded back or put out of use, the seats shall be measured as if the arms had not been fitted; any passenger(s) carried in the front of a vehicle must have separate seat(s) from the driver; the number of seats for which the vehicle is to be plated will be decided by the Borough Council's Authorised Officer/Testing Agent and will be based upon the items above and the bylaws. Any additional seating in the vehicle must be removed and the fixings plated over to prevent re-instatement, before the grant of a licence; wheelchair accessible vehicles will have the seating capacity determined for fixed seating and separately for passengers carried in wheelchairs.
- all passenger seats must face forward or rearward to the direction of travel;
- luggage space must be a minimum of 0.5 m<sup>3</sup> and be physically separated from the passenger seating;
- all motorised vehicles must be equipped with an operational fire extinguisher and a first aid kit (to comply with Health & Safety (First Aid) Regulations 1981);
- no vehicle will be granted a licence if it is licensed in another District due to the problems of meeting the variance in conditions applied in different Districts and the enforcement of those conditions in cases of non-compliance (i.e. signs, meters, suspensions or revocation)
- The vehicle shall have four side opening doors (designed for the purpose of permitting persons access to/from the interior) - any lift-up tailgate shall not be included; or a vehicle shall have three side opening doors (designed for the purpose of permitting persons access to/from the interior) and two rear opening doors (designed for the purpose of permitting persons access to/from the interior). Vehicles constructed with less than 4 doors may be considered for licensing as Private Hire Vehicles or Special Event Vehicles.

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- Any vehicle's suitability for licensing will also be determined by the positioning of its seating, fittings and fixtures for the ingress and egress of passengers and their safety.
- Other than a vehicle classed as a special event vehicle the vehicle must be right-hand drive.
- The vehicle must have European Community Whole Vehicle Type Approval (ECWVTA) and must show category M1 on the V5C/logbook.
- If the requirements in Condition above cannot be satisfied, or if the vehicle has been altered from the original manufacturers specification, then a Driver and Vehicle Standards Agency (DVSA) Individual Vehicle approval (IVA) or Voluntary Individual Vehicle Approval (VIVA) inspection must be undertaken and a satisfactory report produced.
- In the case of a Private Hire vehicle its appearance must not lead people to believe it is a Hackney Carriage Vehicle.
- The vehicle must have seats with a minimum width of not less than 400mm per person.
- The vehicle shall be fitted with appropriate seatbelts to the front and rear seats of the vehicle.
- All wheelchair accessible vehicles shall be properly equipped with properly mounted fittings for the safe securing of a wheelchair and a passenger seated in it, when carried in the vehicle.
- If a mechanical hoist is fitted to the vehicle this will be required to be inspected annually by the manufacturer or his approved agent and a certificate produced to that effect.
- Estate versions of saloon vehicles fitted with seats in the rear luggage compartment will be licensed for a maximum of 4 passengers.
- Tinted Windows. - No glass, with the exception of a tinted sun-strip along the top of the windscreen, shall be tinted to such an extent as to obscure the view of the inside of the vehicle under normal workshop lighting conditions from a distance of 4 metres. Stretched Limousines are exempt from this requirement.

### **First Class Hackney Carriage Vehicles Specification**

(for new applications received from January 2005)

- General Construction
  - Any new plate shall be a brand new purpose built vehicle for the performance as a Hackney Carriage which has been fully tested to M1 category. Such vehicle cannot be replaced unless it is replaced with at least an equivalent specification but newer purpose built model.
  - All vehicles shall be so constructed as to facilitate the carriage of people with disabilities and must be capable of accommodating a person in a wheelchair in the passenger compartment, provided the wheelchair fits within the dimensions specified in paragraph 2 below.

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- Suitable means shall be provided to assist persons to rise from the rear seats with particular attention to the needs of people with disabilities.
- Grab handles shall be placed at door entrances to assist the elderly and people with disabilities.
- Wheelchair facilities
  - Approved anchorages shall be provided for wheelchairs. These anchorages must be either chassis or floor linked and be capable of withstanding stresses to a dynamic deceleration test of 15g peak at 20 mph. Restraints for wheelchair and occupant must be independent of each other. Anchorages must also be provided for the safe storage 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.
  - The door and doorway shall be so constructed as to permit an unrestricted opening across the doorway of at least 75 centimetres. The minimum angle of the door, when opened, must be 90 degrees.
  - The clear height of the doorway shall not be less than 120 centimetres.
  - The outer edge of the floor at each entrance must be fitted with non-slip treads.
  - 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.
  - A ramp or ramps for the loading of a wheelchair and occupant shall be available at all times for use at the rear nearside passenger door. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stored safely when not in use.
- Steering - the steering wheel shall be on the offside of the vehicle.
- Interior Lighting - Adequate lighting shall be provided for the driver and passengers. Separate lighting controls for both passenger and driver must be provided. In the case of the passenger compartment, an illuminated control switch must be fitted in an approved position. Lighting must also be provided at floor level to each passenger door and be actuated by the opening of the doors.
- Driver's compartment
  - The inside of the vehicle shall have a partially glazed partition separating the passengers at the rear of the vehicle, from the driver. The front seat(s) of the vehicle will be included in the number of passengers allowed to use the vehicle; however, these seats shall be used at the driver's discretion in order to maintain the safety of the driver. When these seats are not to be used, the number of passengers carried should be reduced accordingly.
  - The driver's compartment shall be so designed that the driver has adequate room, can easily reach and quickly operate the controls and give hand signals on the offside of the vehicle.
  - The controls must be so placed as to allow reasonable access to the driver's seat and, when centrally placed, must be properly protected from contact with luggage.

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- Every vehicle must be provided with an approved means of communication between the passenger and driver.
- Windows
  - Windows shall be provided at the sides and rear.
  - Passenger door windows must be capable of being opened easily by passengers when seated. The control for opening a door window must be clearly identified to prevent being mistaken for any other control.
- Heating and Ventilation -An adequate heating and ventilation system shall be provided for the driver and passengers and means provided for independent control by the drivers and passengers.
- Door fittings -An approved type of automatic door locking device shall be fitted to passenger doors. When the vehicle is stationary, the passenger doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism. The interior door handle must be clearly identified to prevent being mistaken for any other control.
- Floor covering -The flooring of the passengers' compartment must be covered in non-slip material which can easily be cleaned.
- Luggage - Provision shall be made for the carrying of luggage

### **Pedicab and Third Class Hackney Carriages Specification**

Only vehicles meeting the following specification will be considered for licensing:

- Purpose built Tricycle rickshaws fitted with at least 2 passenger seats

### **Cosmetic Appearance Standards**

- Exterior Bodywork and Wheel trims - The bodywork of the vehicle shall be in good condition, be free from major rust, dents and scratches and shall be as originally fitted by the manufacturer. Wheel trims must be fitted to all road wheels where part of the manufacturer's original specification
- Upholstery - All upholstery shall be clean and in a well maintained condition. No tear, crack, hole or burn will be acceptable other than 'fair, wear & tear'. Upholstery includes seats, headrests, armrests, carpets and other trim.
- Ventilation - All vehicles shall have suitable and adequate ventilation.
- Fittings - All fittings shall be properly maintained and in good working order. Fittings include clocks, interior lights, sun blinds, door surrounds, grab handles, other equipment provided for passenger comfort and any equipment in, on or forming part of the vehicle including wheelchair ramps and securing fitments where the vehicle is to be licensed to carry wheelchair bound passengers.
- Roof and Floor Coverings -These should be clean and in good condition, complete and free from cuts, tears or major soiling
- Seats - In conventional vehicles where it is intended that the licence shall be for four (4) passengers, the rear seat must be at least 122cm (48") in width. All seats shall have a minimum of 40cm (16") per person and complies with the Road Vehicle (Registration and Licensing) Regulations 1971. All seats, including the driver's must be free from cuts, tears or

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cigarette burns, except of a very minor nature. Any repairs must have been carried out in a professional and neat manner.

- Headlining and Other Trim - All interior trim, including headlining, shall be clean, complete, properly fitted, and free from serious cuts, tears or major soiling.
- Window Operation - All windows that by manufacture are made to open should be maintained to be easily operable by any passenger.
- Boot/Luggage Compartment - This should be empty except for a spare wheel, essential tools and a first aid kit. The compartment should be clean and any covering free from major cuts, tears or other damage or staining.
- Interior - The interior must be kept clean, tidy and free of any litter or rubbish.

### **Vehicle Inspection**

The inspection is to determine that the vehicle is in roadworthy condition and meets the standards required by the Borough Council to be a licensed vehicle; in accordance with national best practice and the requirements contained in this handbook. [see Appendix V]

No vehicle shall be first licensed or re-licensed unless the vehicle has passed the vehicle inspection at one of the Borough Council's approved testing stations. All Hackney Carriage & Private Hire vehicles after 5 years (date as shown on DVLA V5 registration document) shall have a vehicle compliance test at an approved Vehicle Testing Station every 6 months.

The Borough Council will not grant/renew a vehicle licence unless the person examining it (on behalf of the Borough Council) has confirmed that it meets the standards specified in this Handbook and, at the same time, the vehicle has been certified roadworthy to MOT standard and has a current MOT certificate.

Vehicles of a class that are not subject to 'EU Type approval' and are being tested for the first time will be additionally tested to ensure tyres and any other aspect of the vehicle are safe and mechanically sound for the benefit of passengers.

Costs of such testing is payable by the person wishing to licence the vehicle. In addition the history of the vehicle may be taken into consideration when determining whether the vehicle should be licensed.

The 6 monthly compliance test certificate required for vehicles over 5 years old (see above) must be produced to the Borough Council within 7 days of the date of the test. Tests can be carried out by an approved testing station up to one calendar month before the 6 monthly point of the licence.

A vehicle which fails an inspection/safety check during the currency of a licence with the Borough Council will have the fault(s) rectified and the vehicle re-inspected at the same testing station within 2 months of the original inspection – failure to do so will lead to the automatic revocation of the vehicle licence.

A vehicle may be inspected by an authorised officer of the Borough Council or a Police Officer, at any reasonable time. If the person inspecting the vehicle is not satisfied as to the fitness of the vehicle he may give written notice to the

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proprietor/Operator to make the vehicle available for further inspection and testing at such reasonable time and place as may be specified and the vehicle licence may be suspended until the authorised officer or police officer is so satisfied. If the authorised officer or police officer is not satisfied within two months of the initial inspection the Vehicle licence shall be deemed revoked. An authorised officer or police officer may permit other persons to examine the vehicle on their behalf (e.g. DVSA).

The vehicle must be inspected and a satisfactory report issued by the Borough Councils appointed testing agent within one month preceding the application for a vehicle licence or renewal of a vehicle licence.

The requirement for Inspection applies to all vehicles, including those newly registered.

All vehicles being presented for testing at the approved Borough Council testing station shall be in clean condition to allow the tester to inspect the vehicle. The tester may refuse to test a vehicle that does not conform to this requirement.

### **Issue of Licence**

If all the prerequisites and all conditions are met and are satisfactory, the Licence will be granted and will be valid for one (1) year from the date of issue. Except in the case of a vehicle replacement as detailed below.

### **Vehicle Replacement**

Where a licensed vehicle is off the road due to accident damage, subject to satisfactory documentary evidence being produced to the authorised officer, the Borough Council will allow a replacement vehicle that meets the Borough Council's criteria for a hackney carriage/private hire vehicle.

Once repaired, a new vehicle inspection report may be required

A replacement vehicle must have a current certificate of insurance or cover note which covers the use of the vehicle.

### **Annual Renewal**

Vehicle renewal applications will be accepted up to one calendar month before they are due to expire providing the MOT certificate is no more than ~~one-3~~ calendar months older than the renewal date. Vehicle licences will not be granted an earlier renewal date than their current expiry date. Vehicle Registration documents (V5C) are not required to be produced upon renewal of a vehicle licence, providing there has been no material changes to that vehicle/document during the proceeding licence period.

- vehicles must comply with all prerequisites
- applications must be made in good time to enable all formalities to be completed

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- no licence will be issued unless the application is complete with all documents, information and the payment required. Incomplete applications will be returned to applicants
- applications made after the expiry date will be considered as new applications and not a renewal

Other than insurance documents sent by email or fax direct from the insurance company all documentation must be originals. Photocopies, scanned or fax copy in other circumstances is not acceptable under any circumstances

### **Insurance**

It shall be the responsibility of the proprietor of a licensed vehicle to produce proof of continuous insurance cover. The insurance proof is to be reviewed by the licensing authority within seven days of the expiry of the preceding certificate or cover note.

If the proprietor fails to produce a certificate of insurance cover on request he shall produce it forthwith or within seven clear days of the request to an authorised officer of the Borough Council. Failure to comply may result in the immediate suspension of the vehicle licence by authorised officers using delegated authority. The suspension will remain in place until a satisfactory certificate of insurance is produced.

### **Exceptions to Age Requirement**

Special Event Vehicles are exempt from the general age policy and will be considered on their individual merits by the testing station authorised to test special event vehicles.

### **Altered Vehicles**

Any vehicle which has been altered from the original manufacturers specification, re-registered or has been an insurance loss (categories C and D only) shall only be considered for licensing if the vehicle has been subjected to a satisfactory IVA or VIVA test (engineers report) from the Driver and Vehicle Standards Agency (DVSA) Vehicles without a DVSA engineers report will only be considered for licensing if they have been built to the manufacturers original specification. The IVA test is appropriate for vehicles not previously registered in the UK, and a VIVA for vehicles registered in the UK that need to prove compliance.

Category A and B write offs will not be considered fit for licensing.

### **LPG Conversions for existing licensed vehicles**

Any vehicle proprietor converting their licensed vehicle to run on Liquid Petroleum Gas (LPG) must notify the Borough Council of such change and comply with the following conditions.

- LPG systems must be fitted in accordance with LPGA Code of Practice
- That the vehicle displays on the front and rear screens, a sticker stating that the vehicle has been fitted with a LPG tank for the purpose of alerting the emergency services in the event of an accident.

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- If a doughnut tank is fitted in the spare wheel well of the boot, the spare wheel must be securely placed in a position not obstructing the entire luggage space.
- The proprietor of the vehicle must notify DVLA Swansea of the change in fuel from petrol to both LPG and petrol.
- The vehicle must be annually serviced by a person competent in LPG powered vehicles.

### **Vehicles Powered by Liquid Petroleum Gas (LPG) - New applicants**

An applicant for a licence involving a vehicle which has been converted to run on LPG will be required to produce, prior to a licence being issued, a certificate stating that the LPG system has been fitted in accordance with LPGA Code of Practice 11.

The vehicle will be required to undergo an annual service by a person competent in LPG powered vehicles in addition to the Borough Councils Inspection

If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the storage of a reasonable amount of luggage and any spare wheel displaced as a result must be stored in a location that does not impinge on the passenger carrying area of a vehicle.

### **Landau and Second Class Hackney Carriages Specification**

Only vehicles meeting the following specification will be considered for licensing:

- A landau of traditional construction and appearance having spoke wheels and solid rubber tyres with a door on each side of the carriage. A drop down hood in two sections, meeting in the middle when closed and having rigid glass or plastic windows.
- A carriage with one door only at the rear, having spoke wheels and solid rubber tyres. The hood being in one piece, closing from front to rear, with no rigid windows.

### **Wheelchair Accessible Vehicle Specifications**

#### **Wheelchair Occupant Space**

A wheelchair space shall not be less than:

- 1200mm measured in the longitudinal plane of the vehicle
- 750mm measured in the transverse plane of the vehicle
- 1300mm measured vertically from any part of the floor of the wheelchair space.

A wheelchair space shall allow the carriage of a wheelchair and a wheelchair user.

#### **Lifts/Ramps**

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Access to the vehicle must be possible from the road or pavement either by a lift or ramp. Any power-operated device must be capable of manual operation in the event of a power failure. The boarding device must have a safe working load of 300kg and operate under normal loading conditions without undue deflection.

**Ramps** - A ramp should be of slip resistance material and at least 750mm in width. The ramp should be capable of being deployed both onto the road and onto a 125mm high kerb. The ramp when deployed should be securely located at the point of entry to the vehicle. For side loading the ramp when deployed to the pavement should not exceed a slope of 1:4. For rear loading the ramp when deployed to the road should not exceed 1:4. When not in use the ramp should be securely stored in such a manner as not to block any of the vehicle doors and not to present a hazard to the vehicle occupants.

**Lifts** - The lift platform must be not less than 750mm in width and not less than 1200mm in length. The ramp should be equipped with a device to prevent the wheelchair rolling off and should operate at a vertical speed of less than 0.15m/s.

**Wheelchair securing mechanism anchorage** - A 4 point anchorage system must be fitted, comprising two for attachment at the front of the wheelchair and two at the rear of the wheelchair, in accordance with ISO 10542-2.

**Wheelchair securing mechanism** - A suitable securing mechanism must be provided to secure the wheelchair in position and the wheelchair should be locked in place before the journey commences. The occupant of the wheelchair must be provided with an occupant restraining system (seatbelt).

### ***Wheelchair accessible hire vehicles***

There are a growing number of wheelchair accessible vehicles which are licensed by the Borough Council. All new Hackney Carriage Vehicles registered with the Borough Council must be wheelchair accessible.

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Sections 165 and 167 of the Equality Act 2010 requires drivers of designated wheelchair accessible taxis and private hire vehicles to:

- Carry the passenger while in the wheelchair;
- To not make any additional charge for doing so;
- Carry the wheelchair, if the passenger chooses to sit in a passenger seat;
- Take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- Give the passenger such mobility assistance as is reasonably required.

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The Act then goes on to define mobility assistance as giving assistance:

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

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A list of all wheelchair accessible vehicles will be maintained in accordance with Section 167 of the Equality Act 2010 on the Licensing webpage. This list will be periodically updated based on the details given at the time of vehicle licensing.

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## **Conditions relating to Vehicle Licences**

### **1. Renewal**

A licence can only be renewed if a licence has been previously held and it has not been allowed to lapse or been revoked. There may be no lapse between licences.

### **2. Maintenance and Appearance of Vehicle**

- when it is available for hire, the vehicle and its fittings must at all times:
  - be safe
  - be tidy
  - be clean
  - comply with all statutory requirements applicable to the class of vehicle
- the vehicle must be maintained to a high standard of appearance to the complete satisfaction of the Council, throughout the term of the licence
- the vehicle must be kept in exceptional condition including cleanliness and cosmetic appearance

### **3. Inspection of Vehicle**

The vehicle must not be made available for hire or used as a hackney carriage/private hire unless there is a current mechanical inspection certificate in force and lodged with the Council in respect of that vehicle.

### **4. Alteration of Vehicle**

During the currency of the Licence No alterations in the specification, design or appearance of the vehicle shall be made without the prior written approval of the Borough Council.

### **5. Documents and Internal Signage**

- There must be carried in the vehicle when it is available for hire or being used as a licensed vehicle the sign issued by the Council giving the vehicle licence number and the maximum number of passengers to be carried.
- Hackney Carriage vehicles must also carry a copy of the current tariff as approved by the Council clearly displayed within the vehicle where it may be seen by any passenger on board;

### **6. External Signs etc.**

No signs, notices, advertisements, plates, marks, letters, figures, symbols, emblems, other than those mentioned below shall be displayed on, in or from the vehicle.

- Signs permitted are:
  - any registration number

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- any sign required by statute or subordinate legislation
- any sign on a taximeter indicating that the vehicle is for hire
- the licence plate giving the licence number and the maximum number of passengers to be carried on the outside rear of the vehicle.
- Roundels (crests) issued by the Borough Council with the licence number - on the rear doors
- the roof sign referred to below
- any sign indicating membership of a national motoring organisation
- any sign informing passengers not to smoke in the vehicle
- the tariff card as above
- any sign approved by the Council to indicate that the payment of fares may be made by credit card shall be displayed on the front windscreens of the vehicle
- any sign provided by the Norfolk County Council to show that the vehicle is used for school contracts shall be displayed in the windscreens in such a manner so as not to obstruct the driver's vision, and may only be displayed when actually employed in the performance of such contract work with pupils being carried.
- any other sign specifically approved in writing by the Borough Council must meet the conditions as set out above,
- no sign may contain any material of a religious or political nature or contain any matter likely to cause offence.
- On private hire vehicles no sign may include in the lettering any word whether in the singular or plural the words 'taxi', 'cab' or 'hire' or any word of a similar meaning or appearance to any of those words whether alone or as part of another word
- Any sign permitted must be positioned so as not to impede visibility and, in any event, no sign shall be placed on the rear window of the vehicle or hanging obstruction be placed in any part of the vehicle.

### **7. Advertising on outside of vehicle**

The Borough Council will allow advertisements to be placed upon a vehicle subject to the following:

- The proprietor of a licensed vehicle shall not display or permit to be displayed on the vehicle any sign or advertisement whatsoever unless written permission has been obtained from the Borough Council.
- All advertisements shall comply with the British Code of Advertising Practice and shall be in a form acceptable to the Advertising Standards Authority. The Borough Council reserves the right to require the licensee to withdraw from displaying any advertisement which may be considered inaccurate, misleading, unlawful, defamatory, in bad taste or of an unacceptable standard.
- No advertisement will be permitted that relates to or advertises alcohol, nudity, gambling, smoking materials or others of a political nature.
- The same advertising must be displayed on the nearside and offside panels of vehicles.

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- Any advertising may cover both back panels.
- Advertising may not be stuck over door trims. Door trims may not be removed to accommodate advertising.
- In the case of Private Hire Vehicles advertising is subject to the specific exclusion of the words "taxi", "cab" or "hire" the use of which will not be permitted.

The Borough Council reserves the right to withdraw from display any advertisement which may be considered inaccurate, misleading, unlawful, defamatory, in bad taste or of an unacceptable standard

### **8. Licence Plate**

- The Council must be informed immediately should the licence plate showing the number of the Hackney Carriage or Private Hire Licence be broken, lost or defaced or stolen. If lost or stolen, the matter shall be reported to the police and a relevant reference number shall be required (i.e. Crime Number or Lost Property reference). On no account must a hackney carriage ply for hire without a correctly displayed plate, as required under the Police Town Clauses Act 1947, Sections 51 and 52.
- Plates, badges and licences remain the property of the Council and must be returned immediately on ceasing operation or when the Council revoke or refuse to renew a licence or where the Proprietor no longer holds a licence issued by the Council. Authorised officers are entitled to physically remove the plate from the vehicle and retain it where necessary
- The Licence Plate shall be fixed in a permanent manner and displayed outside and on the rear of the vehicle, either immediately above or below the bumper. It shall be fixed in such a position that it and the vehicle's registration mark is not obscured, with its particulars facing outwards and that the figures and numbers endorsed thereon are distinct and legible.
- The Licence Plate is to be clearly visible. The licence plate must not obstruct any signage prescribed by the Borough Council or any lights or the vehicles registration mark. Any items such as towbars must not obstruct the licence plate.
- Special Event Vehicles must display the smaller special plate issued by the Borough Council

### **9. Roof Signs for Hackney Carriages**

- A sign bearing the word 'taxi' on its front face must be installed on the roof of the vehicle. It shall be securely fitted to the vehicle and must be of a design and shape approved by the Borough Council. The word 'taxi' must be plainly and distinctly visible. The sign may include the name and landline telephone number of the hackney carriage company, and must be capable of being illuminated during the hours of darkness. The sign must at all times comply with any requirements of vehicle lighting regulations when illuminated.

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- This shall not apply to a vehicle complying with the Public Carriage office standards - any vehicle of this specification must display a sign bearing the word 'taxi' distinctly visible from the front of the vehicle.

For Private Hire vehicles no roof signs are permitted

### **10. Change of Address**

The proprietor/vehicle licence holder must inform the Council of any change of address, in writing, before the change, where possible, but not more than seven (7) days afterwards.

### **11. Compliance**

The responsibility for complying with these conditions, unless otherwise stated, shall be the proprietors/vehicle licence holder and drivers jointly and severally.

### **12. Wheelchair accessible vehicles**

( ie vehicles in which passengers may be conveyed whilst seated in the wheelchair)

- a vehicle complying with the specifications required by the Disability Discrimination Act must be adapted or designed to carry at least one wheelchair bound passenger;
- there must be sufficient space between the front of the rear seat and any partition for an occupied wheelchair to turn
- there must be sufficient space for a wheelchair to travel
- there must be a separate means of securing the chair and the wheelchair occupant.
- there must be wheelchair ramps carried in the vehicle.
- a vehicle designed or adapted in accordance with the above may carry a maximum of two signs indicating that it is capable of carrying wheelchair bound passengers;

any swivel seat fitted must meet the requirements of the above Act.

### **13. Towing of trailers**

- No licensed vehicle may tow any trailer unless evidence of valid insurance (see below) to cover such use of hire and reward has been produced to the Council and the licence endorsed.
- Any trailer used must comply in all respects with the requirements of EC94/20 Type Approval and any Acts and Regulations relating to trailers or parts thereof which may be in force at the time of licensing.
- The driver must hold the appropriate towing licence issued by the DVLA.
- Tyres & Wheels
  - tyres and wheels for the trailer must comply to manufacturers specification and current legislation relating to tyres;
  - a spare wheel and tyre to manufacturers specification and current legislation must be fitted to the trailer; and
  - a suitable toolkit must be carried.

- Lights - Full road lighting must be fitted to the trailer to comply with all legal requirements. All lights should be 'E' marked
- Insurance
  - a current certificate of insurance must be produced which covers the use of the trailer and the vehicle to be licensed to tow it: and
  - public liability insurance to the value of £100,000 must be produced to cover any luggage carried in the trailer.
- Advertisements - No advertisements will be allowed to be displayed on the trailer
- Licence Plate - An additional Borough Council vehicle plate must be purchased and displayed on the offside rear of the trailer.
- Number Plate - All trailers must be fitted with an approved style number plate bearing the same number as towing vehicle

#### **14. Maintenance of vehicle and safety equipment**

The proprietor/licence holder of the vehicle shall:

- provide sufficient means by which any person in the vehicle may communicate with the driver
- ensure the roof or covering to be kept watertight
- provide adequate windows and the means of opening and closing them
- ensure the seats to be properly cushioned and covered
- ensure the floor to be covered with a proper carpet, mat or other suitable covering
- ensure the fittings and furniture generally to be kept in a clean and well-maintained condition
- provide means for securing luggage
- Fire Extinguisher
  - To be carried in such a position as to be readily accessible and available in any emergency. The fire extinguisher should be either a 1kg dry powder or a 2 litre AFFF. Fire extinguishers must be maintained in accordance with BS5306 Part 3 i.e. they must have an annual service, a five-yearly service and refilled. These tests must be carried out by a BAFE certified engineer and new tags and seals must be placed on each extinguisher after inspection.
  - Unique identification tags will be provided for each extinguisher and must be affixed to the extinguisher at all times
- First Aid
  - provide a first aid kit as approved by the Health & Safety (First Aid) Regulations 1981. Such equipment to be carried in such a position in the vehicle as to be readily available at all times. The kit must be kept adequately stocked
  - The first-aid kit is for self-administration only.
- ensure that the vehicle and all its fittings and equipment are at all times when the vehicle is in use or available for hire, kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including those

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contained in the Motor Vehicles (Construction and Use) Regulations) are fully complied with

- ensure that no material alteration or change in the specification, design, condition or appearance of the vehicle are made without the written approval of the Council at any time whilst the licence is in force
- ensure all vehicles with rear seat belt anchorage points be fitted with rear seat belts
- where a meter is fitted to maintain all meters in working order at all times. Meters to be inspected and sealed by the Council's Authorised Officer/Agent before use
- Where a tariff card is provided it is clearly displayed where it may be seen by a passenger, giving the tariff applied by the Operator through whom the vehicle is operated
- No roof, boot racks or bullbars may be fitted to licensed vehicles during the currency of the licence unless prior authorised by the Borough Council
- Citizen Band Radios - No citizen band radios may be fitted in any Hackney Carriage or Private Hire Vehicle whilst it is licensed.
- Radio Scanning Devices - No radio scanning devices of whatsoever type or sort may be fitted to, carried in or used in or in the vicinity of any Hackney Carriage or Private Hire Vehicle during the currency of the licence.

### **15. Mechanical Breakdown**

If any vehicle, for whatever reason, becomes unfit to complete a journey under a hire agreement:

- the driver shall be entitled to demand the fare for the distance already travelled
- the driver shall secure alternative transport immediately to complete the journey if the hirer so wishes. If the original vehicle is repaired and completes the hiring, the driver shall be entitled to full fare with the exception of any time that the hirer waited for the repair to be executed
- any such incident must be reported to the Council within one (1) working day

### **16. Hackney Carriage Ranks**

The number of hackney carriages stationed at any rank must not exceed the number for which the rank is appointed at any time. No private hire vehicle may use a hackney carriage rank.

### **17. Complaints, interim inspection and vehicle checks**

- Any vehicle against which a complaint is laid must be presented to the Authorised Officer/Agent within one (1) working day of being so requested for inspection.
- The licensee, owner, registered keeper, Operator, driver or other person in charge of the vehicle may be interviewed.

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- A vehicle may be called for inspection, including documents, at any reasonable time by the Authorised Officer/Agent to ensure compliance. Failure to attend and show any documentation as requested may lead to suspension or revocation of licence under Section 68 of the Act.
- An Authorised Officer/Agent may detain any vehicle, at any time, which is suspected of being involved in any infringement of legislation, bylaws or conditions, to ensure its fitness to be used as a licensed vehicle in the interest of public safety.
- if a vehicle fails the test and in the opinion of the examiner would fail to meet the standards required then the plate may be removed by Authorised Officer/Agent, until such time as the vehicle passes the test. Until then, the plate is to be returned to the Licensing authority and the vehicle may not be used for hire and reward
- any vehicle called for inspection that fails to attend may cause the vehicle and Operator licences to be suspended immediately and subsequently the licences may be revoked

### **18. Vehicle Inspections**

- A vehicle which fails a compliance inspection/safety check during the currency of a licence will have the fault (s) rectified and the vehicle re-inspected within 2 months of the original inspection – failure to do so will lead to the automatic revocation of the vehicle licence.
- A Hackney Carriage may be inspected by an authorised officer of the Borough Council or a police officer, at all reasonable times. If the person inspecting the vehicle is not satisfied as to the fitness of the vehicle he may give written notice to the proprietor to make the vehicle available for further inspection and testing at such reasonable time and place as may be specified, and the vehicle licence may be suspended until the officer or police officer is so satisfied.
- If the authorised officer or police officer is not so satisfied within two months of the initial inspection the Hackney Carriage vehicle licence shall be deemed revoked.

### **Unfit Vehicle Notices**

Unfit Vehicle notices can be issued by Authorised Officers and Police Officers where vehicle defects give cause for concern.

Immediate Unfit Notices will be given if the vehicle appears to be unsafe to carry members of the public. Once a Notice is issued the vehicle must not be used for hire with immediate effect. The vehicle must be presented to either an officer or the Borough Councils approved testing station with the faults rectified. Only after this will the Notice be lifted and the vehicle can then be used for hire.

If the Notice is not lifted within two-months, the vehicle licence will be deemed revoked.

Deferred Notices can be issued which means the vehicle can continue to be used for the time specified and the faults rectified within a specified time. When the

faults are rectified the vehicle must be presented to a Borough Council approved testing station for inspection.

## **19. Vehicle Damage and Replacement Vehicles**

- the proprietor of any vehicle must report to the Council, in writing, as soon as reasonably practicable, and in any case within seventy two (72) hours, the occurrence of any accident involving the vehicle
- the Authorised Officer/Agent will inspect the vehicle and make a decision as to whether or not the vehicle can continue in service
- if the vehicle can continue in service until a permanent repair is undertaken, the repair must be completed within a maximum of 28 days of the Authorised Officer/Agent's decision
- If any damage is considered by the Authorised Officer/Agent to be extensive enough to affect the safety or general appearance of the vehicle, it must be immediately withdrawn from service and the plate removed. The vehicle must be repaired, submitted for a Council mechanical inspection and the cosmetic appearance inspected by an Authorised Officer/Agent, before the plate is re-affixed and the vehicle returned to service
- In the case of any dispute the matter will be referred to the Councils Licensing Committee
- Any replacement vehicle, either a short-term or permanent replacement, must comply with licensing prerequisites above. A completed application form must be submitted together with the other necessary documents and the appropriate fee, before being used as a licensed vehicle. If all the above items and all conditions are met and are satisfactory, we will produce the licence within seven working days from receipt of an acceptable application

## **21. Specific Licensing Conditions for Landau and Second Class Hackney Carriages**

- The vehicle shall be produced for examination and inspection by an Authorised Officer/Agent of the Council at such times and at such places as may be required
- The Council shall be notified if any alteration is proposed to be made to any part of the vehicle, before such alteration is carried out
- The vehicle shall be fitted with a sufficient drag-chain and slipper or other sufficient brake
- The vehicle shall be kept in good order, the inside and outside clean and braking machinery efficient
- The floor of the vehicle shall be covered with mats of a suitable material
- The vehicle shall have a watertight roof and a means of opening and closing the windows
- The seats of the vehicle shall be properly cushioned or covered; fittings and furniture shall be kept clean and adequate for the convenience of persons travelling in the vehicle
- The vehicle shall at all times display the plate showing the Hackney Carriage licence number

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- The number of passengers carried in the vehicle shall not exceed the number on the Hackney Carriage licence
- A Second class Hackney Carriage shall not be used unless a dung catcher (as manufactured in accordance with the Council's specification) is fitted to the vehicle, which has the effect of preventing at least 90% of the horse dung from being deposited on the highway
- The licensee is to indemnify the Council from and against all claims by third parties arising from or in connection with the exercise of these rights hereby granted
- The Council will require the licensee to obtain road and public liability insurance policies, which include the Council's name. The amount of cover provided in respect of public liability should be a minimum of five million pounds (£5,000.000). The Council shall inspect and approve the policies before the licence is operated
- The licensee shall observe and comply with such bylaws and safety regulations recommended or imposed by law, and the bylaws and conditions from time to time in force within the District, which relate to the operating of horse-drawn vehicles
- The licensee shall not permit any person to mount, ride, drive, otherwise use, or treat any horse or the animal in their charge in such a manner as to cause suffering to the animal
- The licensee shall not cause or permit any horse or other animal in their charge to be kicked or ill-treated in any manner
- The maximum hours of working for any horse shall be ten (10) hours per day, five (5) days a week in a seven (7) day period and all horses shall be rested as appropriate. A sufficient quantity of palatable and fresh food and water shall always be available to all animals. In addition, a supply of fresh water shall always be available to all animals. Food and water being contained in a proper bag or receptacle
- Only horses shall be used to pull landaus. No horse, which in the opinion of any Authorised Officer/Agent, is incapable of pulling the vehicle or is in poor physical condition or which is suffering from any injury, disability or illness, shall be allowed to be harnessed to a landau or other vehicle
- Every part of the harness of animals drawing a Hackney Carriage shall be kept in order so that the animal is properly and securely attached to the carriage and under due control
- In the event of an Authorised Officer/Agent of the Council having reason to suspect that an animal being used in the operation of a Hackney Carriage is unfit to fulfil its functions, that animal shall be subjected to immediate inspection by a qualified veterinary surgeon and the licensee shall meet the costs involved. Where an animal is found unfit, its use in the operation of a Hackney Carriage shall be discontinued until a certificate of fitness signed by a qualified veterinary surgeon is produced to the Council's Authorised Officer/Agent
- All horses engaged in pulling second class Hackney Carriages must be at least 14.2 hands high

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- The current Council Fare Table shall be exhibited on the exterior of both sides of the carriage so as to be in full view of the public at all times
- No person shall be charged more than the fares set out in the current Council Fare Table and the choice of single or return journeys shall be at the discretion of the hirer
- The licence shall be revocable in case of the Council being reasonably satisfied that a breach of the foregoing conditions or any Act or Bylaw relating to Hackney Carriages has occurred

### **22. Specific Licensing Conditions for Pedicab and Third Class Hackney Carriages**

- The vehicle shall be produced for examination and inspection by an Authorised Officer of the Council at such times and at such places as may be required
- The Council shall be notified if any alteration is proposed to be made to any part of the vehicle, before such alteration is carried out
- The vehicle shall be kept in good order, the inside and outside clean and braking machinery efficient
- The vehicle shall have a watertight roof
- The seats of the vehicle shall be properly cushioned or covered; fittings and furniture shall be kept clean and adequate for the convenience of persons travelling in the vehicle
- The vehicle shall at all times display the plate showing the Hackney Carriage licence number
- The number of passengers carried in the vehicle shall not exceed the number on the Hackney Carriage licence
- The licensee is to indemnify the Council from and against all claims by third parties arising from or in connection with the exercise of these rights hereby granted
- The Council will require the licensee to obtain road and public liability insurance policies, which include the Council's name. The amount of cover provided in respect of public liability should be a minimum of five million pounds (£5,000,000). The Council shall inspect and approve the policies before the licence is operated
- The licensee shall observe and comply with such bylaws and safety regulations recommended or imposed by law, and the bylaws and conditions from time to time in force within the District
- The licensed Pedicab is exempt from the Council's policy of requiring hackney carriage vehicles to be installed with a taximeter
- The licensed Pedicab is exempt from any requirement to carry wheelchair passengers.
- For road safety purposes the licensed Pedicab may only operate between the following hours (1 hour after sunrise to 1 hour before sunset)
- Maximum fares for a licensed Pedicab will be agreed by Council during the application process

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- The current Council Fare Table shall be exhibited on the exterior of both sides of the carriage so as to be in full view of the public at all times
- No person shall be charged more than the fares set out in the current Council Fare Table and the choice of single or return journeys shall be at the discretion of the hirer
- The licence shall be revocable in case of the Council being reasonably satisfied that a breach of the foregoing conditions or any Act or Bylaw relating to Hackney Carriages has occurred
- All other relevant rules applying to Private Hire and Hackney Carriage vehicles not referred to or exempted above (including licence fees, plating, advertising, cleanliness, carriage of assistance dogs etc) shall apply Other relevant considerations

That the area of operation for licensed Pedicabs be set as a specified radius (to be determined by the Licensing Committee) of a specified town centre or tourist attraction (to be determined by the Licensing Committee). The view of the Licensing Authority being that it would be unreasonable to expect a licensed Pedicab driver to undertake a hiring outside the specified distance / radius.

### **23. Insurance**

The proprietor shall keep in force, in relation to the use of the hackney carriage, a policy of insurance in respect of public hire and complying with the provisions of Section 145 of Part VIA Road Traffic Act 1988 which covers third party liability both in respect of physical injury or death and in respect of damage to personal belongings. The certificate of insurance and schedule must be produced, on demand to an authorised officer of the Borough Council for inspection.

It shall be the responsibility of the proprietor of a hackney carriage to produce proof of continuous insurance cover in respect of public hire. The insurance proof is to be reviewed by the licensing authority within seven days of the expiry of the preceding certificate or cover note.

If the proprietor fails to produce a certificate of insurance cover on request he shall produce it forthwith or within seven clear days of the request to an authorised officer of the Borough Council. Failure to comply may result in suspension of the Hackney Carriage Vehicle licence.

### **24. Transfer of interest in the vehicle**

If a proprietor of a licensed hackney carriage vehicle or of a private hire vehicle transfers his interest, in whole or in part, in the vehicle to any other person not specified in the vehicle licence he must notify the Borough Council within 14 days using the appropriate form. The form must be accompanied by the fee and supporting documents.

### **25. Taximeters**

All Hackney Carriage vehicles licensed or to be licensed shall have a taximeter fitted. Each taximeter shall be tested by one of the Borough Council's approved testing stations in order to establish that the meter does not produce a fare in excess of the

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maximums prescribed in the current Hackney Carriage Fare Tariff approved by the Borough Council.

The taximeter shall be placed in a safe position and so far as possible so that all letters and figures on the face thereof shall be at all times plainly visible to any persons being conveyed in the carriage. For that purpose, the letter and figures shall be capable of being suitably illuminated during the period of hiring.

The driver of a hackney carriage shall, at the commencement of the journey, activate the meter so that the word 'Hired' is clearly visible and shall keep the meter operating until the termination of the hiring –

'Commencement of the journey' means:

- When the hirer enters the vehicle.
- When the driver has attended at an appointed place, and has made his presence known to the hirer.
- When the driver has presented him/herself at an appointed place at a specified time.

The driver of a Hackney Carriage Vehicle shall when standing or plying for hire keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter and operate a sign, which shall bare the words 'For Hire' in clear legible letters.

Any taximeter fitted to a Hackney Carriage Vehicle, which has been adjusted or repaired shall have the taximeter retested by one of the Borough Council's approved testing stations.

The taximeter shall clearly display a fare not exceeding the rate or fare approved by the Borough Council.

The taximeter and all the fitting thereof shall be so affixed to the carriage with security seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently disabling the security seals.

A taxi meter fitted to a licensed vehicle may be inspected by an authorised officer of the Borough Council or by a Police Officer at all reasonable times.

If the officer or constable inspecting the vehicle is not satisfied as to the fitness of the vehicle or the accuracy of the meter, he may without prejudice to the taxi meter condition, give written notice to the proprietor to make the Hackney Carriage and/or taxi meter available for further inspection and testing at such reasonable time and place as may be specified, and the vehicle licence may be suspended until the officer or constable is satisfied as to the vehicles fitness or as to the accuracy of the taxi meter.

If the officer or constable is not so satisfied within two months of the initial inspection, the Hackney Carriage Licence shall be deemed revoked.

## **26. Passengers**

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The proprietor or owner of a Licensed Hackney Carriage shall not permit to be conveyed in the vehicle a greater number of persons than prescribed on the licence for the vehicle.

The driver of a Licensed Hackney Carriage shall not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in the vehicle.

A driver shall not refuse to carry fewer persons than the number marked on the plate.

### **27. Change of Use**

Once a Hackney Carriage or Private Hire vehicle has passed first registration it will not be considered as a new application if a change of use between either category is requested, or if the licence has previously lapsed and is being re-instated. This is conditional that the vehicle held a vehicle licence issued by this authority in the preceding 3 months.

### **28. CCTV Cameras**

Licensed Vehicle proprietor may, subject to the written approval of the Borough Council, install and use a visible closed circuit TV (CCTV) surveillance camera in their vehicles which face outward and are for insurance purposes only. ~~The camera must not record audio sound within the vehicle.~~

~~There is no requirement to display signage where outward only facing cameras are fitted.~~

Should CCTV be required inside the vehicle by the Operator, written approval must be sought from the Council and would be subject to conditions.

### **29. Carriage of Portable Oxygen Tanks**

Hackney carriage/private hire vehicle drivers will accept the carriage of portable oxygen tanks for passengers that require their usage for medical purposes.

## **Conditions relating to Special Event Vehicles**

### **1. Application in Writing**

Any person wishing to apply for a special event vehicle licence will be required to apply in writing to Borough Council stating the type of vehicle, and age, which they intend to use and the reasons why they believe that they should be considered for this vehicle category. Vehicles issued with a special event licence shall only be used for special occasions and executive business contracts. Vehicles licensed within this category shall not be used for everyday private hire use, e.g. 'school contracts' but must work under the control of a private hire Operator.

### **2. Sale of Alcohol**

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The licensee shall not facilitate the sale of alcohol unless there is in force an appropriate authorisation under the Licensing Act 2003 (either a premises licence or temporary event notice) permitting the sale of alcohol.

### **3. Types of Vehicle**

Special event vehicles are a type of private hire vehicle and fall into the following 4 categories:

- Executive Vehicles;
- Novelty Vehicles
- Stretched Limousines;
- Historic Vehicles

Executive Vehicles & Novelty Vehicles presented for licensing for the first time should not normally be older than 3 years on the day the application is received.

Stretch Limousines presented for licensing for the first time should not normally be older than 7 years on the day the application is received.

Historic Vehicles presented for licensing for the first time must not have been constructed after 1st January 1973. Note: This is in accordance with DVLA taxation class for Historic Vehicles.

### **4. Licence Plate**

The special exterior vehicle licence plate will be required to be fixed to the rear of the vehicle.

### **5. Communication Equipment**

No vehicle shall be fitted with a two-way radio system.

### **6. Stretched Limousines**

A “stretched limousine”, is a saloon type vehicle that has undergone an increase in length by extending the wheelbase after manufacture. An “American stretched limousine” is a stretched limousine imported from the USA and typically will have been manufactured originally by Lincoln (Ford) or Cadillac.

The purpose of this Policy and subsequent conditions is to protect public safety. The conditions will apply in addition to the Authority's standard conditions for private hire vehicles and take account of the fact that stretched limousines will:

- travel generally at slower speeds than normal taxis;
- not normally overtake other vehicles;
- be easily recognisable by the hirer;
- be heavier and considerably longer than standard cars;
- be adapted or converted by someone other than the original manufacturer.

For the purposes of calculating the seating capacity of a vehicle the minimum width of a passenger seat is 400mm (16 inches). In the case of an 'L' shaped seat, sufficient space must be made available in the corner to prevent the passenger on one side of the corner encroaching on the passenger on the other side.

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In the case of a stretched limousine, or an American stretched limousine, where the vehicle has been constructed or adapted to seat up to 8 passengers, originals of the following documentation will be required by the Borough Council before an initial application for a vehicle licence can be considered:

- Completed importation documentation where applicable and individual vehicle approval (IVA) or Voluntary Individual Vehicle Approval (VIVA) certificate.
- Proof the 'stretch' was performed by the manufacturer or by a Coachbuilder approved by the vehicle manufacturer i.e. American Limousines must have been built by an approved coachbuilder under the QVM programme for Ford Vehicles or the CMC programme for Cadillac Vehicles.
- DVLA Registration Document (V5).
- Valid Certificate of Insurance, with cover for hire and reward.
- Current MOT certificate issued by an approved Testing Station.
- Where applicable, an installation certificate from a Liquefied Petroleum Gas Association (LPGA) Approved UK Vehicle Conversion Company, in the case of vehicles converted to run on LPG.
- Valid Road Vehicle Excise licence.

Any replacement parts fitted to stretch limousine vehicles must meet the approved standards of the stretched specifications i.e. tyres will not only have to meet the size specifications, but must also meet the weight specification.

Stretch limousines are exempt from Condition regarding tinted windows fitted to the side and rear window glass of the vehicle. The driver and passenger front side window glass and the front windscreen (cockpit area) must comply with Condition

### **7. Private Hire Operator – Additional Requirement**

Special event vehicles must be specifically requested by the customer and it is not for the Operator to determine which class of vehicle should be assigned to the booking. In addition to the normal private hire Operator records required Operators of special event vehicles are to maintain a record of the nature of the special event i.e. Why the customer requested a special event vehicle.

**APPENDIX I**

**HACKNEY CARRIAGE BYELAWS**

**Byelaws** made under Section 68 of the Town Police Clauses Act, 1847 and Section 171 of the Public Health Act, 1875 by the **Great Yarmouth Borough Council** with respect to Hackney Carriages in the Borough of Great Yarmouth

1. Throughout these bylaws "the Council" means the Great Yarmouth Borough Council. "The District" means the Borough of Great Yarmouth. "First class hackney carriage" means a hackney carriage propelled by mechanical means. "Second class hackney carriage" means a hackney carriage drawn by an animal or animals.

**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
  - (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

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- 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 fire extinguisher which shall be carried in such a position as to be readily available for use
- (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 first class 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:-

- (i) if the taximeter is fitted with a flag or other device bearing the words "For Hire":
  - (a) the words "For Hire" shall be exhibited on each side of the flag or other device in plain letters at least one and a half inches in height and the flag or other device shall be capable of being locked in a position in which the words are horizontal and legible
  - (b) when the flag or other device is so locked the machinery of the taximeter shall not be in action and the means of bringing it into action shall be by moving the flag or other device so that the words are not conveniently legible
  - (c) when the flag or other device is so locked that the aforesaid words are horizontal and legible no fare shall be recorded on the face of the taximeter.
- (ii) if the taximeter is not fitted with a flag or other device bearing the words "For Hire":
  - (a) the taximeter shall be fitted with a key 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 or device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and no

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fare is recorded on the face of the taximeter.

- (iii) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take in pursuance of the bylaw in that behalf for the hire of the carriage by distance
- (iv) 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
- (v) the taximeter shall be so placed that all letters and figures on the face thereof may be 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
- (vi) 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.

5. The Proprietor of a first class hackney carriage provided with a taximeter not fitted with a flag or other device bearing the words "For Hire" shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements, that is to say:

- (a) the sign shall bear the words "For Hire" in plain letters at least one and a half inches in height
- (b) the sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire.

6. The Proprietor of a second class hackney carriage shall provide the carriage with a sufficient drag-chain and slipper or other sufficient brake.

PROVISIONS REGULATING THE CONDUCT OF THE PROPRIETORS AND DRIVERS OF HACKNEY CARRIAGES PLYING WITHIN THE DISTRICT IN THEIR SEVERAL EMPLOYMENTS AND DETERMINING WHETHER SUCH DRIVERS SHALL WEAR ANY AND WHAT BADGES

7. The driver of a first class hackney carriage shall:

- (i) if the taximeter is fitted with a flag or other device bearing the words "For Hire":
  - (a) when standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible
  - (b) as soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the flag or other device so that the words are not conveniently legible and keep the machinery of the taximeter in action until the termination of the hiring
- (ii) if the taximeter is not fitted with a flag or other device bearing the words

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"For Hire":

- (a) when standing or plying for hire keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter and operate the sign provided in pursuance of bylaw 5 so that the words "For Hire" are clearly and conveniently legible by persons outside the carriage
- (b) as soon as the carriage is hired whether by distance or time, operate the said sign so that the words "For Hire" are not conveniently legible by persons outside the carriage
- (c) as soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the key or other device fitted for the purpose 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.

(iii) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972 and also at any other time at the request of the hirer.

8. A Proprietor or driver of a hackney carriage shall not tamper with or permit any persons to tamper with any taximeter with which the carriage is provided, with the fittings thereof or with the seals affixed thereto.

9. 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 fixed by the bylaw in that behalf
- (b) if a stand, at the time of his arrival is occupied by the full number of carriages authorised to occupy it, proceed to another stand
- (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction
- (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
- (e) remain in his carriage if it occupies the first or second position on the stand, ready to be hired at once.

10. A Proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.

11. 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

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entering or alighting from the vehicle.

12. 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.
13. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
14. A Proprietor 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.
15. 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.
16. 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
  - (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 persons.
17. A Proprietor or driver of a second class hackney carriage shall not in any street feed or allow to be fed any horse or any other animal harnessed to a carriage unless the food is contained in a proper bag or other receptacle or is delivered with the hand.
18. The driver of a second class hackney carriage shall, while standing, plying or driving for hire cause every part of the harness of the animal or animals drawing the carriage to be kept in order so that the animal or animals drawing the carriage to be kept in order so that the animal or animals shall be properly and securely attached to the carriage, and under due control.
- 18.(a)\*\*The Proprietor or driver of a hackney carriage shall not while standing, plying or driving for hire, drive or allow to be driven, or harness or allow to be harnessed to the carriage any animal in such condition as to expose any person conveyed or being in such carriage, or any person traversing any street, to risk of injury.
19. While any hackney carriage is stationed on an authorised stand, the driver shall not sweep out or wash such carriage.

### PROVISIONS SECURING THE SAFE CUSTODY AND RE-DELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF

20. 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

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carriage for any property which may have been accidentally left therein.

21. 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 or handed to him:
  - (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the Police Headquarters, Great Yarmouth, or the Police Station, Gorleston and leave it in the custody of the officer in charge of the office on his giving a receipt for it
  - (b) be entitled to receive from any person to whom the property shall be redelivered 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 the Police Station, whichever be the greater) but not more than five pounds.

### PROVISIONS FIXING THE STANDS OF HACKNEY CARRIAGES

22. (This Byelaw has ceased to have effect by virtue of Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 but the stands fixed by the Byelaw are deemed to have been appointed under that Section and are (as amended) set out in Appendix 1).

### PROVISIONS FIXING THE RATES OR FARES, AS WELL FOR TIME AS DISTANCE TO BE PAID FOR FIRST CLASS HACKNEY CARRIAGES WITHIN THE BOROUGH AND SECURING THE DUE PUBLICATION OF SUCH FARES

23. (These Byelaws ceased to have effect by virtue of Section 65(6) of the Local Government (Miscellaneous Provisions) Act 1976. The table of fares (as amended) is set out in Appendix 2).
- 24.(a) The Proprietor of a hackney carriage shall cause a statement of the fares fixed by the bylaw in that behalf 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.

### PENALTIES

25. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding fifty pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction therefore.
26. The Byelaws made by the Mayor, Aldermen and Burgesses of the County Borough of Great Yarmouth on the 28 July 1965 and 7 April 1971 and confirmed by one of Her Majesty's Principal Secretaries of State of 1 December 1965 and 10 May 1971 respectively and the Byelaw made by the Council of the Borough of Great Yarmouth on the 10 November 1977 and confirmed by one of Her Majesty's Principal Secretaries of State on the 23 December 1977 are hereby repealed.

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IN WITNESS whereof the Council has caused its Common Seal to be hereunto affixed this second day of May One thousand nine hundred and seventy eight.

FINAL DRAFT

## APPENDIX II

### HACKNEY CARRIAGE STANDS

The Borough Council has appointed stands for **motorised hackney carriages**. The table below is a historical list of the locations which is currently under review.

	Name of Street	Situation of stand	Number of vehicles
1	Alexander Rd (Western Side)	12 metres south of its junction with Regent Road, southwards for a distance of 25 metres	4
2	Beach Coach Station	Lay-by in Coach Station	20
3	Hall Quay	East side, outside Nat West Bank	5
4	Market Gates Rd	South side	4
5	Regent Street	South side, from a point 46 metres north-east of its junction with Howard Street South in a north easterly direction for a distance of 20 metres	6
6	Theatre Plain	East Side (see below, feeder rank added)	8
7	Trafalgar Road	Opposite Holkham Hotel (clarification sought from County)	8
7	Marine Parade	West side from a point 9.5 metres north of its junction with U60492 Trafalgar Road (measured from its centre line) northwards for a distance of 12 metres.	2
8	Marine Parade	Britannia Pier entrance bus stop Northwards	4
9	Marine Parade	West side from a point 61 metres south of the centreline of Trafalgar Road southwards for 42 metres	46
10	Marine Parade	From entrance to Sea Life Centre extending northwards (clarification sought from County)	6
11	Pier Walk, Gorleston	East of the main entrance to the Ocean Rooms, vehicles parking parallel to the kerb	3
12	Bus stops Marine Parade	The use of the following bus stops between 11.45pm and 6.30am West side near Bourbon Street West side near Tower (clarification sought from County)	2 2
13	King Street	27 metres south-east of the centreline of its junction with the C610 King Street, south-eastwards for a distance of 50 metres (6pm-8am)	10
14	St Peters Road	North side of St Peters Road from a point 15 metres, due east of junction of St Peters Rd and Standard Place, extending 32 metres in an easterly direction	4
15	Freemantle Road	East Side, outside Tattersalls Gate at Racecourse	6
16	Marine Parade	Outside 59 Marine Parade	2
17	High Street, Gorleston	East side of public conveniences (Feathers Plain)	5
18	School Lane, Gorleston	North Side	4
19	Brewery Plain	To the north of the entrance to Tesco's supermarket	2

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	<b>Name of Street</b>	<b>Situation of stand</b>	<b>Number of vehicles</b>
		(now palatial bingo/casino)	
20	South Beach Parade	On the east side of the Parade extending northward from the opening leading to the Pleasure Beach (11pm – 6am) <i>Also Landau rank in the daytime</i>	14
21	Marine Parade	To run Southwards from the southern end of the bus stop outside Bourbon Street, for the hours 11pm to 6.30am (this is to supplement the existing rank for two taxis) <b>(clarification sought from County)</b>	8
22	Temple Road Eastern side	From a point 33 metres south of its junction with South Market Rd, southwards for a distance of 19 metres	3
23	Temple Road Eastern side	From a point 71 metres south of its junction with South Market Rd, southwards for a distance of 38 metres	6
24	Theatre Plain South-West side	From a point 29 metres north-west of the centreline of its junction with the C610 King Street northwards for a distance of 14 metres (6am-6pm)	2

The Borough Council has appointed stands for **landaus, second class hackney carriages** at the following locations

	<b>Name of Street</b>	<b>Situation of stand</b>	<b>Number of vehicles</b>
1	Marine Parade	Britannia Pier Rank (Landau Station)	11
2	South Beach Parade	On east side of Parade extending northwards from opening leading to Pleasure Beach	14

## **APPENDIX**

### **PENALTY POINTS SYSTEM**

The Borough Council operates a local penalty points scheme. This is a separate scheme to that which operates under the Road Traffic Offenders Act 1988.

Penalty points can be imposed on the drivers of Private Hire Vehicles and Hackney Carriages, proprietors of vehicles and Operators of Private Hire Vehicles for various infringements and are shown below. This system is designed for the public interest, as an aid to ensure continued public safety and to give the individual concerned a chance to rectify any relatively minor breaches of licence conditions without the need for the Council to resort straight to suspension/revocation or prosecution.

Drivers aggrieved by the imposition of penalty points on their hackney carriage /private hire drivers licence may appeal in writing to the Licensing Manager within 21 days of the notification of points awarded and have the matter considered by the Councils Licensing Committee.

If an individual concerned accrues a total of 12 local penalty points within a 3 year period then he/she will automatically be referred to the Licensing Committee of the Council to show just cause why their licence should continue.

The following list, whilst not exhaustive, details the circumstances in which a licence holder will be directly referred to the Licensing Committee:

- Providing false or misleading information on licence application form, or failing to provide relevant information including any convictions imposed;
- Authorised officer refused access to Operator/Driver records;
- Carrying excess passengers;
- Abusive or obstructive behaviour (verbal or physical) to authorised officers of the Borough Council or police officers;
- Using a vehicle for which the licence has been suspended or revoked;
- Carrying an offensive weapon in the vehicle;
- Driver not holding a current DVLA licence;
- Nine or more penalty points on a DVLA driving licence;
- Convictions including motoring convictions for:
  - Drinking/drugs and driving;
  - Causing death by careless driving;
  - Reckless/dangerous driving
  - Offences resulting in disqualification;
  - Disqualified from holding a licence until driving test passed.

## Hackney Carriage and Private Hire Policy & Handbook

The following list, whilst not exhaustive, details the number of penalty points that will be awarded for the infringements shown:

Infringement	Penalty
Failing to have a Private Hire Driver/ Hackney Carriage Driver badge in his/her possession whilst driving a licensed vehicle	3 Points
Not having an appropriate Fire Extinguisher and/or first aid kit in the vehicle	3 Points
Failing to notify the Licensing Office, in writing within 7 days, of a change to name and/or address	3 Points
Failing to carry Licensing Handbook whilst driving a licensed vehicle	3 Points
Failing to display any Plates, Signs or Notices required by the Borough Council	3 Points
Failing to deal with lost property in the correct manner	3 Points
Private Hire Operator failing to notify the Licensing Office of any complaints received	3 Points
Failing to attend the Council Offices when directed by an authorised officer	3 Points
The issue of an Unfit vehicle notice for any reason other than for an accident	3 Points
Unreasonable prolongation of journeys or any misconduct regarding the charging of fares	3 Points
Failing to attend at appointed time and place without sufficient cause	3 Points
Failing to display fare card (Hackney carriage)	3 Points
Parking/Stopping contrary to authorised road markings	3 Points
Parking/Stopping with one or more wheels on the pavement – in avoidable circumstances where obstruction has been caused	3 Points
Failing to notify the Licensing Office, in writing within 7 days, of any points or convictions being imposed	4 Points
Failing to produce a valid insurance certificate/cover note within 7 days of request	4 Points
Failing to notify the Licensing Office, in writing within 72 hours, of being involved in an accident	4 Points
Leaving a vehicle unattended on the rank	4 Points
Private Hire Operator failing to maintain their records in the correct format	4 Points
A licensed vehicle not carrying a spare wheel that is capable of being used	4 Points
Using a mobile phone, radio hand set, eating or drinking whilst the vehicle is in motion unless specifically exempted by law	6 Points
Displaying any feature on a private hire vehicle which would suggest it is a taxi	6 Points
<b><del>Failing to carry an assistance dog without requisite exemption</del></b>	<b><del>6 Points</del></b>
Using a unlicensed vehicle	6 Points
Private Hire drivers touting for business	6 Points
Failing to notify the Licensing Office of any change in medical fitness to drive	6 Points

## **APPENDIX**

### **POLICY ON CONVICTIONS and CRIMINAL OFFENCE GUIDELINES**

The following statement is the policy of the Great Yarmouth Borough Council and will apply to all applicants for a driver's licence for first, second or third class hackney carriages or private hire vehicles:

1. The public are entitled to have the utmost confidence in drivers of hackney carriage (taxis) and private hire vehicles. The Borough Council must ensure that only fit and proper persons obtain drivers' licences.
2. In deciding whether an individual is a fit and proper person to be granted a drivers licence previous convictions and cautions are very relevant. For this reason applicants for new licences must declare all previous convictions and cautions, even if they are "spent".
3. Existing licence holders must inform the Borough Council of any convictions and cautions they receive.
4. A formal written warning and the issue of penalty points on a licence may be given to an individual who has a conviction, or been issued with a caution, when it is not considered appropriate to revoke or suspend his licence. In such a case a further conviction or caution is likely to lead to the licence being revoked or suspended.
5. If the Licensing Officer considers that an application should be refused, or a licence revoked or suspended, the officer will arrange to see the individual so that the full facts can be ascertained. If, following the interview, the officer is still of the view that the application ought to be refused, or the licence revoked or suspended, the matter will be referred for consideration by the Licensing Committee. If a serious offence has been committed, the officer may suspend the driver immediately. The individual will be notified of the time and date of the meeting and will be able to attend and speak. He/she will be entitled to be represented at the meeting by a friend, colleague or solicitor.
6. If the Licensing Committee refuses the application, or revokes or suspends the licence, the individual has a right of appeal to the Magistrates' Court.
7. It is an offence for any person knowingly or recklessly to make a false statement or to omit any material particular in giving information required by the applicant for a licence, punishable by up to seven (7) years imprisonment upon conviction. Applicants are therefore advised to make a full statement of all offences, (whether spent or not) on the relevant form.
8. It is difficult to lay down precise guidelines as to when a conviction or caution will lead to an application being refused, or an existing licence being revoked or suspended. However the following guidelines will hopefully be of assistance to applicants and licence holders alike.
9. **General**
  - a. each case will be decided on its own merits
  - b. a person with a conviction for serious crime need not be permanently barred from obtaining a licence, but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before the application is entertained. However, persons with convictions for

offences of a sexual or child-related nature or other very serious crime will not normally be issued with a licence

- c. some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public
- d. the applicant who has significant unspent convictions, convictions for serious crimes, crimes of a habitual nature or other reason which may merit further consideration, will be referred to the Borough Council's Licensing Committee for a decision on whether a licence shall or shall not be granted
- e. ~~the Borough Council reserves the right to act as a judicial authority in the case of spent convictions involving serious offences (i.e. death by dangerous driving, drugs, violence, sexual offences or offences of a habitual nature)~~

#### **10. Serious offences**

- a. Offences involving dishonesty, assault, indecency, drink and drugs and reckless or dangerous driving will be viewed particularly seriously.
- b. Cautions will generally be viewed less seriously than convictions.
- c. The penalty imposed by a court following conviction will be relevant. Generally the higher the penalty, the more seriously the offence will be regarded.
- d. The number of offences will be relevant, as will the period free of convictions.
- e. Applications are likely to be refused if a serious offence has been committed in the past 3 - 5 years. An existing licence holder is likely to have his/her licence revoked if he/she is convicted of a serious offence.

#### **11. Minor Traffic Offences**

- a. Minor motoring offences, such as speeding, driving without due care and attention and failing to obey road signals and markings will be relevant in deciding whether an application should be refused, or a licence revoked or suspended.
- b. Generally no formal action will be taken unless the individual has had 6 penalty points placed on his driver's licence in the preceding 12 months. If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence then a hackney carriage/Private Hire Vehicle licence may be granted after its restoration but a warning shall be issued as to future conduct.
- c. Isolated convictions for minor traffic offences, e.g. obstruction, waiting in a restricted street, speeding etc., should not prevent a person from proceeding with an application. Any new applicant must have held a full DVLA Licence for a period of twelve months without any period of suspension during those twelve months. Licence holders convicted during the period of the licence of such offence may be warned as to future conduct, and that any disqualification may lead to revocation of any Licence to Drive held with the Borough Council.
- e.d. ~~An isolated conviction for driving without due care and attention etc, will merit at least a warning as to future driving and advice on the~~

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standards expected of a person who holds a Licence to drive issued by the Borough Council.

**12. Major Traffic Offences**

- a. ~~An isolated conviction for driving without due care and attention etc, will merit at least a warning as to future driving and advice on the standards expected of a person who holds a Licence to drive issued by the Borough Council.~~
- b. ~~More serious convictions such as dangerous driving or repeat offenders (those with more than one conviction for these types of offences within two years) will merit revocation, or refusal in the case of new applicants, and no further application will then be considered until a period of at least three years free from convictions has elapsed.~~

**13.12. Insurance offences - With a motor vehicle**

- a. a serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily debar an applicant provided he/she has been three (3) years free of conviction, but strict warning will be given as to future behaviour. More than one (1) conviction for these offences will raise grave doubts as to an applicant's fitness to hold a Licence to Drive issued by the Borough Council. At least three (3) years should lapse (after the restoration of the licence) before an applicant is considered for a hackney carriage or private hire driver's licence
- b. a driver found guilty of driving passengers for hire and reward without insurance will may have his/her Licence to Drive revoked immediately and will normally be banned from holding a Council Licence to Drive for a minimum of five (5) years
- c. any applicant with three (3) or more insurance offences, will not normally be considered fit and proper to hold a Licence to Drive

**14.13. Drunkenness - With Motor Vehicle**

- a. A serious view shall be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. An isolated incident shall not necessarily debar an applicant but strict warnings shall be given as to future behaviour. More than one conviction for these offences shall raise grave doubts as to the applicant's fitness to hold a licence. At least three years should elapse after conviction before an applicant is considered for a Licence to Drive. If there is any suggestion that the applicant is an alcoholic, a special medical examination shall be arranged before the application is entertained. If the applicant is found to be an alcoholic a period of 5 years shall elapse after treatment is complete before a further licence application is considered.
- b. a driver found guilty of driving passengers for hire and reward whilst under the influence of drink will may have his/her Licence to Drive revoked immediately and will normally be banned from holding a

## Hackney Carriage and Private Hire Policy & Handbook

Licence to Drive with the Borough Council for a minimum period of five years

### **15.14. Drunkenness - Not in Motor Vehicle**

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination

### **16.15. Drugs**

An applicant with a conviction for a drug related offence shall be required to show a period of at least 3 years free of convictions before an application is entertained, or 5 years after detoxification treatment if he/she is an addict.

### **17.16. Indecency Offences**

As Hackney Carriage/Private Hire Vehicle drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning or any of the more serious sexual offences, shall be refused until they can show a substantial period (at least 3 – 5 years) free of such offences. More than one conviction of this kind shall preclude consideration for at least 5 years. In either case if a licence is granted a strict warning as to future conduct shall be issued.

### **18.17. Violence**

- a. As Hackney Carriage/Private Hire Vehicle drivers maintain close contact with the public, a firm line shall be taken with applicant's who have convictions for grievous bodily harm, wounding or assault. At It is normally expected that an applicant should show at least 3 years free of such convictions shall be shown before an application is entertained and even then a strict warning shall may be administered.
- b. An existing licence holder could expect his licence to be suspended or revoked if convicted of these offences.

### **19.18. Dishonesty**

- a. Hackney Carriage/Private Hire Vehicle drivers are expected to be persons of trust. The widespread practice of delivering for companies, taking children to school and families on holiday shows this trust. It is easy for dishonest drivers to defraud foreign visitors when giving change or other customers by taking them by other than the shortest route. Lost property can be kept by unscrupulous drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become 'fair game' for an unscrupulous driver.
- b. For these reasons, a serious view shall be taken of any conviction involving dishonesty. In general, a period of 3 – 5 years free of conviction shall be required before entertaining an application for a Licence to Drive by the Borough Council.

- c. Any existing driver convicted of offences of dishonesty may expect any licence held to be suspended or revoked and a possible ban on holding a Licence to Drive for a minimum of three (3) years.

FINAL DRAFT

## APPENDIX V

### HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE COMPLIANCE TESTING STATIONS AND STANDARDS

The Council has appointed the following test stations:

Centre	Phone number	Opening Hours:
Runham Garage & MOT Centre 22-26, North River Road, Great Yarmouth	01493 332166	Monday to Friday 8.00 am to 6.00 pm Saturday 8.00 am to 1.00 pm
Pertwee & Back Ltd, Southgates Road, Great Yarmouth	01493 331551	Monday to Friday 8.30 am to 5.00 pm
Perfect Engineering, Harfreys Road, Harfreys Industrial Estate, Great Yarmouth	01493 657131	Monday to Friday 8.00am to 5.00pm
Eastern Car Commercials, Whipstock House, Southgates Road, Great Yarmouth	01493 332013	Monday to Friday 8.00 am to 5.00 pm,
Albies Workshop Suffling Road Great Yarmouth	01493 855577	Monday to Friday 8.00 am to 6.00pm,
Swift Taxis and Private Hire Ltd Swift House Morton Peto Road Gapton Hall Estate Great Yarmouth	01493 302030	Monday to Friday 6.00am to 8.00pm Saturday 8.00am to 1.00pm By Appointment
Autotune Unit 2 Anglia House Riverside Road Gorleston Great Yarmouth NR31 6PX	01493 658882	Monday to Friday 8.00am to 6pm Saturday 9.00am to 12 noon
<u>LS Motor Repairs</u> <u>Acle New Road</u> <u>Great Yarmouth</u> <u>NR30 1SE</u>	<u>(01493) 859469</u>	<u>Monday to Friday</u> <u>9.00am to 4.00pm</u> <u>Saturday</u> <u>9.00am to 1:00pm</u>
Waveney District Council Testing Station Rotterdam Road Lowestoft NR32 2EF	01502 565626	By Appointment  Specific test station for Special Event Vehicles and in cases where prescribed by Authorised Officers

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## Hackney Carriage and Private Hire Policy & Handbook

### Introduction

1. This document is intended to provide practical guidance to vehicle testers charged with assessing vehicles being issued with a certificate of compliance. It will also give a general insight into the type of examination the vehicle will be subjected to before it can be issued with a certificate of compliance.
2. It is the responsibility of owners, Operators and drivers to ensure that their vehicles comply with the current rules and regulations of the appropriate Road Traffic Act and current Construction and Use Regulations at all times.
3. Where a vehicle is found not to conform to the requirements of the M.O.T. test and/or compliance test standards, that vehicle may have its licence suspended until the Borough Councils authorised officers are satisfied that the vehicle is fit to be licensed.
4. No adaptations, alterations, modifications, additional equipment, optional extras with the exception of tow bars fitted to a professional standard, are to be fitted to the vehicles without the prior approval of the Borough Council. Any owner wishing to alter or modify the vehicle, including the fitting of extras or alternative parts to those supplied by the manufacturer must seek prior permission from the Borough Council. Certain modifications may require special inspection by the Borough Council's authorised officer or his nominee before approval is given. (A fee may be applicable)
5. When a vehicle presented for compliance test fails on more than twelve items, that vehicle will have to be re-submitted for a full compliance test and a re-test fee will be charged. The vehicle proprietor will be issued with a failure sheet from the testing station, and the testing station will supply a copy of the failure sheet to the Licensing Team at the Borough Council.
6. Both M.O.T. and compliance tests must be completed by the same examiner at the same test station at the same time of day (obviously MOT testing is completed without avoidable distraction etc so compliance testing may be carried out before or after the MOT inspection). Compliance failure items must be resolved with the same garage at a later date.
7. The Borough Council recognises the need for approved MOT vehicle station examiners to test drive Hackney Carriage and Private Hire vehicles as part of the compliance inspection process.
8. Vehicles which are less than 3 years old and do not under national law require an MOT are required to be tested which will include a compliance test as well as a mechanical test to MOT standards
9. The procedures and standards for the tests must follow those laid down in:
  - The "Best Practice Guide to Inspection of Hackney Carriage & Private Hire Vehicles" produced by the Hackney Carriage and Private Hire Inspection Technical Officer Group of the Public Authority Transport Network and published by the Freight Transport Association [http://www.fta.co.uk/export/sites/fta/\\_galleries/downloads/vehicle\\_testing/Hackney\\_Carriage\\_document\\_0812.pdf](http://www.fta.co.uk/export/sites/fta/_galleries/downloads/vehicle_testing/Hackney_Carriage_document_0812.pdf)

| Hackney Carriage and Private Hire Policy & Handbook

- The national MOT inspection manual for classes 3,4,5 and 7 vehicle applicable to Hackney Carriages and Private Hire Vehicles as currently published by the Driver and Vehicle Standards Agency
- The Great Yarmouth Borough Council Hackney Carriage and Private Hire Policy & Handbook

FINAL DRAFT

**HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE**

	Gt Yarmouth Borough Council	Broadland District Council	South Norfolk District Council	North Norfolk District Council	Breckland District Council	King's Lynn and West Norfolk
<b>Knowledge test</b>	£15	-	-	-	-	£36 inc element of training for Safeguarding
<b>Enhanced DBS Check</b>	£44	£44	£44	£54.80	£44	£55
<b>Medical</b>	Cost Determined by Doctor	Cost Determined by Doctor	Cost Determined by Doctor	Cost Determined by Doctor	Cost Determined by Doctor	Cost Determined by Doctor
<b>Driving standards test</b>	-	From £55 upwards depending on company used	£60 - £87	-	£60 - £87	£75
<b>Safeguarding training</b>	-	£25 for new drivers from 1 September. Existing drivers were free of charge	Currently free of charge	-	Currently free charge	Cost for new drivers is inc in Knowledge test (existing drivers were paid for by council)
<b>Licence (for 3 Years)</b>	£150	£159.60	£245	£173	£156.51	£125

Subject: Gambling Policy

Report to: Licensing Committee - 22 October, 2018  
Council - 1 November, 2018

Report by: Licensing and Elections Manager

## **SUBJECT MATTER AND DECISIONS REQUIRED:**

**Section 349 of the Gambling Act, 2005 requires licensing authorities to publish a 'Statement of the Principles' that they propose to apply in exercising their functions under the Act, applicable to a 3 year period. Great Yarmouth's existing Statement of Principles (Gambling Policy) expires on 30 January 2019 and a new policy must be published by 3 January 2019.**

**A draft policy has been subject to consultation over a 9 week period during July and September 2018. Two letters with comments were received during this consultation and have been considered within the policy.**

**Members are asked to agree the attached draft policy as the new Gambling Statement of Principles, and to recommend adoption by full council on 1 November.**

### **1. Background**

- 1.1 Section 349 of the Gambling Act 2005 (the 'Act') requires the Borough Council as a licensing authority, to prepare and publish a Statement of the Principles (Gambling Policy) that it proposes to apply in exercising its functions under the Act. The Act requires that licensing authorities publish their Statement of Principles every 3 years.
- 1.2 The Council's existing Statement of Principles (Gambling Policy) expires on 30 January 2019 and by this date the Licensing Authority must have reviewed its Gambling Policy.
- 1.3 The Licensing Authority must publish its policy at least 4 weeks prior to it taking effect. Therefore, the revised policy must be published on or before 3 January 2019 for it to take effect on 31 January 2019.

### **2. Consultation**

- 2.1 The policy document has been reviewed and updated to reflect changes in legislation, Gambling Commission guidance and related matters where required. It includes amendments to the Casino application procedure. These amendments are shown in red on the attached document.
- 2.2 This draft policy was subject to a 9 week consultation period and included the responsible authorities and a range of organisations such

as the Police and Gambling Commission, existing gambling operators and organisations representing vulnerable people.

### **3. Consultation responses**

3.1 A letter and an email response was received following the current consultation on the draft Policy, and these have been set out in the attached document Appendix 1, together with officer comments as to whether they have been incorporated into the policy.

### **4. Recommendations**

4.1 The draft policy has been amended taking the consultation responses into consideration and a final copy is now attached.

4.2 It is recommended that the amended policy be agreed for adoption by full Council on 1 November 2018. The Gambling Statement of Principles will then be published on 3 January 2019 and come into effect on 31 January 2019,

#### **FINANCIAL IMPLICATIONS:**

None.

#### **LEGAL IMPLICATIONS:**

Dealt with in this report.

#### **EXECUTIVE BOARD OR DIRECTOR CONSULTATION:**

Executive board has been consulted

Does this report raise any legal, financial, sustainability, equality, crime and disorder or human rights issues and, if so, have they been considered?	Issues	
Legal	Yes	
Financial		
Sustainability		
Equality		
Crime and Disorder		
Human Rights		
Risk Considerations	Yes	

## Comments received on draft gambling policy

No.	Organisation	Comments	Accepted into policy?	Reason why or why not?
1	Goschucks solicitors on behalf of Association of British Bookmakers	<p>Full response letter is attached for information.</p> <p>Concerns regarding draft policy:</p> <ul style="list-style-type: none"> <li>Request that Local Area profile is produced within body of licensing policy statement.</li> </ul>	No	<p>A Local Area Profile has been produced (although not a statutory requirement) and will be published together with the updated approved Statement of policy. A link is provided in the main body of the policy. The Profile will be updated as necessary and so will remain a separate but associated document</p>
		<ul style="list-style-type: none"> <li>Paragraph 1 (v) (Location) should be re-drafted to remove the penultimate sentence. This refers to the potential for a specific policy to be adopted with regard to areas where gambling premises should not be located. Any such policy is likely to be unlawful and is certainly contrary to the overriding principle contained in S153 Gambling Act that the Licensing Authority must aim to permit the use of premises for gambling. Accordingly that sentence should be removed.</li> <li>Thereafter, the section in Part B that explains the Licensing Authority's approach to the imposition of conditions on premises licence should also be re-drafted in order that it is clear that all Gambling Act 2005 premises licences are subject to mandatory and default conditions and that those mandatory and default conditions are usually sufficient to ensure</li> </ul>	Comments noted	<p>The paragraph states the fact that if the Council (for any reason) wishes to change its policy in relation to location of gambling premises then it will revise, consult again and reissue an updated policy. However it has been removed to alleviate any confusion.</p> <p>The wording has been amended to include the following paragraph to clarify the position:</p> <p>The licensing authority notes that the mandatory conditions have been set with the intention that no further regulation in respect of</p>

		<p>operation that is reasonably consistent with the licensing objectives. The draft statement of principles should be clear that additional conditions will only be imposed where there is clear evidence of a risk to the licensing objectives that requires that the mandatory and default conditions be supplemented.</p>		<p>matters covered by the mandatory conditions is required. The licensing authority will only consider doing so where there are regulatory concerns of an exceptional nature and will ensure that any additional licence conditions relate to the licensing objectives</p>
2		<p>Norfolk County Council Public Health supports the national position of the Gambling Commission on the prevention of problem gambling<sup>1</sup>, which the commission states should be a Public Health issue that is tackled in a comprehensive way alongside other public health issues like alcohol, drug misuse, or obesity, addressed by a range of organisations and agencies working co-operatively.</p> <p>Public Health's role is to focus on the prevention of harm to vulnerable people within Norfolk, and any health harms that can be caused, or exacerbated by gambling. Our aim is to work with Local authorities in Norfolk to support a move towards health harms for individuals and communities being considered in the Gambling licensing process.</p> <p>We will support the local authority in the development and review of the Statement of principles, and, where appropriate, a Local profile that identifies the wider health harms relating to gambling that includes Mental health, Housing, community welfare, and debt. All these areas are connected to poor health outcomes, not only for an individual, but for the surrounding family and the community.</p>	Comments noted	<p>Whilst the comments are valued it is not felt necessary to amend the draft policy.</p>

<sup>1</sup> <https://www.gamblingcommission.gov.uk/PDF/Gambling-related-harm-as-a-public-health-issue.pdf>





## **GAMBLING ACT 2005**

### **Statement of Principles (Gambling Policy)**

Great Yarmouth Borough Council  
Town Hall  
Great Yarmouth  
NR30 2QF

Telephone: 01493 846530  
Email: [gambling@great-yarmouth.gov.uk](mailto:gambling@great-yarmouth.gov.uk)  
Web-site: [www.great-yarmouth.gov.uk](http://www.great-yarmouth.gov.uk)

Approved by Licensing Committee on: ?  
Approved by Council on: ?  
Effective from: ?

If you require this in a different format or language,  
please contact the Licensing Team

| **Great Yarmouth Borough Council -- Gambling Statement of Principles v45**

Summary of Revisions to the Gambling Licensing Policy from 2016 version

The Policy document has been updated to reflect changes in legislation, Gambling Commission guidance and local related matters.

In the consultation draft words in the previous version to be deleted are shown ~~thus~~  
and revised additional wording in **red type**.

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## **PART A**

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

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

The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

It should be noted that the Gambling Commission has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it shall aim to permit the use of premises for gambling in so far as it thinks it:

- In accordance with any relevant code of practice issued by the Gambling Commission, and
- In accordance with any relevant guidance issued by the Gambling Commission, and
- Reasonably consistent with the licensing objectives and
- In accordance with the authority's statement of licensing policy

### **2. Introduction**

Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must be then re-published.

Great Yarmouth Borough Council as Licensing Authority [this licensing authority] published its first Statement (generally referred to as the Council's Gambling Policy) in December 2006 following statutory consultation. The Gambling Policy has been reviewed every three years since.

~~In preparing this – the 4th (2015) version of the Gambling Policy Statement – this Licensing Authority has undertaken a significant revision and amendment to take account of various issues. In recent particular recent changes brought about by the Gambling Commission, changes to the law and updated current practices.~~

~~The Gambling Commission (the Commission) has introduced new provisions in its social responsibility code within the Licence Conditions and Codes of Practice (LCCP), which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks. This change in national policy is intended to provide a well evidenced and transparent approach to considering and implementing measures to address the risks associated with gambling.~~

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~~The introduction of new provisions in the social responsibility code within the LCCP encourages local authorities, the Commission and the industry to work in partnership to address local issues and concerns. This movement towards increased partnership working~~

## Great Yarmouth Borough Council -- Gambling Statement of Principles v45

is something that Norfolk authorities have been doing for a number of years. We have found that a risk-based approach to regulation enables the authority to prioritise resources where they are most needed and can be most effective.

The risk-based approach provides a better understanding of, and enables a proportionate response, to risk. This approach includes looking at future risks and thinking about risks in a probabilistic way. Risk is not necessarily related to an event that has happened. Risk is related to the probability of an event happening and the likely impact of that event. In this case it is the risk of the impact on the licensing objectives.

This licensing authority is working with other licensing authorities across Norfolk to develop guidance to assist gambling operators in undertaking and preparing their local (premises) risk assessments. This guidance (published as a separate document) will provide a framework for the local risk assessment process that will provide a uniform approach across all non-remote gambling sectors. This will benefit the Council as Licensing Authority under the Gambling Act 2005 (the Act), as well as responsible authorities and interested parties when considering new and variation applications. The local risk assessments will also enable this licensing authority to establish a more progressive compliance inspection regime.

Gambling operators will be required to undertake a risk assessment for all of their existing premises by 6th April 2016. Following that date operators must also undertake a review of those assessments when certain triggers are met. These triggers, along with this licensing authority's views on what would instigate either a new assessment or the review of an existing one will be detailed within the guidance document.

This licensing authority considers that these local risk assessments are a key component of the overall assessment and management of the local risks. This licensing authority will assist operators in this process by providing specific information on its concerns surrounding gambling within the Borough and the impact that premises can have on the licensing objectives. This will be contained within its Statement of Licensing Principles (Gambling Policy) as detailed below.

This local risk assessment process is not the same as other forms of risk assessment undertaken by gambling operators, such as Health and Safety at Work, Fire Safety and Food Hygiene, etc. These local risk assessments are specific to the potential harm that gambling premises can have on one or more of the licensing objectives under the Act. They are specific to the premises, the local area and the local community.

### Consultation process on the Gambling Policy

In preparing this version of the Statement, this licensing authority has consulted widely upon this statement before finalising and publishing. A list of those persons consulted is provided at appendix 2.

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

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

Our consultation took place between September 30 July and November 28 September 20158 following the principles in the HM Government Cabinet Office guidance (published 20136),

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## Great Yarmouth Borough Council -- Gambling Statement of Principles v45

The full list of comments made and the consideration by this licensing authority of those comments is available by request to: the Licensing Manager, Great Yarmouth Borough Council, Licensing Team, Town Hall, Great Yarmouth, NR30 2QF and via the Council's website at: [www.great-yarmouth.gov.uk](http://www.great-yarmouth.gov.uk)

This version of the policy was approved at a meeting of the Full Council on ~~24 November 2015~~ and was published via our website on ~~7 January 2016~~. Copies were also available in the Town Hall.

Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:

Name: Licensing Manager

Address: Great Yarmouth Borough Council, Licensing Team, Town Hall, Great Yarmouth, NR30 2QF

E-mail: [licensing@great-yarmouth.gov.uk](mailto:licensing@great-yarmouth.gov.uk)

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

### Local Area profile

A detailed local area profile has been prepared based on local knowledge and taking into account a wide range of factors, data and information held by the licensing authority and its partners. It is anticipated that the local area profile will give operators a better awareness of the local area and the risks, which includes both potential and actual risks. The local area profile document can be accessed via the council's website.

In summary the area is as follows:

Great Yarmouth Borough is situated in the County of Norfolk, which contains seven local authority districts in total. The Council area has a population of ~~97,800 (2013 ONS Mid term estimate) an increase of 7.6% from 2001 Census figures 99,200 (2016 ONS Mid term estimate) and is growing with a prediction to reach 105,400 by 2021~~. By gender this is broken down into 49% males and 51% females. This follows the same trend for Norfolk, the East of England and England. ) making it the smallest in the County in terms of population. In terms of area it is the second smallest, covering 17,385 hectares (67.12 square miles). There are approximately 45,000 dwellings, 3,645394 businesses (~~March 2005~~ ~~March 2017~~) and ~~35,042~~ ~~38,000~~ employees within the Borough.

From analysis of the age structure of the residents in the borough ~~(see table below)~~, Great Yarmouth has similar demographics to those across Norfolk. Nearly half of the residents (48.88%) of the borough fall into the age group 45+, compared to 44.55% for the East of England and 42.51% for England. This shows underlying changes in the make-up of the population, with significant increases in the proportion of residents of pensionable age and the very elderly.

~~Great Yarmouth's population is predicted to increase to 105,400 by 2021 (source: ONS, which is a faster rise than that predicted for England.~~

There was a small ethnic minority population of 1.4% registered at the 2001 census. This has now increased to 3.42%. We have a long-established Greek Cypriot community in Great Yarmouth and more recently, workers from EU countries have been attracted here by

## Great Yarmouth Borough Council -- Gambling Statement of Principles v45

Norfolk employers, the most significant population of which is Portuguese along with emerging eastern European communities. Great Yarmouth also has an established albeit dispersed Chinese community.

The mainstays of Great Yarmouth's economy are the port, activities associated with the offshore oil and gas industry, tourism, manufacturing (particularly electronics and food production), agriculture and service industries. The majority of these sectors have suffered decline in employment and are prone to cyclical and seasonal variations. The Council area is a mixture of urban and rural areas. The urban areas are the towns of Great Yarmouth and Gorleston on sea and the large parishes of Bradwell and Caister on sea. The rural area consists of the remaining 19 parishes. These areas are shown in the map attached at appendix 1.

### 3. Declaration

In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Local Authorities issued by the Gambling Commission (4<sup>th</sup> 5<sup>th</sup> edition published ~~on in 12 July 2012 September 2015 and draft revision in March 2015~~) and any responses from those consulted on the statement.

### 4. Responsible Authorities

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

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

In accordance with the Gambling Commission's Guidance for local authorities, this licensing authority designates the Norfolk Safeguarding Children Board for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 for this licensing authority area are ~~attached at appendix 3. Available via the Council's website [www.great-yarmouth.gov.uk/article/2360/Gambling-premises-licence](http://www.great-yarmouth.gov.uk/article/2360/Gambling-premises-licence)~~

### 5. Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

*"For the purposes of this Part a person is an interested party in relation to a premises licence or an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person-*

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

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

- Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the

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Gambling Commission's Guidance for local authorities. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

- Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected, will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing team (contact details, page 44).

### 6. Exchange of Information

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

The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the [Data Protection Act 1998](#) [General data protection regulations \(GDPR\)](#) will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Should any protocols be established as regards information exchange with other bodies then they will be made available.

### 7. Enforcement approach

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

This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:

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

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- **Targeted:** regulation should be focused on the problem, and minimise side effects.

As per the Gambling Commission's Guidance for local authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 relates to premises to ensure compliance with the premises licences and other permissions which it authorises and to ensure premises are not operating without the requisite licence. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

This licensing authority also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

### 7.1 Enforcement policy

The Councils Licensing enforcement policy will be followed in respect of any compliance monitoring and enforcement action taken in concerning gambling activities under the licensing authority's enforcement jurisdiction. This is accessible via the council's website.

### 7.2 Inspection activity and visits

This licensing authority has adopted and implemented a risk-based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of licensing policy

### 7.3 Dealing with non-compliance /risks to the licensing objectives

As well as sanctions available under the Gambling Act 2005 this licensing authority will seek to use all appropriate powers available to it. Where premises are associated with anti-social behaviour then tools specifically designed to reduce anti-social behaviour such as dispersal powers, community protection notices or public space protection orders may be appropriate.

Where there is a Primary Authority scheme in place, this licensing authority will seek guidance from the Primary Authority before taking any enforcement action. ~~At the time of the publication of this policy there were four Primary Authority arrangements with host local authorities:~~

Goral	London Borough of Newham
William Hill	City of Westminster
Ladbrokes	Milton Keynes Council
Paddy Power	Reading Council

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### 7.4 Tackling illegal gambling

This licensing authority will work together the Commission to identify and investigate organised or persistent illegal activity.

### 7.5 Fee setting and structure

Fees for certain gambling permits and licensing transactions are set nationally by statute. They include

- Unlicensed Family Entertainment Centre Gaming Machine Permits
- Registration of Small Society Lottery Licences (including an annual maintenance fee)
- Club Gaming Permits
- Club Gaming Machine Permits
- Alcohol Licensed Premises Gaming Machine Permits
- Prize Gaming Permit

However, fees for licences issued under the Gambling Act 2005 by this licensing authority are set by this licensing authority in accordance with statutory provisions. This licensing authority has sought to set fees at a level to cover the costs of undertaking the administration of the gambling licensing function.

Fees are approved each year by the Full Council and are published on the Councils website.

## **8. Licensing Authority functions**

Licensing Authorities are required under the Act to:

- be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- issue *Provisional Statements*
- regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- issue *Club Machine Permits to Commercial Clubs*
- grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- register small society lotteries below prescribed thresholds
- issue *Prize Gaming Permits*
- receive and endorse Temporary Use Notices
- receive Occasional Use Notices
- provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- maintain registers of the permits and licences that are issued under these functions

It should be noted that local licensing authorities are not involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences

## PART B

### PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

#### 1. General Principles

Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. ~~Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate. The licensing authority notes that the mandatory conditions have been set with the intention that no further regulation in respect of matters covered by the mandatory conditions is required. The licensing authority will only consider doing so where there are regulatory concerns of an exceptional nature and will ensure that any additional licence conditions relate to the licensing objectives.~~

##### (i) Decision making

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

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

It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral and ethical objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below – page 10) and also that unmet demand is not a criterion for a licensing authority.

Codes of practice and guidance from the Gambling Commission can be accessed via the Commission's website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

##### (ii) Appropriate Licensing Environment

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This licensing authority also notes Gambling Commission guidance on Appropriate Licensing Environment (previously known as primary gambling activity). It is not permissible for an operator to offer gaming machines on a premises which is licensed for non-remote betting but not to offer sufficient facilities for non-remote betting. A non-remote betting operating licence authorises its holder to 'provide facilities for betting' (s.65(2)(c) of the Act). Likewise, a betting premises licence authorises premises to be used for 'the provision of facilities for betting...' (s.150(1)(e) of the Act). The ability to make up to four gaming machines, within categories B2 – D, available is an additional authorisation conferred upon the holder

of a betting premises licence (s.172(8) of the Act); it is not a free standing right to make gaming machines available for use. It follows that unless a betting premises operator offers sufficient facilities for betting it should not be making gaming machines available on the premises in question.

This authority notes the Commission's view that it is also important, in relation to the licensing objective of protecting vulnerable persons from being harmed or exploited by gambling, that customers should be offered a balanced mix of betting and gaming machines in licensed betting premises. Accordingly, an operating licence condition provides that gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. In this respect, such facilities must include information that enables customers to access details of events on which bets can be made, make such bets, learn of the outcome and collect any winnings.

### **(iii) Definition of "premises"**

In the Act, "premises" is defined as including "any place". Section 152 of the Act prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, the licensing authority shall pay particular attention if there are issues about sub-divisions of a single building or plot and shall ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing authority. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

This licensing authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

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

gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.

- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

The Guidance also gives a list of factors which the licensing authority should be aware of, – in deciding whether two or more proposed premises are truly separate which may includeing:

- Do the premises have a separate registration for business rates
- Is the premises’ neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

**The Gambling Commission’s relevant access provisions for each premises type are reproduced below:**

#### **Casinos**

- The principal access entrance to the premises must be from a street
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

#### **Adult Gaming Centre**

- No customer must be able to access the premises directly from any other licensed gambling premises

#### **Betting Shops**

- Access must be from a street or from another premises with a betting premises licence

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- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind ~~unless that shop is itself a licensed betting premises, and you could not have a betting shop at the back of a café the whole area would have to be licensed.~~

### Tracks

- No customer ~~should~~ must be able to access the premises directly from:
  - a casino
  - an adult gaming centre

### Bingo Premises

- No customer must be able to access the premise directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track

### Family Entertainment Centre

- No customer must be able to access the premises directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track

The Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

#### (iv) Premises “ready for gambling”

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, the Act allows potential operators to apply for a provisional statement.

However, operators can apply for a premises licence in respect of premises which still have to be constructed or altered, and the licensing authority is required to determine any such applications on their merit.

Such cases shall be considered in a two stage process:

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- First, the licensing authority shall decide whether, as a matter of substance after applying the principles in section 153 of the Act, the premises ought to be permitted to be used for gambling
- Second, in deciding whether or not to grant the application the licensing authority will need to consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found in the Gambling Commission Guidance.

### (v) Location

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

#### Assessing local risk

~~The requirement for operators to assess local risk is included in the Social responsibility code provision 10.1.1 which came into force on 6 April 2016. This requires operators to understand the local environment and reflect that awareness in their procedures and policies, so that they can mitigate any local risks to the licensing objectives.~~

#### This applies to:

- adult gaming centres
- family entertainment centres
- non-remote betting
- non-remote bingo
- non-remote casinos
- remote betting intermediaries (trading room only)

#### Licensees must review (and update as necessary) their local risk assessments:

- a) to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy
- b) When there are significant changes at a licensee's premises that may affect their mitigation of local risks

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- c) When applying for a variation of a premises licence and
- d) In any case, undertake a local risk assessment when applying for a new premises licence

The Borough Council will expect the local risk assessment to consider as a minimum:

- The location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather
- The demographics of the area in relation to vulnerable groups
- Whether the premises is in an area subject to high levels of crime and/or disorder
- Local risk assessments should show how vulnerable people, including people with gambling dependencies are protected.

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### (vi) Planning

The Gambling Commission Guidance to Licensing Authorities states:

7.568 *In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. Licensing authorities should bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.*

This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

7.675 *"When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, and building and other regulations powers, and must not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building."*

### (vii) Duplication with other regulatory regimes

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This licensing authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations ~~and must not form part of the consideration for the premises licence.~~

**Licensing objectives** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to local authorities and some comments are made below.

**Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

**Ensuring that gambling is conducted in a fair and open way** - This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section below.

**Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This licensing authority has noted the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

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This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises. The full set of codes of practice can be accessed via the Gambling Commission website at [www.gamblingcommission.org.uk](http://www.gamblingcommission.org.uk)

As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This licensing authority will consider this licensing objective on a case by case basis.

**Conditions** - Any conditions attached to licences will be proportionate and will be:

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

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

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

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

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

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

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

It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision under S170 of the Act prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

**Door Supervisors** - The Gambling Commission advises in its Guidance for local authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a condition on the premises licence to this effect.

Where it is decided that supervision of entrances / machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance)

It should be noted that there is a specific exemption from SIA registration for those persons directly employed by the operator of a bingo club or casino. Therefore, only third party contract staff are required to be SIA registered for such premises.

## 2. Adult Gaming Centres

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This licensing authority may consider measures to meet the licensing objectives such as:

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

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

### **3. (Licensed) Family Entertainment Centres:**

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

This licensing authority may consider measures to meet the licensing objectives such as:

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

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

This licensing authority will refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

#### 4. Casinos

##### **Large Casino Premises Licence**

4.1 In 2006, Great Yarmouth Borough Council submitted a proposal to the Independent Casino Advisory Panel to license one regional, one large and two small casinos. On 19 May 2008 the Categories of Casino Regulations 2008 and the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 were made. The latter Order specifies which Licensing Authorities may issue Large and Small Casino Premises Licences. Great Yarmouth Borough Council was one of the eight authorities authorised to issue a large Casino Premises Licence.

4.2 On 26 February 2008, the Secretary of State issued the Code of Practice on Determinations relating to large and small Casinos. The Licensing Authority will comply with this Code which sets out:

- a) the procedure to be followed in making any determinations required under Paragraphs 4 and 5 of Schedule 9 to the Gambling Act 2005; and
- b) matters to which the Licensing Authority should have regard in making those determinations.

4.3 ~~The Licensing Authority is aware that where it is permitted to grant a Premise Licence for a large casino, there are likely to be a number of operators who will want to operate the casino. The Licensing Authority will stage a 'competition' under Schedule 9 of the Gambling Act 2005 and will run such a competition in line with The Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008 and the Code of Practice. In 2011, Great Yarmouth Borough Council published an invitation calling for applications for the large casino premises licence or provisional statement in accordance with the Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008.~~

4.4 ~~In accordance with the above regulations the Licensing Authority will publish an invitation calling for applications for the large Casino Premises Licence. Great Yarmouth Borough Council considered 2 applications for a provisional statement which were received as a result of the invitation. Both applications were approved at stage 1.~~

4.5 ~~Where the Licensing Authority receives more than one application for a Large Casino Premises Licence, there will be a two stage application process in accordance with the above legislation and Code of Practice. In 2012, Great Yarmouth Borough Council granted a provisional statement to the successful applicant. This statement expired on 9 April 2017.~~

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**4.6 Great Yarmouth Borough Council has no current plans to rerun the process of inviting applications to enable the issue of a premise licence or provisional statement for a large casino but may do so in the future.**

**4.7 Great Yarmouth Borough Council will follow the general principles when an invitation is published.**

### **General Principles**

4.8 The Licensing Authority recognises that applicants may either apply for a full Casino Premises Licence or alternatively a Provisional Statement. Applicants for full Premises Licences however must fulfil certain criteria in that they must:

- (a) hold or have applied for an Operating Licence; or
- (b) have the right to occupy the premises in question.

4.9 In making any decision in respect of an application, the Licensing Authority shall not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building regulation and any decision shall not constrain any later decision by the Authority under the law relating to planning or building. The Licensing Authority does, however, recommend that applicants obtain planning permission as soon as reasonably practicable as deliverability of a project is one of the criteria which will be considered by the Licensing Authority in making its determination.

4.10 The Licensing Authority shall ensure that any pre-existing contract, arrangements or other relationship with a company or individual does not affect the procedure for assessing applications so as to make it unfair or perceived to be unfair to any applicant. The Licensing Authority shall therefore disregard any contract, arrangement or other relationship.

4.11 The Licensing Authority's decision will not be prejudged and where advice is sought this will be impartial advice.

### **Casino Application Stage 1**

4.12 The Large Casino Licensing Process will be started by the Licensing Authority publishing an invitation calling for applications.

4.13 The Licensing Authority shall provide a detailed application pack which will include a Statement of the principles that it proposes to apply and the procedures that it proposes to follow, in assessing applications for the Large Casino Premises Licence.

4.14 At Stage 1, the Licensing Authority cannot accept any additional information other than the prescribed application form and plan laid down in The Gambling Act 2005 (Premises Licences and Provisional Statements) (England and Wales)

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Regulations 2007. All such additional information will be disregarded and returned to the applicant.

4.15 With regard to Stage 1, the General Principles as stated in Part B - paragraph 1 of the Gambling Policy shall apply to all applications.

4.16 The Licensing Authority recognises that each of the other competing applicants is considered as an 'interested party' and as a result may make representations. It is recognised that the Licensing Authority's decision may be appealed against, in which case the Licensing Authority will not proceed to Stage 2 until all appeals have been dealt with.

4.17 If this process results in more than one provisional decision to grant a Premises Licence, Stage 2 will be implemented.

### **Casino Application Stage 2**

4.18 At Stage 2, applicants will be required to state and demonstrate what benefit their applications, if granted, would bring to the Borough of Great Yarmouth. An explanation of the proposed evaluation process will be enclosed in the application pack that will be sent to all applicants. The Licensing Authority will pay specific regard to the provisions listed under paragraph 4.19 and criteria attached in appendix 8.

4.19 The Licensing Authority will decide between the competing applications (evaluating using the principles as stated in paragraph 4.19 and criteria in appendix 4) and grant the available licence to the applicant that in its opinion will result in the greatest benefit to the Borough of Great Yarmouth.

4.20 The Licensing Authority may during the second stage engage in discussions or negotiations with each second stage applicant with a view to the application being refined, expanded or altered so as to maximise the benefits to the area.

Furthermore, the Licensing Authority may enter into a written agreement with an applicant and may take such agreement into account in determining which application would result in the greatest benefit to the Borough. The Licensing Authority (and its advisors) shall keep confidential each applicant's proposals unless it receives a specific written approval to discuss this with other competing applicants, and only if all applicants agree to share bid information.

### **Principles that apply in determining whether or not to grant a Casino Premises Licence**

4.21 At stage 2, the Licensing Authority will assess applications having regard to the following:

4.21.1 The deliverability of the proposed scheme. In particular the Licensing Authority will wish to consider what legal assurances there are that the proposed development will be delivered in time, and that the promised benefits will both materialise and be maintained.

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4.21.2 Any provision that is made for the protection of children and other vulnerable people from harm or exploitation arising from gambling, whether in the proposed casino or the wider community.

4.21.3 Any provision that is made for preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

4.21.4 Any provision that is made for ensuring that gambling is conducted in a fair and open way.

4.21.5 Likely effects of an application on employment and regeneration in the Borough.

4.21.6 Design and location of the proposed development.

4.21.7 Range and nature of non-gambling facilities to be offered as part of the proposed development.

4.21.8 Any financial and other contributions.

In carrying out the assessments, the Licensing Authority has set out matters which are likely to receive the greatest weight (appendix 4). However, an operator is not debarred from putting forward other benefits which the authority will take into consideration and weight to the extent that it considers them relevant.

4.22 Although applicants are able to submit an application for any site within the Borough which will be judged on its own individual merits, the Licensing Authority is provisionally of the view that there are two areas of Great Yarmouth that are likely to bring the greatest benefit to the Borough. These are:

4.22.1 Great Yarmouth Town Centre

4.22.2 Great Yarmouth Seafront

4.23 The applicant will be expected to provide:

4.23.1 A completed questionnaire giving details of the applicant's previous experience and capacity to deliver the project, together with a pro forma draft written agreement. Such agreement is intended to secure provision of the benefits offered by the applicant and to ensure that applications are judged on an equal basis. Applicants will be invited to complete the annexes to the agreement with the benefits they are offering. The agreement is likely to be made a condition of the licence, so that any breach of the agreement will also be subject to remedies under the Gambling Act, 2005. Whilst it is not obligatory for applicant's to offer to enter into agreement, this is likely to affect the Authority's evaluation of the benefit arising from the application.

4.23.2 A scaled plan of the premises indicating the location of all gaming machines, tables and Automated Telling Machines, bars and any non-gaming areas, together

with an indication of any Notices/Rules that will be displayed in the gaming area (this plan will not form part of the licence but is sought to assist the process).

4.23.3 Detailed numbers of all staff and Personal Licence Holders to be employed, together with a clear management structure.

4.23.4 Description of all activities to be provided at the premises, including any proposals for the provision of late night refreshment and regulated entertainment.

4.23.5 An indication of the availability of the site chosen and its legal interest in it.

4.23.6 Evidence of availability of funding and an estimated cost of the scheme.

4.23.7 Evidence of financial standing including submission of the applicant's last 3 year financial accounts, together with 2 financial references confirming that there is sufficient finance in place to ensure delivery of the project.

4.23.8 Two professional references, or similar, to evidence that the applicant has proven ability and track record within the casino gambling sector.

4.23.9 Submission of a clear and detailed Business Plan.

4.23.10 A timescale for implementation and completion of the works setting out the various project stages of construction. This is to enable the Licensing Authority to be kept informed of when the project is likely to be completed and that the applicant is on target for final completion.

4.23.11 Evidence that there will be consultation with statutory bodies and responsible authorities to ensure that all statutory regulations/legislation is in place during the construction of the development (e.g. health and safety, highway approvals, etc.).

4.23.12 Evidence of a robust training plan in place for all employees. Training to cover all matters including awareness of the three Licensing Objectives, in particular the third Licensing Objective, knowledge of the gambling legislation, an awareness of problem gambling and all relevant internal procedures. In addition, applicants are required as part of their training plan to evidence customer service training and a knowledge of the local area.

4.23.13 Evidence of proposed policies and procedures to protect children and vulnerable persons from harm. The applicant should evidence clearly how they intend to promote the three Licensing Objectives.

4.23.14 Evidence of proposed policies detailing the mechanisms enabling the applicant to identify problem gamblers. (This Policy should be incorporated within the Training Plan for all employees. The Policy is likely to set out how advice and support will be provided to those engaged in or affected by problem gambling).

It is appreciated that the matters listed in paragraphs 4.20.12 – 4.20.14 are covered by the Gambling Commission's Licence Conditions and codes of Practice (LCCP) and the conditions imposed upon the operating licence held by casino operators.

However, as it is the operator's responsibility to adopt their own policies in such matters, the Licensing Authority wishes to see what measures they adopt.

4.23.15 Evidence of its proposed policy detailing commitment to educating the community on gambling and problem gambling.

4.23.16 Evidence of its admissions policy incorporating procedures to refuse entry to under age and drunk people, door supervisors and dress codes.

4.23.17 Confirmation that all gambling advice is available in a language other than English when a predetermined percentage of regular customers are identified as speaking that language.

4.23.18 Evidence of its Social Responsibility Policy. (Under this Policy the applicant may wish to provide within the gaming area a specific practice area/room that enables any customer to learn how to gamble on the various activities offered without feeling intimidated or embarrassed. Where there is a practice room there shall be information provided that emphasises the importance of staying in control of their gambling, the steps they can take to achieve this and where to access help should they become concerned about their gambling. There should also be leaflets and information clearly setting out these points).

4.23.19 An indication on the plan where the separate non gambling refuge area of the premises is located. This area should provide a refuge from gambling and could be by way of a non-threatening sound proofed quiet room that is always available for those concerned about their own or someone else's gambling. Within this room there should be installed the facility to telephone the national helpline, access an online counselling facility or contact a local face-to-face counselling service or Gamcare. Leaflets with contact addresses and telephone numbers should be prominently displayed within this room.

4.24 The Licensing Authority will expect applicants to present a detailed package that will bring maximum benefit to the Borough and it is expected that the applicant will have undergone detailed research and liaised with the relevant departments of the Council prior to submitting their application.

### Process

4.25 Further details and an explanation of the proposed evaluation process will be set out in the Application Pack that will be sent to all applicants.

4.26 Following the Stage 1 procedure, if there is only one successful applicant, a casino premises licence (or provisional statement) will be awarded to that applicant. If there is more than one successful applicant, then all of the successful applicants will be invited to participate in Stage 2.

4.27 In general, the procedure will follow the DCMS Code of Practice. However, the Code leaves individual authorities to determine the detail of their own procedure. As it is recognised that the Licensing Authority does not necessarily have planning or regeneration expertise it may in certain circumstances seek advice on an applicant's proposal from officers in other relevant departments such as Planning, Highways,

Finance, Regeneration, and Legal or seek independent expertise from outside the Council. For this purpose, the Licensing Authority shall constitute a non-statutory Panel to assist in the evaluation of the Stage 2 application process. This panel shall be called the 'Advisory Panel'.

4.28 It is accepted that only the Licensing Authority will make the final decision on the successful applicant. The function of the Advisory Panel will be to evaluate the applications for the benefit of the Licensing Committee. The Advisory Panel will not be a decision-making body, and while the Licensing Committee will take the Panel's evaluations into account, it is not bound to follow them.

4.29 Members of the Panel will comprise of individuals who are not biased and whose personal interests will not compromise their independence. They will be individuals who are able to maintain the confidentiality on which the integrity of this process demands. It will be for the Licensing Authority to determine which individuals would best represent the interests of the community. The list of panel members and the terms of reference of the Advisory Panel will be included in the application pack. The terms of reference will include further details of the functions of the panel and the procedures of the evaluation process to ensure fairness and transparency to all applicants. To ensure there are no conflicts of interest, applicants will be asked if they object to any member of the panel. Where objections are made, it will be necessary to give details of the substance of such objection.

4.30 The Licensing Authority will give equal time to all applications and will carefully scrutinise all proposals prior to making any decision.

4.31 In accordance with the Code of Practice issued by the Secretary of State, the Licensing Authority shall ensure that there is a Register of Interest in place disclosing interest in any contract, arrangement or other relationship with an applicant or a person connected or associated with an applicant. Applicants should note that this does not apply to any agreement between the Licensing Authority and applicant entered into during the second stage of the competition.

4.32 In addition, the Licensing Authority shall have a Protocol governing the storage of confidential information submitted during the second stage so as to maintain confidentiality. This Protocol is available from the licensing section upon request.

4.33 It is strongly recommended that the licensing application includes all documents and paperwork in support of the proposals (hereinafter referred to as the 'bid documentation'). Once all the bid documentation has been submitted, the Advisory Panel will carry out a preliminary evaluation of each application. Following the preliminary evaluation, officers may be deputed to deal with applicants with a view to the application being refined, expanded or altered so as to maximise the benefits to the area. The Advisory Panel may elect to interview applicants (the same facility will be offered to all applicants) and this occasion will be used for applicants to explain their proposals and to clarify the bid. There will be no time limit on such presentations.

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4.34 Once the bid documentation is finalised, the Advisory panel will evaluate each bid and the bids will be scored within definitive bands. These bands will be set out in the application pack. Once assessed, the Advisory Panel's draft evaluation on each application will be sent to the applicant to enable the relevant applicant to correct any factual errors or (without providing new information) make representations as to the scoring or qualitative evaluation.

4.35 The Advisory Panel will then provide a final written report with a copy of all applicants' representations to the Licensing Committee. While it is legally possible for the Committee to delegate the decision to a Sub-Committee, the Licensing Authority intends that the decision shall be made by a wide body of councillors and has decided that the Licensing Committee itself shall determine the applications. However, the quorum for the Committee shall be set at 5 so as to ensure that the Committee may continue to sit even if one or more of its members are indisposed. Assisted by the Advisory Panel's recommendation as to the correct band for each criterion, the Panel's qualitative evaluation and also the applicant's response, the Licensing Committee will allocate a precise score for each criterion. The committee will not take further evidence or representations by the applicants but will then make its decision. Any legal advice required shall be supplied by the Council's Solicitor

4.36 The unsuccessful applicant(s) will be informed of the result and reasons for rejection as soon as is reasonably practicable. It is noted that once a decision has been made there will be no right of an appeal.

4.37 Where a Provisional Statement application is successful, the Licensing Authority may limit the period of time for which the Statement will have effect. This period may be extended if the applicant so applies.

### Converted casino premises licences

Casino operators with licences granted under the Gaming Act 1968, were eligible to be granted a casino premises licence under 'grandfathering arrangements'. Great Yarmouth has three such casinos that have converted casino premises licences. Different principles apply to such casinos and these are listed in The Gambling Act 2005 (Commencement no 6 and Transitional Provisions) Order 2006.

Special provisions apply to enable these operators to relocate to premises by way of variation to a converted casino premises licence providing those premises are wholly or partly situated in the area.

### **5. Bingo premises**

This licensing authority notes that the Gambling Commission's Guidance states:

*" 18.5 Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with*

*the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site. Before issuing additional bingo premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises."*

This authority also notes that from 13 July 2011 a holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. A licence variation must be applied for if operators wish to take advantage of the change to the legislation.

*18.7 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed. Social Responsibility (SR) code 3.2.5(3) states that 'licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises' in order to prevent underage gambling"*

#### **Bingo in clubs and alcohol licensed premises**

Bingo is a class of equal chance gaming permitted on alcohol-licensed premises, and in clubs and miners welfare institutes, under the allowances for exempt gaming in Part 12 of the Act. There are regulations setting controls on this form of gaming, to ensure that it remains low stakes and prizes activity. Where the level of bingo played in these premises reaches a certain threshold, it will no longer be authorised by these rules and a bingo operating licence will have to be obtained from the Commission for future bingo games. The aim of these provisions is to prevent bingo becoming a predominant commercial activity on such non-gambling premises.

The threshold is that if bingo played during any seven-day period exceeds £2,000 (either money taken or prizes awarded), all further games of bingo played on those premises in the next 12 months will require an operating licence to be legal. The Gambling Commission has developed a statutory code of practice, The Code of Practice for gaming in clubs and premises with an alcohol licence, which is available on its website ([www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk))

#### **Bingo in casinos**

Large casinos will be able to offer bingo. Bingo will be permitted as part of their casino premises licence and they will not require a separate bingo premises licence, though they will need to obtain a bingo operating licence (which may be combined with their casino licence) in order to offer facilities for bingo at a casino. The standards in this respect will be no lower than for operators seeking only to provide facilities for bingo alone.

#### **6. Betting premises**

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The Act contains a single class of licence for betting premises although within this, there are different types of premises which require licensing.

The Act also permits betting intermediaries to operate from premises. Section 13 of the Act defines a betting intermediary as a person who provides a service designed to facilitate the making or acceptance of bets between others. Although betting intermediaries usually offer their services via remote communication, such as the internet, a betting intermediary can apply for a betting premises licence to offer intermediary services upon the premises, such as a premises based trading room.

Licensing authorities are responsible for issuing and monitoring premises licences for all betting premises. The issuing of premises licences is discussed in Part 7 of the Gambling Commission Guidance.

### Gaming machines

Section 172(8) provides that the holder of a betting premises licence may make available for use up to four gaming machines of category B, C or D. Regulations state that category B machines at betting premises are restricted to sub-category B2, B3 and B4 machines.

### Self Service Betting Terminals (SSBTs)

Section .235(2)(c) provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events. Some betting premises may make available machines that accept bets on live events, such as horse racing, as a substitute for placing a bet over the counter. These SSBTs are not gaming machines and therefore neither count towards the maximum permitted number of gaming machines, nor have to comply with any stake or prize limits. SSBTs merely automate the process that can be conducted in person and the Act exempts them from regulation as a gaming machine.

However, where a machine is made available to take bets on virtual races (that is, results and / or images generated by computer to resemble races or other events) that machine is a gaming machine and counts towards the maximum permitted number of gaming machines, and must meet the relevant category limitations for the premises.

It is the Commission's view that the use of SSBTs is a form of remote communication and that a remote licence will be required if SSBTs are used to facilitate the making or accepting of bets by others.

Section 181 contains an express power for licensing authorities to restrict the number of SSBTs, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino).

### 7. Tracks

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. This licensing authority will especially consider the impact upon the third licensing

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objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This licensing authority may consider measures to meet the licensing objectives such as:

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

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

*Gaming machines* - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

*Betting machines* - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

### Applications and plans

The Gambling Act (s151) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. (See Guidance to Licensing Authorities).

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See Guidance to Licensing Authorities).

This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track.

Licensing authorities should satisfy themselves that the plan provides sufficient information to enable them to assess the application. (see Guidance to Licensing authorities para 20.46)

## 8. Travelling Fairs

Travelling fairs may provide an unlimited number of Category D gaming machines provided that facilities for gambling amount to no more than an ancillary amusement at the fair. They do not require a permit to provide these gaming machines but must comply with legal requirements about how the machine operates. Current stakes and prizes can be found at Appendix B of the Gambling Commission guidance.

Higher stake category B and C fruit machines, like those typically played in arcades and pubs, are not permitted. Fairground operators must source their machines from a Commission licensed supplier and employees working with gaming machines must be at least 18 years old.

This licensing authority is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

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

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

## 9. Provisional Statements

Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

Section 204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

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

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

## 10. Reviews:

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

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

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The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

~~Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.~~

~~The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.~~

The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-

- add, remove or amend a licence condition imposed by the licensing authority;
- exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- suspend the premises licence for a period not exceeding three months; and
- revoke the premises licence.

More details including time periods can be found in the Gambling Act 2005 (Premises Licences)(Review) Regulations 2007.

~~In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.~~

~~In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.~~

~~Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:~~

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

## PART C

### PERMITS / TEMPORARY & OCCASIONAL USE NOTICE

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

Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

The Gambling Act 2005 states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance to Licensing Authorities also states at 24.8

“In its policy statement, a licensing authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for permits. In particular it may want to set out the matters that it will take into account in determining the suitability of the applicant. Given that the premises is likely to appeal particularly to children and young persons, licensing authorities may wish to give weight to matters relating to protection of children from being harmed or exploited by gambling and to ensure that staff supervision adequately reflects the level of risk to this group.”

Guidance also states: “...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application... Licensing authorities might wish to consider asking applications to demonstrate:

- *a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;*
- *that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and*

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- *that staff are trained to have a full understanding of the maximum stakes and prizes."*

It should be noted that a licensing authority cannot attach conditions to this type of permit.

This licensing authority has adopted the following Statement of Principles, in respect of unlicensed FECs:

### Statement of Principles

The licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Such policies/procedures will be considered on their merits; however, they may include appropriate measures on staff training on how to deal with suspected truancy, how to deal with unsupervised very young children being on the premises and children causing problems around the premises.

The licensing authority will also expect the applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs, and that staff are trained to have a full understanding of the maximum stakes and prizes.

The Licensing Authority will require the following to be submitted in addition to the application form and fee:

- (1) Proof of the applicant's identity and age;
- (2) Proof of the applicant's right to occupy the premises for which the permit is sought;
- (3) (Where the applicant is an individual) a 'basic' Criminal Records disclosure dated no earlier than one calendar month on the day the application is received by the Licensing Authority. Holders of operating licences issued by the Gambling Commission are exempt from this requirement.
- (4) An insurance certificate (or certified copy) confirming the availability of public liability insurance covering the proposed activity.
- (5) A plan scale 1:100 of the premises showing:
  - a. The boundary of the premises including any internal and external walls, entrances, exits, doorways and windows, and indicating the points of access available to the public.
  - b. The location of any fixed or temporary structures.
  - c. The location of any counters, booths, offices or other locations from which staff may monitor the activities of persons on the premises.
  - d. The location of any public toilets within the boundary of the premises.
  - e. The location of CCTV cameras.
  - f. The location of any ATM or other cash/change machines.
  - g. The proposed location of the Category 'D' machines.
  - h. Details of non-category 'D' machines (e.g. skill with prizes machines).

## 2. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))

### Automatic entitlement: 2 machines

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority.

The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

### Permit: 3 or more machines

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "such matters as they think relevant."

This licensing authority considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.

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

It is recognised that some alcohol licensed premises may apply for a ~~premises licence permit~~ for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

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

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

### 3. Prize Gaming Permits

The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

#### Statement of Principles

This licensing authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law
- clear policies that outline the steps to be taken to protect children from harm.

The licensing authority shall also require (where the applicant is an individual) a ‘basic’ Criminal Records disclosure dated no earlier than one calendar month on the day the application is received by the Licensing Authority. Holders of operating licences issued by the Gambling Commission are exempt from this requirement.

In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3))

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

### 4. Club Gaming and Club Machines Permits

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Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit ~~or a Club's Gaming machines permit~~. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in regulations.

Members clubs and miner's welfare institutes – and also Commercial Clubs – may apply for a Club Machine Permit. A Club ~~Gaming~~ machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). N.B. Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

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

*"25.44 The Local Authority has to satisfy itself that the club meets the requirements of the Act to obtain a club gaming permit."* In doing so it will take into account a number of matters as outlined in the Gambling Commission Guidance. These include the constitution of the club, the frequency of gaming and ensuring that there are ~~more than 25~~ or more members.

The club must be conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.

The Commission Guidance also notes that licensing authorities may only refuse an application on the grounds that:

- (a) (i) for a club gaming permit the applicant is not a members' or miners' welfare institute  
(II) for a club machine permit the applicant is not a members' or miners' welfare institute or commercial club the applicant's premises are used wholly or mainly by children and/or young persons;
- (b) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (c) a permit held by the applicant has been cancelled in the previous ten years; or
- (d) an objection has been lodged by the Commission or the police.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast track procedure. As the Gambling Commission's Guidance for local authorities states: *"Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police,*

*and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:*

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

A permit will lapse if the holder of the permit stops being a club or miners welfare institute, or if it no longer qualifies under the fast track system for a permit.

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

## 5. Temporary Use Notices

Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice, according the Gambling Commission, would include hotels, conference centres and sporting venues.

The licensing authority can only grant a temporary use notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by temporary use notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that temporary use notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards temporary use notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Local Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of

premises, as recommended in the Gambling Commission's Guidance to Local Authorities.

## 6. Occasional Use Notices:

Section 39 of the Act provides that where there is betting on a track on eight days or fewer in a calendar year, betting may be permitted by an occasional use notice (OUN) without the need for a full premises licence.

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice and will also ensure that no more than 8 OUNs are issued in one calendar year in respect of any venue.

## 7. Small Society Lotteries

Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- by, or on behalf of, a charity or for charitable purposes
- to enable participation in, or support of, sporting, athletic or cultural activities.

Charities and community groups should contact the Licensing Authority for further advice.

The Licensing Authority will register and administer smaller non-commercial lotteries and applicants for lottery licences must apply to the Licensing Authority in the area where their principal office is located.

The society in question must be 'non-commercial' and the total value of tickets to be put on sale per single lottery must be £20,000 or less, or the aggregate value of tickets to be put on sale for all their lotteries in a calendar year must not exceed £250,000. If the operator plans to exceed either of these values then they may need to be licensed with the Commission to operate large lotteries instead.

For initial applications and where there is a change of promoter, the licensing authority reserves the right to require the promoter of the lottery to produce a 'basic' criminal records disclosure. For new applications, the licensing authority shall require the promoter of the lottery to produce a 'basic' Criminal Records disclosure dated no earlier than one calendar month on the day the application is received by the Licensing Authority.

The Licensing Authority may refuse an application for registration if in their opinion:

- The applicant is not a non-commercial society;

- A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence; or
- Information provided in or with the application for registration is false or misleading.

Where the Licensing Authority intends to refuse registration by a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration and supply evidence on which it has reached that preliminary conclusion. In any event, the Licensing Authority will make clear its procedures on how it handles representations.

The Licensing Authority may revoke the registered status of a lottery if it thinks that they would have had to, or would be entitled to; refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. The Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.

The Licensing Authority will adopt a risk based approach towards enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- submission of incomplete or incorrect returns
- breaches of the limits for small society lotteries

## PART D - EXEMPT GAMING

Exempt gaming is equal chance gaming generally permissible in any club or alcohol-licensed premises. Gaming should be ancillary to the purposes of the premises. This provision is automatically available to all such premises, but is subject to statutory stakes and prize limits determined by the Secretary of State.

Equal chance gaming is gaming that does not involve staking against a bank and the chances of winning are equally favourable to all participants. It includes games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.

The Secretary of State has set both daily and weekly prize limits for exempt gaming. Different, higher stakes and prizes are allowed for exempt gaming in clubs than in alcohol-licensed premises. These limits are set out in appendix 6.

## PART E

### COMMITTEE, OFFICER DELEGATION AND CONTACTS

#### 1. Committee decisions and scheme of delegation

The Licensing Authority is involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.

Licensing Sub-Committees made up of three Councillors from the main Licensing Committee will sit to hear applications where ~~relevant~~ representations have been received from interested parties and responsible authorities. Ward Councillors will not sit on a Sub-Committee involving an application within their ward.

Where a Councillor who is a member of the Licensing Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision making process affecting the licence in question.

The Council's Licensing Officers will deal with all other licensing applications where either no ~~relevant~~ representation have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.

Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by Council Officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the Licensing Committee or Sub-Committee. Where representations are rejected, the person making that representation will be given written reason as to why that is the case. There is no right of appeal against a determination that representations are not admissible.

The table shown at Appendix 7 sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committee and Officers.

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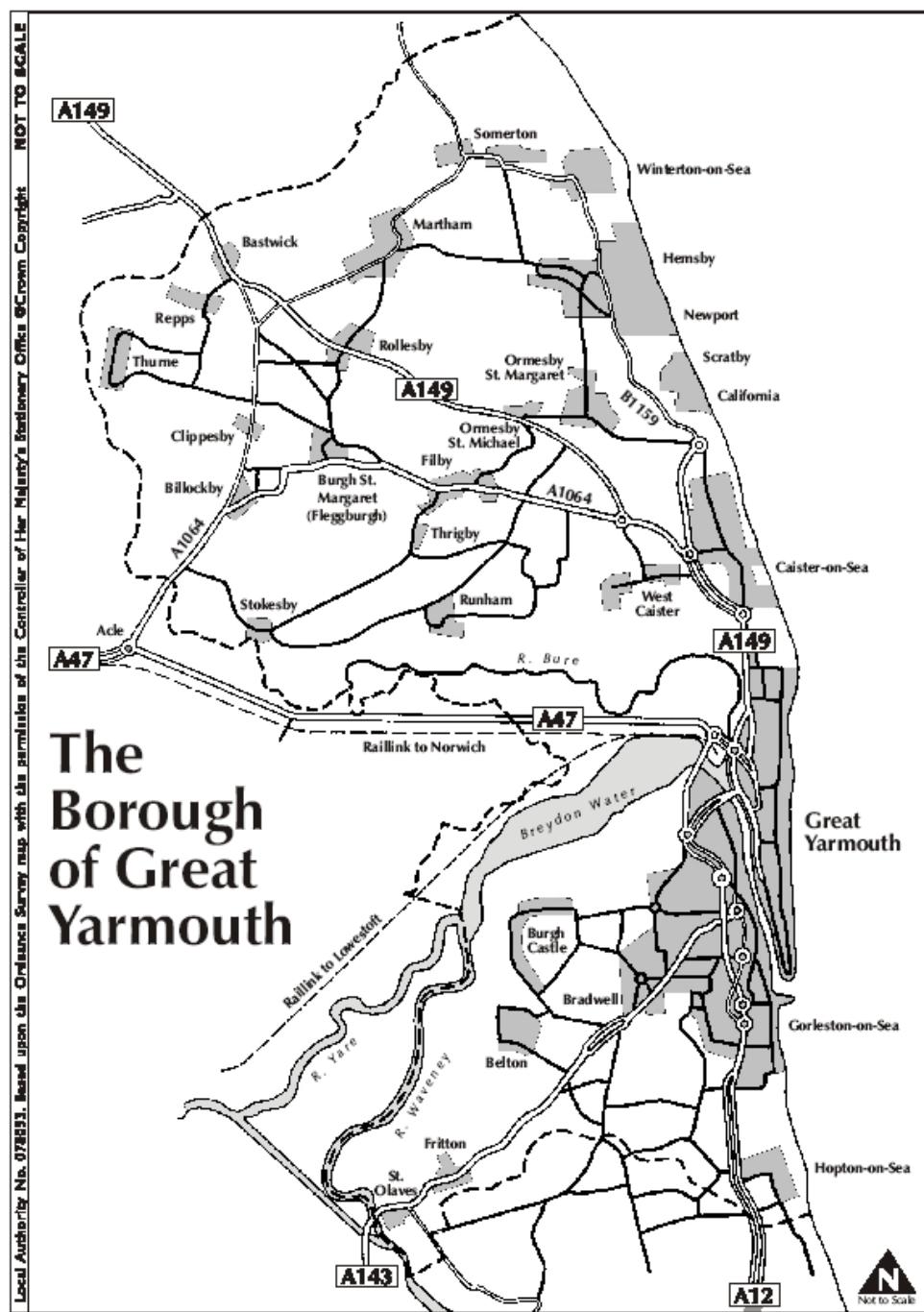
This form of delegation is without prejudice to Officers referring an application to a Sub-Committee or Full Committee if considered appropriate in the circumstances of any particular case.

### 2. Contacts

Further information about the Gambling Act 2005, this Statement of Licensing Policy or the application process can be obtained from:-

The Licensing Team Great Yarmouth Borough Council Town Hall, Hall Plain Great Yarmouth, NR30 2QF	Tel: 01493 846530  E-mail <a href="mailto:licensing@great-yarmouth.gov.uk">licensing@great-yarmouth.gov.uk</a> Website <a href="http://www.great-yarmouth.gov.uk">www.great-yarmouth.gov.uk</a>
Information is also available from:-	
Gambling Commission 4th floor, Victoria Square House, Victoria Square Birmingham, B2 4BP	Tel: 0121 230 6666 Fax: 0121 230 6720 Email: <a href="mailto:info@gamblingcommission.gov.uk">info@gamblingcommission.gov.uk</a> Website: <a href="http://www.gamblingcommission.gov.uk">www.gamblingcommission.gov.uk</a>
:	

APPENDIX 1 – MAP OF THE BOROUGH



**APPENDIX 2 - LIST OF CONSULTEES**

Gambling Commission

Norfolk Constabulary

Responsible authorities

Existing licence holders (casinos, bingo premises, betting premises, Adult Gaming Centres, Family Entertainment Centres, permit holders, Great Yarmouth Racecourse, Great Yarmouth Stadium)

Greater Yarmouth Tourist Authority

BACTA

D. P. Leisure

Gamblers Anonymous

Residents Associations

Various Solicitors

NCIF (National Casino Industry Forum)

**APPENDIX 3 – RESPONSIBLE AUTHORITIES**

<p><b>The Licensing Authority</b>            Great Yarmouth Borough Council            Town Hall            Hall Plain            Great Yarmouth            NR30 2QF</p> <p>Telephone: 01493 846530            Email: <a href="mailto:gambling@great-yarmouth.gov.uk">gambling@great-yarmouth.gov.uk</a></p>	<p><b>The Gambling Commission</b>            4th floor Victoria Square House            Birmingham            B2 4BP</p> <p>Telephone: 0121 230 6666            Fax: 0121 230 6720            Email: <a href="mailto:info@gamblingcommission.gov.uk">info@gamblingcommission.gov.uk</a></p>
<p><b>Police:</b>            Norfolk Constabulary Licensing Team            Bethel Street Police Station            Bethel Street            Norwich            NR2 1NN</p> <p>Telephone: 01603 276024            Fax: 01603 276025            Email: <a href="mailto:licensingteam@norfolk.pnn.police.uk">licensingteam@norfolk.pnn.police.uk</a></p>	<p><b>The Fire Authority:</b>            Group Manager            Norfolk Fire and Rescue Service            Fire Station            Friars Lane            Great Yarmouth            NR30 2RP</p> <p>Telephone: 01493 339904            Fax: 01493 339940            Email: <a href="mailto:Gtyar@fire.norfolk.gov.uk">Gtyar@fire.norfolk.gov.uk</a></p>
<p><b>Planning Authority:</b>            Planning and Development            Great Yarmouth Borough Council            Town Hall            Great Yarmouth            NR30 2QF</p> <p>Telephone: 01493 846430            Email: <a href="mailto:planning@great-yarmouth.gov.uk">planning@great-yarmouth.gov.uk</a></p>	<p><b>Environmental Health:</b>            Great Yarmouth Borough Council            Town Hall            Great Yarmouth            NR30 2QF</p> <p>Telephone: 01493 846478            Fax: 01493 846415            Email: <a href="mailto:health@great-yarmouth.gov.uk">health@great-yarmouth.gov.uk</a></p>
<p><b>Norfolk Safeguarding Children Board</b>            County Hall            Martineau Lane            Norwich            NR1 2SQ</p>	<p><b>HM Revenue and Customs</b>            NRU (Betting and Gaming)            Portcullis House            21 India Street            Glasgow            G2 4PZ</p> <p>Tel: 0141 5553 466            E-mail: <a href="mailto:nrubetting&amp;gaming@hmrc.gsi.gov.uk">nrubetting&amp;gaming@hmrc.gsi.gov.uk</a></p>

APPENDIX 43 - SCHEDULE OF GAMING MACHINE PROVISION BY PREMISES

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

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							category D machines	
	A	B1	B2	B3	B4	C	D	
								1.Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines. 2 Adult gaming centres are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Where a premises licence was granted before 13 July 2011, they are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines. 3.Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within licensed FEC's and where an FEC permit is in force. They must be in a separate area to ensure the segregation and supervision of machines that may only be played by adults. there is no power for the licensing authority to set a limit on the number of machines under the FEC permit. 4.Members' clubs and miners' welfare institutes with a club gaming permit or with a club machine permit, are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. 5. Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D.

**APPENDIX 54 - SCHEDULE OF GAMING MACHINE CATEGORIES AND ENTITLEMENTS**

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

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

\*\* the maximum stake for B2 machines may be subject to change

**APPENDIX 65 - SCHEDULE OF GAMING ENTITLEMENTS FOR CLUBS AND ALCOHOL-LICENSED PREMISES**

	Members' club with club gaming permit	Bridge or whist club	Members' club or commercial club with club machine permit	Member's club, or commercial club without a club gaming permit	Pubs and other alcohol-licensed premises
<b>Equal chance gaming</b>	Yes	Bridge and/or Whist only	Yes	Yes	Yes
<b>Limits on stakes</b>	No limit	No limit	<b>Poker</b> £1000 per week £250 per day £10 per person per game <b>Other gaming</b> No limit	<b>Poker</b> £1000 per week £250 per day £10 per person per game <b>Other gaming</b> No limit	<b>Cribbage &amp; dominoes</b> No limit <b>Poker</b> £100 per premises per day <b>Other gaming</b> £5 per person per game
<b>Limits on prizes</b>	No limit	No limit	<b>Poker</b> £250 per game <b>Other gaming</b> No limit	<b>Poker</b> £250 per game <b>Other gaming</b> No limit	<b>Poker</b> £100 per game <b>Other gaming</b> No limit
<b>Maximum participation fees – per person per day</b>	<b>Bridge and/or whist*</b> £20 <b>Other gaming</b> £3	£18 (without club gaming permit) £20 (with club gaming permit)	<b>Bridge and/or whist*</b> £18 <b>Other gaming</b> £3 (commercial club) £1 (members' club)	<b>Bridge and/or whist*</b> £18 <b>Other gaming</b> £1	None permitted
<b>Bankers or unequal chance gaming</b>	Pontoon Chemin de Fer	None permitted	None permitted	None permitted	None permitted
<b>Limits on bingo</b>	Maximum of £2,000 per week in stakes/ prizes. If more then will need an operating licence	No bingo permitted	Maximum of £2,000 per week in stakes/ prizes. If more then will need an operating licence	Maximum of £2,000 per week in stakes/ prizes. If more then will need an operating licence	Maximum of £2,000 per week in stakes/ prizes. If more then will need an operating licence
*On a day when no other facilities for gaming are provided.					

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APPENDIX 76 - TABLE OF DELEGATIONS OF LICENSING FUNCTIONS			
Matter to be dealt with	Full Council	Licensing Committee/ sub-committee	Officers
Three year licensing policy	X		
Policy to permit casino	X		
Fee Setting - when appropriate		X	
Application for premises licences		Where relevant representations have been received and not withdrawn	Where no relevant representations received/ representations have been withdrawn
Application for a variation to a licence		Where relevant representations have been received and not withdrawn	Where no relevant representations received/ representations have been withdrawn
Application for a transfer of a licence		Where relevant representations have been received from the Commission	Where no relevant representations received from the Commission
Application for a provisional statement		Where relevant representations have been received and not withdrawn	Where no relevant representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where relevant representations have been received and not withdrawn	Where no relevant representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

APPENDIX 87 - LARGE CASINO LICENCE – CRITERIA		
Criteria	Benefits / Dis-benefits	Importance (Very High / High/Medium)
<b>Deliverability</b>	<ul style="list-style-type: none"> <li>• Status of approvals</li> <li>• Likelihood of development</li> <li>• Timescale for development</li> <li>• Operator - financial status, track record here and abroad</li> </ul>	Very high
<b>Any provision that is made for the protection of children and other vulnerable people from harm or exploitation arising from gambling, whether in the proposed casino or the wider community</b>	<p>Extent to which applicant can demonstrate measurable outcomes for the following:</p> <ul style="list-style-type: none"> <li>• Commitment to evaluation of social impacts of gambling and ability to evaluate</li> <li>• Investment in problem gambling schemes / funding for treating programmes / funding to RIGT</li> <li>• Problem gambling measures</li> <li>• Demonstrably high level management commitment to social responsibility</li> <li>• Commitment to staff training on social responsibility issues and recognition of problem gambling</li> <li>• Operation of self exclusion schemes / exclude self-barred individuals from entry</li> <li>• Responsible marketing / advertising. Identification of customer profile and who will be targeted?</li> <li>• Proximity of casino to schools, children, places of worship youth and elderly populations</li> <li>• Level of operator commitment to work with community</li> <li>• Design/layout of casino</li> <li>• Location of casino</li> </ul>	Very High

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<b>Any provision that is made for preventing gambling from being a source of crime or disorder or being associated with crime or disorder or being used to support crime</b>	<ul style="list-style-type: none"> <li>• Steps taken to promote safe evening and night time economy</li> <li>• Provision of CCTV and security measures</li> <li>• Liaison / consultation with police to promote the Prevention of Crime and Disorder Licensing Act 2003 objective and participation in any initiatives promoted to assist crime and disorder</li> <li>• Provision of door supervisors</li> <li>• External /internal lighting and proposals to ensure that where possible opportunities for crime are designed out</li> </ul>	Very High
<b>Any provision that is made for ensuring that gambling is conducted in a fair and open way</b>	<ul style="list-style-type: none"> <li>• Provision of separate area/room to allow customers to familiarise themselves with the rules of the games</li> <li>• Display of rules of the games</li> <li>• Commitment to staff training</li> <li>• Fair and effective complaints procedure – how complaints and disputes are recorded and monitored</li> </ul>	Very High
<b>Likely effects of application on employment and regeneration in the Borough</b>	<p><b>Employment:</b></p> <ul style="list-style-type: none"> <li>• Number of new jobs created directly (FTE) in casino and associated development</li> <li>• Number of jobs created for the long term unemployed</li> <li>• Mitigation measures in respect of possible lost or displaced jobs</li> <li>• Employment policies (pay, terms, equalities, skills training)</li> <li>• Empowerment of local disadvantaged groups through employment</li> <li>• How does proposal contribute to tackling economic weaknesses and high levels of unemployment?</li> <li>• Training – in-house training / provision of training courses leading to nationally accredited awards</li> <li>• Provision of education support</li> </ul>	Very High

	<p>through Great Yarmouth College or other establishments</p> <ul style="list-style-type: none"> <li>• Promotion of small, medium and micro-enterprises</li> </ul> <p><b>Regeneration:</b></p> <ul style="list-style-type: none"> <li>• The extent to which the proposal act as direct catalyst for ancillary development</li> <li>• The extent to which the development would create an all year round, diverse Tourism/leisure economy such as permanent all year round employment, and generation of further investment</li> <li>• Steps taken to broaden the visitor demographic</li> <li>• Steps taken to promote a vibrant night time economy</li> <li>• The extent to which the development increases the provision of high quality, leisure services / cultural amenities (such as 4* hotel conference facilities, etc.)</li> <li>• Does the development offer innovative attractions</li> <li>• The extent to which development compliments existing businesses</li> <li>• Positive multiplier effects upon surrounding business community</li> <li>• Measures to assist transport infrastructure (such as park and ride)</li> </ul>	Very High
<b>Design and location of the proposed development</b>	<p><b>Design:</b></p> <ul style="list-style-type: none"> <li>• Building(s) of distinction or exemplar design</li> <li>• Community engagement consultations and involvement in design</li> </ul> <p><b>Location:</b></p> <ul style="list-style-type: none"> <li>• Proximity to Great Yarmouth Town Centre / seafront</li> <li>• Impact on existing facilities (i.e. will proposed location lead to an increase or potential loss of existing facilities?)</li> </ul>	<p>High</p> <p>High</p>

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	<ul style="list-style-type: none"> <li>Impact on neighbouring businesses and residents (during construction and once in operation)</li> <li>Located in a position where it can attract money into the Borough and where people are likely to visit</li> <li>How development enhances and improves the immediate locality</li> <li>Sufficient space for other facilities to be located there, and for parking</li> <li>Accessible with increased environmental friendly transport methods</li> <li>Potential to enhance Town's conservation areas</li> <li>Potential to secure / re-use brownfield sites</li> <li>Social, environmental and economic impacts to local residents and the business community</li> </ul>	
<b>Range and nature of non-gambling facilities to be offered as part of the proposed development</b>	<ul style="list-style-type: none"> <li>The range of other ancillary facilities offered</li> </ul>	High
<b>Any financial and other contributions</b>	<ul style="list-style-type: none"> <li>Alternative methods of structuring financial contributions (one off payment or annual index linked contributions). <i>Money would not be considered until Licensing Authority is satisfied that project could be delivered</i></li> <li>If proposal involves loss of existing facilities, will such facilities be replaced?</li> <li>Direct cultural benefits such as showcasing local art / artistes</li> <li>Support for local sporting / cultural / charitable schemes</li> <li>Proposed partnerships with local communities?</li> </ul>	High

Any other matters that will benefit the Borough	Medium
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