

Licensing and Regulatory Committee Agenda

Members of the Licensing and Regulatory Committee

Cllr D King - Chairman
Cllr J L Thomas - Vice Chairman
Cllr P E Bulman
Cllr S J Catchpole
Cllr R R Foulger
Cllr D G Harrison
Cllr C Karimi-Ghovanlou
Cllr K S Kelly
Cllr K G Leggett MBE
Cllr M L Murrell
Cllr S M Prutton
Cllr N C Shaw

Date & Time:

Wednesday 17 November 2021 at 11:00am

Place:

Council Chamber, Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU

Contact:

Dawn Matthews tel (01603) 430404 Email: committee.services@broadland.gov.uk
Website: www.southnorfolkandbroadland.gov.uk

PUBLIC ATTENDANCE:

If a member of the public would like to observe the meeting in person or to speak on an agenda item, please email your request to committee.services@broadland.gov.uk, no later than 5.00pm on Friday 12 November 2021. Please see further guidance on the options for public speaking at page 2 of this agenda.

Large print version can be made available

If you have any special requirements in order to attend this meeting, please let us know in advance.

AGENDA

1. **To receive declarations of interest from members;**
(guidance and flow chart attached – page 4)
2. **To report apologies for absence;**
3. **To confirm the non-exempt minutes of the meeting held on 31 July 2019**
(minutes attached – page 6)
4. **Matters arising from the minutes;**
5. **Local Government (Miscellaneous Provisions) Act 1976 Town Police Clauses Act 1847. Review of the Council's Hackney Carriage and Private Hire Vehicle Policy and Conditions**
To consider the draft Policy revisions following consultation; (report attached – page 8)
6. **Gambling Act 2005 - Review of Gambling Statement of Principles (Policy Statement)**
To consider the draft Policy revisions following consultation; (report attached – page 89)
7. **Exclusion of the Public and Press**
To exclude the public and press from the meeting under Section 100A of the Local Government Act 1972 for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1,3, 7 of Part 1 of Schedule 12A to the Act (as amended)
8. **To confirm the exempt minutes of the meeting held on 31 July 2019**
(minutes attached – page 141)

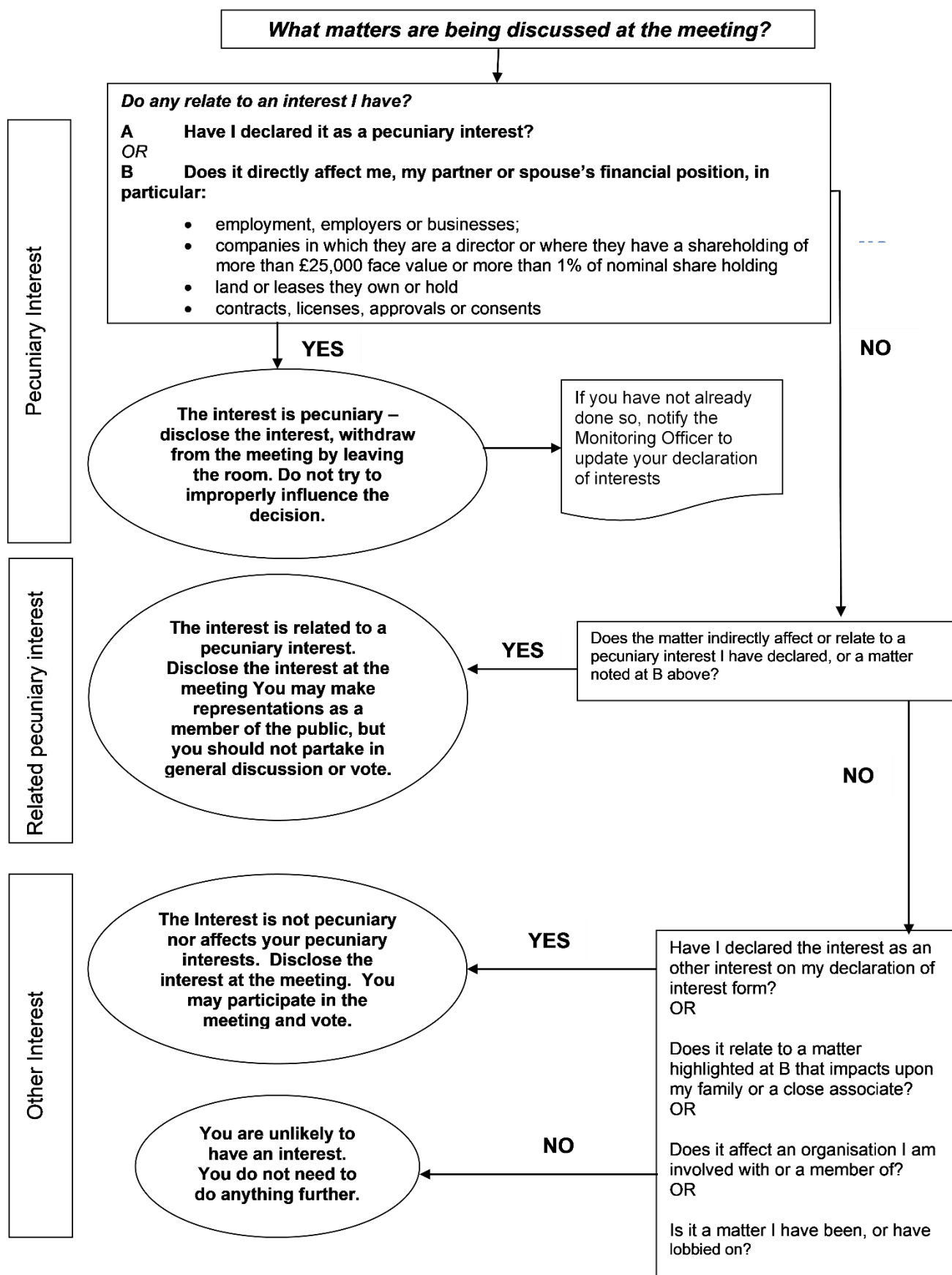
DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

<p>Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.</p>
<p>Does the interest directly:</p> <ol style="list-style-type: none"> 1. affect yours, or your spouse / partner's financial position? 2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner? 3. Relate to a contract you, or your spouse / partner have with the Council 4. Affect land you or your spouse / partner own 5. Affect a company that you or your partner own, or have a shareholding in <p>If the answer is "yes" to any of the above, it is likely to be pecuniary.</p> <p>Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.</p>
<p>Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?</p> <p>If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but you should not partake in general discussion or vote.</p>
<p>Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.</p>
<p>Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.</p>

**FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF.
PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST
INSTANCE**

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



Minutes of a meeting of the **Licensing & Regulatory Committee** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Wednesday 31 July 2019** at **9.30am** when there were present:

Ms J L Thomas – Chairman

Mr A Adams

Mrs C Karimi-Ghovanlou

The applicant (as identified in the exempt appendix to the signed copy of these Minutes) attended the meeting for consideration of their case.

Also in attendance were Ms T Eddison (the Committee's legal advisor), the Senior Environmental Health Officer (Safety and Licensing), the Technical Officers – Licensing Enforcement (SH and CN) and the Committee Officer (DM).

Also present observing the meeting were Mr K Kelly and Sarah Moss of NPlaw.

8 APOLOGY FOR ABSENCE

An apology for absence was received from Mrs S Gurney.

9 MINUTES

The non-exempt Minutes of the meeting held on 5 June 2019 were confirmed as a correct record and signed by the Chairman.

10 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

to exclude the Press and public from the meeting for the remaining business because otherwise, information which was exempt information by virtue of Paragraphs 1, 3 and 7 of Part I of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, would be disclosed to them.

11 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – PRIVATE HIRE VEHICLE DRIVER LICENSING

The Committee considered an application for a Private Hire Vehicle Driver Licence, as detailed in the exempt appendix to the signed copy of these Minutes. After due consideration, it was

RESOLVED

to

- (1) issue the Private Hire Vehicle Driver's Licence for a period of one year and the officers be delegated to extend the licence for a further two years subject to the necessary DBS / DVLA checks being satisfactory;
- (2) issue a written warning as to future conduct, with a further warning that should the driver be subject to any conviction (regardless of what sentence is imposed including a suspended sentence, fine, absolute or conditional discharge, Community Service Order, Probation Order, Restraining Order, disqualification of driving licence or imposition of penalty points), or any Binding Over Order or the acceptance of a Caution, during the restricted period, he will be called before the Committee with a view to reviewing the licence and taking any appropriate legal action.

12 MINUTES

The exempt Minutes of the meeting held on 5 June 2019 were confirmed as a correct record and signed by the Chairman.

Members noted that the driver for the first case had not as yet notified the Council of his completion of the taxi / private hire driving assessment. With regard to the second case, and reference to advice given to drivers by their operator about reporting convictions, this matter had been raised with the operator concerned who had apologised for any misinformation given to drivers and had made sure they were now all aware of the correct procedure for reporting offences.

The meeting closed at 11.30am

Agenda Item: 5
Licensing and Regulatory Committee
17 November 2021

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
TOWN POLICE CLAUSES ACT 1847
REVIEW OF THE COUNCIL'S HACKNEY CARRIAGE AND PRIVATE HIRE
VEHICLE POLICY AND CONDITIONS

Report Author(s): Sarah Harris
Licensing Team Leader
01603 430580
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Portfolio: Environmental Excellence

Ward(s) Affected: All

Purpose of the Report:

To enable the Committee to consider the draft Policy revisions following consultation. This report details a review of the Authority's Hackney Carriage and Private Hire Vehicle Policy and Conditions document. The draft document has been consulted upon and the results of this consultation are presented by way of this report.

Recommendations:

The Committee is **RECOMMENDED** to:

1. Consider the draft Policy and Conditions document.
2. Consider the responses received to the consultation exercise, and the consequent proposed amendments to the draft document.
3. Refer the agreed amended document to Council with a recommendation for adoption.

1. Summary

- 1.1 The Authority currently has in place a Hackney Carriage and Private Hire Vehicle Policy and Conditions document. This was last reviewed in 2014 and took effect in January 2015.
- 1.2 A draft revised Policy and Conditions has been produced with the assistance of an experienced Licensing consultant and by our Licensing officers, in consultation with the Licensing and Regulatory Committee Chair.
- 1.3 This document has subsequently undergone an eight week consultation period.

2. Background

- 2.1 Local authorities are required to have in place a taxi licensing policy to enable the Authority to carry out its functions relating to the licensing of Hackney Carriage and Private Hire Drivers, Vehicles and Operators. In 2020 the Department for Transport (DfT) issued a Statutory Standards document which requires local authorities to review their licensing policy every five years, unless legislative changes or local circumstances dictate otherwise.
- 2.2 The new Statutory Taxi and Private Hire Vehicle Standards were published by the DfT in July 2020. Under the terms of this document all local authorities are required to consider and incorporate the Statutory Standards into their Policy documents. This review should be completed before 31 December 2021 to enable any changes to policy documents to be in place in early 2022.
- 2.3 The draft revised Policy and Conditions document has incorporated proposals set out in the Statutory Standards document, along with further updates to incorporate changes to legislation, guidance and good practice.

3. Current position/findings

- 3.1 The draft Policy and Conditions document is attached at Appendix One.
- 3.2 Details of the draft Policy and Conditions and where it could be viewed were circulated widely to stakeholders throughout the Broadland district, in addition to numerous national representative bodies and organisations, with a closing date for comments of 1 November 2021. Approximately 650 letters and emails were circulated and the draft Policy and Conditions document was also made available in local libraries and on the Council's website.
- 3.3 A small number of responses have been received to this consultation exercise and are listed at Appendix 2.
- 3.4 It is important to demonstrate that in reviewing responses to the consultation, due weight and consideration has been given to all representations including, where appropriate, why some have been disregarded. This is so that in the event that the

policy is challenged, the Authority can demonstrate to a court how it arrived at the final policy.

3.5 Therefore, the representations received by 1 November 2021, attached at Appendix Two, have been set out in the following format:

- A reference number for each representation
- Name of the respondent
- A summary of the respondent's comments
- The Authority's response

3.6 Responses received during the consultation period have been given careful consideration and any changes to the document proposed as a result of these consultation responses have been highlighted within the responses document and incorporated into the draft document attached at Appendix One.

3.7 It is anticipated that the final document, as proposed, will place the Authority in a good position to enable Licensing officers to process applications received under the relevant legislation, grant licences and carry out enforcement as necessary.

4. Proposed action

4.1 The Licensing and Regulatory Committee is requested to thoroughly review and consider Appendix Two which details the responses to the consultation process.

5. Issues and risks

5.1 **Resource implications** – There are no specific resource implications in respect of the review of the Hackney Carriage and Private Hire Vehicle Policy and Conditions, other than those already identified and funded to enable the Authority to comply with the overall requirements of the legislation. The level of income generated by and arising from the implementation and enforcement of the legislation and conditions will be kept under close review.

5.2 **Legal implications** – Local authorities are required to have in place a taxi licensing policy to enable the Authority to carry out its functions relating to the licensing of Hackney Carriage and Private Hire Drivers, Vehicles and Operators. In addition, the Department for Transport (DfT) has issued Statutory Standards to licensing authorities, requiring necessary changes to be made to policies to enhance the safeguarding measures for Hackney Carriage and Private Hire Vehicle licensing. The DfT has required authorities to have considered and approved these changes by the end of 2021.

5.3 **Equality implications** – An Equality and Communities Impact Assessment has been completed. There are no human rights issues specific to the Policy and Conditions providing the Authority can demonstrate best practice and compliance with national guidance in the production of the document.

- 5.4 **Environmental impact** – The draft revised Policy makes particular reference to encouraging the provision and licensing of electric and environmentally friendly vehicles. This reflects key considerations contained in the Authority’s Environmental Strategy. The Authority is also aware of the current Government proposals to end the sale of new petrol and diesel cars from 2030, with all new cars and vans being fully zero emission from 2035, allowing for the sale of some specified hybrid vehicles for a further five years.
- 5.5 **Crime and disorder** – The revised draft Convictions Policy will ensure that the principle of ensuring licensed drivers are safe and suitable for licensing will be upheld. It is proposed that more frequent checks will be carried out with the Disclosure and Barring Service (DBS) on all licensed drivers. In addition, further criminal records checks are proposed for Private Hire Operator base staff, in line with the DfT Statutory Standards document.
- 5.6 **Risks** – There may be an additional financial burden placed on current licence holders to ensure that they meet the new proposed standards. However, some lead-in periods have been incorporated into the document to allow licence holders additional time to prepare for any additional expenses. It has been considered by officers that any potential financial burden is outweighed by the Authority’s duty to ensure public safety and the protection of the wider public.

6. Conclusion

- 6.1 The draft revised Policy and Conditions document in Appendix 1 contains a substantial body of settled existing policy content to which no changes are proposed, together with key proposed changes which are outlined in Appendix 2 and minor updating changes for good measure.

7. Recommendations

- 7.1 The Committee is recommended to:
1. Consider the draft Policy and Conditions document..
 2. Consider the responses received to the consultation exercise, and the consequent proposed amendments to the draft document.
 3. Refer the agreed amended document to Council with a recommendation for adoption.

Background Papers:

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976

DfT Taxi and Private Hire Vehicle Statutory Standards

Appendices

1. Copy of the draft proposed Hackney Carriage and Private Hire Vehicle Policy and Conditions.
2. Copy of the responses received to the consultation exercise.



Draft Hackney Carriage and Private Hire Vehicle Policy and Conditions

Version ~~21~~ (~~August~~ November 2021)

DRAFT OF PROPOSED NEW HCPHV&O POLICY

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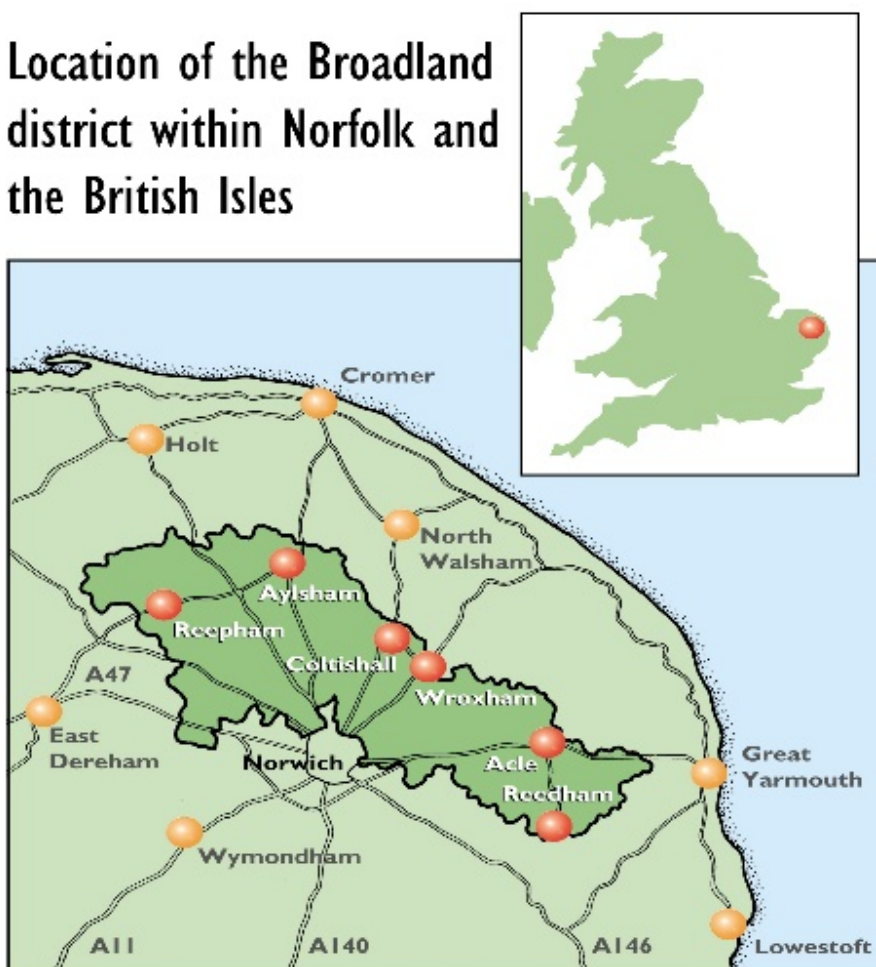
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1 Introduction

Broadland District Council is situated in the county of Norfolk. The district has a population of 129 000. The council area includes the northern suburbs of Norwich, such as Thorpe St. Andrew, Sprowston and Hellesdon, as well more rural areas to the north and east, including market towns such as Aylsham and Acle. The Broadland Northway (A1270) allows for easy access between the main arterial roads of the district and the A47.

Map of the area covered by Broadland District Council

Location of the Broadland district within Norfolk and the British Isles





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2 Purpose of Licensing

The Council has responsibility for the regulation and control of all operators, drivers and vehicles which are used for hire and reward within our District. The power to carry out this function is contained within the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

3 Policy Aim

The Licensing Authority aims to provide a consistent and transparent service when carrying out its functions relating to the licensing of Hackney Carriage and Private Hire Drivers, Vehicles and Operators. We aim to balance the needs of licence holders with our duty to protect the public and in particular children and vulnerable adults.

This Council aims to achieve this by:

- Safeguarding persons using Hackney Carriage and Private Hire services
- Ensuring compliance with the Equality Act 2010 and meeting the Council's duty toward inclusivity and equality.
- Ensuring that licensed vehicles meet emissions standards and encouraging the use of Electric or low pollutant vehicles.

It is the Council's wish to facilitate well-run and responsible businesses which provide essential services to the travelling public. The Council recognises the importance the licensed trade offers to the local community. The aim of the licensing process is to regulate the Hackney Carriage and Private Hire trade in order to promote safety and wellbeing of the public who utilise these services. In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and its aims and objectives.

4 Consultation

Police
Fire and Rescue
Disability groups
All current licence holders
Legal Services
Council website
~~Reception building~~ Council offices
All elected Members
National Taxi and Private Hire Association
Portfolio Holder
Other relevant consultees

5 Review of the Policy

The Statutory Guidance issued by the Department for Transport (DfT) requires local authorities to review their licensing policy every five years unless legislative changes or local circumstances dictate otherwise. Subject to any prior amendment to This Policy will remain in force until 2026 when it will be subject to review and further consultation if changes are made.

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At the time of the review, we will again consult with all interested parties. Minor amendments which do not materially affect or amend the essence of this policy may be made without the need to consult.

6 Contact

The Licensing Team Contact Address is:

Broadland District Council
Thorpe Lodge
1 Yarmouth Road
Thorpe St Andrew
Norwich NR7 0DU

licensing@southnorfolkandbroadland.gov.uk
01603 430574

7 Licensing Process and Delegation of Functions

Officers of the Council have the delegated authority to determine licence applications and may grant or refuse to grant a licence. Applications may also be referred to Licensing Committee for consideration and determination. ~~All applications will be determined in accordance with this policy and each case will be considered individually on its facts and merits.~~ All applications will be determined in accordance with this policy unless there are compelling reasons to depart from the policy requirements in the individual circumstances of the case.

8 Committee Procedure and Right to Appeal

If the application for a licence falls outside of this Policy, the Licensing Team will inform the applicant of the reasons why. If the applicant wishes to, they may give notice in writing that they wish the matter to be considered by the Licensing Committee. The applicant will be advised of the date that their application will be heard. The applicant will be expected to attend to give reasons why they feel that the Licensing Committee should depart from, or offer an exception to, the Policy.

Following the determination of an application by the Council the applicant will receive a copy of the decision in writing. This written decision will be delivered as soon as possible after the decision has been made but in any case within 14 days. This will include information on the right of appeal where appropriate.

All Members and Officers who have the responsibility for making decisions on licence applications, must have undertaken sufficient training to enable good decision making. This is in accordance with the Statutory Taxi and Private Hire Vehicle Standards.

9 Fees

Fees and charges for all licences are payable in advance and must accompany the application. Applications submitted without fees will be considered incomplete and will be returned to the applicant.

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Full details of all current fees and charges, updated annually, can be found on our website.

10 Conditions

The Council has adopted byelaws and conditions relating to Hackney Carriages and Private Hire Drivers' Licences. These conditions are agreed by the Licensing Committee. Once a licence is granted ~~determined~~, the licence holder agrees to comply with the conditions of their licence.

11 Equality Act 2010

It is unlawful under the above ~~Act~~ to discriminate, either directly or indirectly against any person on the grounds of disability, gender reassignment, pregnancy and maternity, race, sex, sexual orientation, religion or belief.

Drivers of wheelchair accessible vehicles must comply with their duties under s165 of the Equality Act 2010, unless they have been personally issued with an exemption certificate under s166 of the Act. ~~This will largely be on medical grounds or because the driver's physical condition makes it unreasonable difficult for them to comply with the duty.~~ S.166 of the Equality Act 2010 allows the Authority to exempt drivers from the duties to assist passengers in wheelchairs, but only if they are satisfied that it is appropriate on medical grounds or because the driver's physical condition makes it impossible or unreasonable difficult for him or her to comply with the duties.

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

12 Low Emission and Electric Vehicles

The Government has identified Climate Change as a priority focus and the Council wishes to encourage the delivery of Greener Policies. The Council recognises the positive impact that low and zero emission vehicles have on the environment and any application received for low and ultra-low emission vehicles will be considered on its own merits. The Council encourages the take up of ultra-low and zero emission vehicles.

Zero emission vehicles emit zero emissions in their life-cycle. ~~The range of electric only vehicles is typically around 100 miles but this can be higher depending on the vehicle model and manufacturer.~~ Electric vehicles require less maintenance than hybrid or conventional vehicles as they require little or no regular maintenance of their battery, motor or associated electronics. In addition there are fewer fluids to change and less moving parts. The regenerative braking system also means there is less wear and tear on the brakes.

Fuel cell vehicles typically have a range of up to 300 miles depending on the model and can be re-fuelled within a few minutes. As with purely electric vehicles they emit no emissions during their life-cycle.

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Ultra-Low emission vehicles (Hybrid and E-REV) use a conventional engine to either act as an additional fuel source for the vehicle or as a fuel source for the battery. Hybrids and E-REV have lower CO₂ emissions as a result of improved fuel economy and the ability to operate in electric only mode. Typically CO₂ emissions are between 15- 30% less than conventional models when not in electric only mode. Hybrid vehicles and E-REV's still have a combustion engine and therefore require a similar maintenance schedule as for conventional vehicles. As with electric only vehicles they often use a regenerative braking system which reduces wear and tear on the brakes.

The Council are looking at ways to encourage the earlier transition to using electric vehicles. Some funding assistance may be made available for battery electric vehicles (BEV) and plug in hybrid electric vehicles (PHEV). Different funding may be available depending on the CO₂ emissions of the vehicle. Further detail will be provided on any such schemes as it becomes available.

It is the aim of the Council that all newly licensed vehicles (not applicable to renewal applications) from **1 April 2030** will be ultra-low or zero emission.

Vehicles, operators and drivers are otherwise expected to be fully compliant with all other relevant private hire and hackney carriage licensing requirements and conditions. Every application will be considered against the policy. Any person may request an exception to the policy but the applicant must be able to demonstrate sound and compelling reasons as to why the Licensing Committee should consider departure from the policy.

Where this policy refers to the Licensing Committee, this refers to the Licensing and Regulatory Committee and will include any sub-committee or any subsequent or equivalent properly constituted body.

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Part 1 Dual Hackney Carriage and Private Hire Drivers' Policy

1 Introduction

In the Broadland District there will be an option to issue Dual Driver Licences. The criteria to obtain a driver licence is the same for each process. Although you may not choose to drive a hackney carriage vehicle upon application (at the time of writing this policy Broadland Council does not have any hackney carriage vehicles licensed), it does mean that if you change your mind and wish to do so, you have the authority to drive either a Hackney Carriage or Private Hire Vehicle, should Broadland issue hackney carriage vehicle licences in the future.

Licences are normally issued for a **3 year** period unless the licence holder's leave to remain in the UK is time-limited then the licence will expire on the leave to remain expiry date.

2 Legislation

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976

The above legislation is the predominant set of laws governing the regulation of drivers of Hackney Carriage and Private Hire vehicles.

3 Licensing Criteria

All drivers' licences will be **DUAL LICENCES** and enable a driver to drive both Hackney Carriage and Private Hire Vehicles.

Applicants must be able to meet the following criteria to be granted a licence to drive:

CRITERIA	REQUIRED STANDARDS
Age Requirement	Be over 21 years of age
Driving Licence Requirement DVLA or EU	Have held a full UK or EU member state driving licence for a minimum of one year
DVLA Driver Licence Background check	Each new or renewal application will require a DVLA issued licence to be checked to ensure the validity of the licence, classification of vehicle authorised and previous driving history. Applicants for new licences must pass a Hackney Carriage and Private Hire Vehicle Driving Assessment with a council approved company
Medical Background Check	The council's medical form (which is to the DVLA Group 2 Medical Standards), satisfactorily completed by a General Practitioner, must be submitted with all new and renewal applications. Once a driver or applicant reaches 65 years of age, annual medical assessments will be required.

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CRITERIA	REQUIRED STANDARDS
	The GP must confirm medical fitness to Group 2 standard to undertake this role.
Criminal Record Background Check	<p>A DBS (Disclosure and Barring Service) enhanced disclosure must be completed to provide a full record of any cautions, convictions or intelligence held on the applicant or driver's record.</p> <p>All criminal record information must be considered for this occupation type, whether or not it might be considered 'spent' under other circumstances.</p> <p>Applicants who have lived outside of the UK must provide a certificate of good character from each relevant Embassy of the countries in which they were resident from the age of 18.</p>
Immigration Status Check	A right to work check under the Immigration Act 2016 will be carried out on the applicant before a licence is issued.
<p>Have a good command of English, both written and oral</p> <p>This is essential as the applicant will need to be able to understand and comply with sometimes complex legislation, driving standards and conditions which need to be followed.</p>	<p>Licensed drivers MUST be able to communicate with their passengers. This means to understand written and verbal instructions and requests and be able to respond appropriately.</p> <p>Further tests may be required, as determined by the Licensing Authority, such as an assessment regarding written and oral skills.</p>

4 Fit and Proper Person

Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 require that "A district council shall not grant a drivers' licence to drive a Private Hire or Hackney Carriage vehicle unless they are satisfied that an applicant is a fit and proper person"

The standards set by the legislation state that the applicant for a licence to drive a Hackney Carriage or Private Hire Vehicle must be a 'Fit and Proper' person. The Council has to determine that an applicant is fit and proper to hold a licence. This means that the applicant must be suitable and safe. The Council consider this to mean:

- Honest and trustworthy
- Not abusive, exploitative, violent or threatening
- A competent and safe driver fully conversant with relevant road traffic legislation and licence conditions
- Conversant with the area that they are working in to ensure passengers are carried ~~economically~~ by the short route
- Able to communicate effectively with passengers and can read, speak, write and understand English.

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- In good physical and mental health
- Must hold a full Drivers Licence and not be disqualified from driving

These standards must be upheld during the validity of the council issued driver licence.

The following table provides the standards required by Broadland District Council.

(a) For all new applications

REQUIRED STANDARDS	METHOD OF ASSESSMENT
Safe and comfortable Driving Standards	Driving Assessment A first-time applicant, or an applicant whose previous licence expired more than 28 days previously, must produce a certificate issued by a Council approved provider (a list of which can be found on our website) confirming that they have taken and passed a Driving Assessment for Taxis and Private Hire Vehicles. The applicant will be required to provide their own vehicle in which to complete the test. This will be implemented for new licence holders. Existing licensed drivers will not have to complete the test, unless the renewal period of their licence exceeds a 28-day period or at the authorised officer's request.
Medical Fitness	DVLA Group 2 Medical Assessment Standards Medical to be undertaken and satisfactorily completed.
Convictions and Criminal History DBS Checks must be through the local authority and will not be accepted from any other source.	DBS Enhanced Check to include checks against the 'other workforce' barred lists, as well as subscription to the DBS Update Service to enable 6 monthly criminal record checks. A Criminal record check or alternatively a Certificate of Good Conduct from any Embassy in the countries which the applicant has resided since the age of 18. See Appendix 1 - Convictions Policy.
Must be the holder of a full Driving licence; Validity and issue date of Driving Licence and Driver History and Driver Category check	DVLA Driving Records Check in respect of penalty points and any other relevant issues.
Safeguarding and Disability Awareness Training	The Council has in place a requirement to undertake this training with a Council approved provider.
Right to Work in the UK	A right to work check under the Immigration Act 2016 will be carried out before ayour licence is issued.
Information regarding p Previous L icences, revocations or refusals	Checks will be made with the National Anti-Fraud Network database (NR3) for refusals and revocations of Hackney Carriage or p Private H ire licences.
Ability to speak and communicate effectively in English.	New applicants for drivers' licences may be required to undertake an English speaking and

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	comprehension test with a provider recommended by the Council. It is possible that the applicant may be referred to a council approved provider to undertake training to achieve a suitable standard.
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Any driver whose DVLA driving licence has been suspended or revoked will automatically have their Private Hire Driver licence suspended by an Authorised Officer as they will no longer satisfy the prerequisites for a Private Hire Driver licence. The driver will then be required to appear before Committee for consideration of the future of their licence.

(b) For all renewal applications

REQUIRED STANDARDS	METHOD OF ASSESSMENT
Medical Fitness	DVLA Group 2 Medical Assessment Standards Medical to be undertaken upon every three year renewal application and satisfactorily completed.
Convictions and Criminal History	The DBS Update Service will be utilised <u>from 1 April 2025</u> . Drivers who have not subscribed to the update service <u>by 1 April 2025</u> will be required to complete a new enhanced DBS disclosure every six months. <u>Any DBS disclosure certificate must be no older than 30 days at the time of application.</u>
Be the holder of a full Driving licence; Driving Licence and driving history check	DVLA Driving Records Check
Safeguarding and Disability Awareness Training	The Council has in place a requirement to undertake this training with a Council approved provider. ALL drivers will be expected to have undertaken this training <i>prior</i> to the renewal of their licence. Failure to do so may result in the suspension of the licence until the course is undertaken.
Ability to speak and communicate effectively in English	Existing licensed drivers who are the subject of a complaint regarding their ability to communicate in English will be required to undertake an assessment and may be required to undertake an English Communication test with a council recommended provider. <u>Where the Council has concerns regarding an existing licensed driver's ability to communicate in English they will be required to undertake an English language assessment with a Council approved provider.</u>

All documents must be provided for a renewal application to be processed. An incomplete application ~~may~~will be returned to the applicant.

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5 Convictions, Cautions and Penalty Points Policy

All applications are considered against the ~~nationally agreed~~ Council's convictions and penalty points

Policy. This may be found at **Appendix 1**.

In assessing whether the applicant is a fit and proper person to hold a licence, the Authority shall consider each case on its merits. It will take account of the DBS enhanced disclosure report in so far as it is relevant to the application for a licence.

Upon receipt of a DBS Enhanced Disclosure Licensing Officers will assess whether any or all of the conviction(s) and/or any additional information received is capable of having any relevance to the application as to whether the applicant is a 'fit and proper' person to hold a licence.

Licensing Officers will refer an application before the Committee where the number and/or nature of the convictions, formal cautions and/or other information relating to the applicant raise doubts as to whether that individual is a fit and proper person to hold the respective licence. Where any applicant has been charged with any offence and is awaiting trial, the Authority may defer the determination of the application until that outcome has been established.

The Committee determines applications that do not meet the pre-licensing criteria. Whilst each case is judged on its merits, matters revealed by an enhanced DBS check will be of particular concern if they may impact on the safety of passengers. For the information of applicants and the general public, the Authority has regard to its 'Convictions Policy' which is published on the Council website.

When deciding what action is appropriate, the Committee need only consider an evidential argument that the applicant is not a 'fit and proper person' on the 'balance of probabilities', rather than 'beyond reasonable doubt'. As such, the Committee is not restricted to taking action only where an applicant has been convicted of an offence. The Committee may have regard to formal cautions, criminal charges, police intelligence or any other material provided during the application process.

The consideration of the Committee is on a balance of probabilities whether the applicant is a 'fit and proper person' to hold a Driver's Licence and satisfy the Authority's duty in respect of public safety. When determining such matters, the Committee will use the following test as the basis for its decision:

"Would you (as a member of the Regulatory Committee or other person delegated with the ability to grant Driver's Licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?"

It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and ~~may~~ will be taken

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into account by the licensing authority together with any known reasons why no conviction has occurred.

In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.

More weight will be added to those committing offences whilst acting as an operator or a driver of a hackney carriage or private hire vehicle.

Cautions are considered similarly to convictions for the purpose of decision making. This is because a caution may only be given on admission of guilt.

The Council will consider all cautions, convictions, spent or unspent having regard to ~~but not restricted to the following~~: -

- How relevant the offence(s) are to the licence being applied for.
- How serious the offence(s) were.
- When the offence(s) were committed and the date of conviction.
- Sentence imposed by the court.
- The applicant's age at the time of conviction
- Whether they form part of a pattern of offending or indicate a pattern of unacceptable behaviour.
- Any other factors that might be relevant and the extent of any mitigating factors

6 Disability Awareness and Safeguarding Training

All applicants must undertake a training course which covers Disability Awareness and Safeguarding. There is also a Safeguarding Code of Conduct which acts as a reminder to drivers which is included at Appendix 2.

Drivers must ask any passenger with any impairment, either by sight, hearing, vulnerability, lack of ability or other condition, what assistance they may need in order to travel safely and will be expected to provide that assistance.

The driver shall ensure he/she is conversant with all tail lifts and ramps attached to the vehicle and any wheelchair fittings and fixings.

87 Wheelchair Accessible Vehicles (WAVs) and Assistance Dogs - Drivers Responsibilities

Under the **Equality Act 2010**, drivers of Hackney Carriage and Private Hire vehicles designated by the local licensing authority as being wheelchair accessible must comply with the requirements of Section 165 of the Equality Act 2010, unless they have been issued with an exemption certificate.

Drivers must:

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- carry the passenger in the vehicle while ~~est~~ in ~~at~~the wheelchair
- not make any additional charge for doing so
- if the passenger chooses to sit in a passenger seat, to carry the wheelchair
- 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

Section 166 allows the licensing Authority to exempt drivers from the duty to assist passengers in wheelchairs if it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for them to comply with the duties.

The licensing authority will maintain a list of designated wheelchair accessible vehicles on its website.

Under the Equality Act 2010, licensed drivers of Hackney Carriages and Private Hire Vehicles are under a duty to carry passengers with guide, hearing and other assistance dogs without additional charge. When carrying such passengers, drivers have a duty to

- a) Convey the disabled passenger's dog and allow it to remain under the physical control of the owner; and
- b) Not to make any additional charge for doing so.

It is best practice to ask the passenger where they want themselves and their dog to sit in the vehicle.

Under sections 168-171 the Equality Act 2010, it is an offence for any operator or driver to refuse to carry assistance dogs or to charge more for the fare or booking. On conviction for such an offence, drivers can be fined up to £1,000 and have their licence revoked.

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Part 2 Hackney Carriage Vehicle Policy

1 Introduction

The Council aims to provide a clear, consistent licensing service for service users. The Council sets high standards to protect the safety of the travelling public and to prevent nuisance or annoyance.

Vehicle licences will be issued for a maximum of one year or for a lesser period if the vehicle will reach the Council's age limits during the term of the licence. Additionally, vehicles which reach 7 years old (from the date of first registration) will be granted licences for a 6 month period in line with the vehicle inspection regime.

2 Legislation

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976

The above legislation is the predominant set of laws governing the regulation of Hackney Carriage and Private Hire vehicles.

3 Hackney Carriage Vehicle Owners (Proprietors)

Proprietors

Proprietors of vehicles will be required to undertake a *Basic DBS Check*. Where an applicant has ~~more than one~~ conviction, serious consideration will need to be given as to whether they are a safe and suitable person to hold a vehicle licence.

4 Hackney Carriage Vehicle Licensing Criteria

All New vehicles must comply with the following:

LICENSING CRITERIA	REQUIRED STANDARDS
Proof of Registered Keeper (V5 Registration Document)	An applicant for a vehicle licence must be the registered keeper of the vehicle. For initial applications, the applicant will need to provide the original V5C (vehicle registration document). From then onwards, the V5C will only need to be produced if the vehicle has had modifications and a new V5C has been issued. A bill of sale for that vehicle may be produced if the V5C is not available but the bill must include the date of first registration and the original V5C document must be produced within one calendar month.
Age Limit for licensing a vehicle for the first time	New vehicle licences will only be granted to vehicles less than 5 years of age from the date of first registration. This date will be taken from the vehicle registration document.

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LICENSING CRITERIA	REQUIRED STANDARDS
Maximum Age Limit for vehicles	Vehicle licences will not be renewed once a vehicle is over 10 years of age from the date of first registration. This change is effective from 1 April 2027.
Condition of vehicle	<p>Before a licence application is made in respect of a Hackney Carriage vehicle, the applicant being the proprietor of the vehicle should ensure that:-</p> <ul style="list-style-type: none"> (a) The vehicle is in a satisfactory and safe condition for the carriage of passengers. (b) The vehicle is suitable in type, size and design as a hackney carriage vehicle
Vehicle Fitness Standards	<p>Type Approval</p> <p>All vehicles submitted to the Council for licensing as a Hackney Carriage or Private Hire Vehicle shall meet the safety standards of one of the following;</p> <ul style="list-style-type: none"> • M1 Category European Whole Vehicle Type Approval; • British National Type approval; or in the case of converted vehicles British Single Vehicle Approval (before 29 April 2009); or • Individual Vehicle Approval (from 29 April 2009) to M1 standards. <p>For more information visit: https://www.gov.uk/vehicle-approval</p> <p>Vehicles must be confirmed as fit for use in accordance with the Hackney Carriage Vehicle licence criteria by one of the Council's nominated garages/MOT Testing Station prior to a new application or renewal licence being granted</p> <p>The Vehicle must be capable of complying with the Council's policy requirements and conditions for Hackney Carriages.</p> <p>Vehicles will require a Council Mechanical Test for all vehicles and an MOT test. Thereafter annual tests will be required until the vehicle reaches 7 years of age (V5 verified) when tests will be conducted every six months.</p> <p>The detail of the Council Mechanical Test that the vehicle needs to undertake and meet the standard of may be found on the website at www.southnorfolkandbroadland.gov.uk.</p>

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LICENSING CRITERIA	REQUIRED STANDARDS
<p>All vehicles must comply with the following requirements:-</p> <p>The council will not permit vehicles to be licensed for dual purposes or licensed by more than one authority.</p>	<ul style="list-style-type: none"> • Be a vehicle fitted with four road wheels and at least three doors (see access to doors below) • Be a right hand drive. • Be capable of being identified as a Hackney Carriage • Have a seating capacity of not more than eight passengers in addition to the driver • The vehicle must have seats with a minimum width of not less than 408mm (16 inches) per person • The seat layout, legroom, headroom and seated comfort of the vehicle will be assessed by an authorised officer upon inspection of the vehicle at the Council's offices. Each application will be considered on its own merits. Should the authorised officer determine that the vehicle is not appropriate for use as a Hackney Carriage, or the dimensions of the vehicle are not sufficient to seat the specified number of passengers, the vehicle may be refused for licensing or the number of passengers permitted in the vehicle may be reduced. The safety and comfort of the passenger will be paramount. It is therefore advised that proprietors liaise with the Council before purchasing a vehicle to ensure its suitability. • The bodywork of the vehicle shall be in good condition and shall be as originally fitted by the manufacturer or vehicle convertor. Wheel trims must be fitted to all road wheels where part of the manufacturer's original specification. • All upholstery shall be clean and in a well maintained condition. No tear, crack, hole or burn will be acceptable. Upholstery includes seats, headrests, armrests, carpets and other trim. • All fittings shall be properly maintained and in good working order. Fittings include litter containers, clocks, interior lights, sun blinds, door surrounds, grab handles, other equipment provided for passenger comfort and any equipment in, on or forming part of the vehicle including wheelchair ramps and securing fittings where the vehicle is to be licensed to carry wheelchair users.

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LICENSING CRITERIA	REQUIRED STANDARDS
<p>Access to Doors</p> <p>Currently licensed vehicles which do not meet the new criteria may continue in service until they reach the maximum age policy for such vehicles.</p>	<p>No new vehicle shall be licensed which would require any passenger to climb over any luggage or obstruction in the vehicle.</p> <p><u>“Clear and unobstructed ingress to and egress from any back row seating of the vehicle must be available at all times in the case of any minibus or people carrier-type vehicle with three or more rows of seating. This may require the removal of any seat adjacent to the nearside door of the passenger compartment of the vehicle.</u></p> <p><u>No person entering or exiting from a vehicle should have to remove or dismantle any seat or other obstacle, or to climb over any person being carried in the vehicle, or have any other person leave their seat, to facilitate them entering or exiting the vehicle.</u></p> <p><u>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</u></p> <p>All passenger seats must have unobstructed access to the exit doors.</p>
Seatbelts	All seats, front, rear and disabled must be fitted with three point seat belts.
Glazing	The rules for tinted front windscreens and front side windows depend on when the vehicle was first used. The front windscreen must let at least 75% of light through and the front side windows must let at least 70% of light through. (Registered from 1 April 1985)
Roof signs	Hackney Carriage Vehicles should display a roof <u>sign</u> containing the wording TAXI and the words FOR HIRE. These will be the only words which may be displayed on the front of the roof sign.
Taximeter	All Hackney Carriage Vehicles require a calendar controlled and sealed tariff taximeter capable of complying with relevant legislation. Taximeters will be connected to the roof sign. Once the meter is started, the roof sign For Hire notice will extinguish.
Trailers	The towing of trailers will not be permitted except with the written permission of an authorised officer of the Licensing Authority. The driver will need to

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LICENSING CRITERIA	REQUIRED STANDARDS
	<p>demonstrate that they have the relevant DVLA licence category permitting the towing of trailers.</p> <p>The trailer unit will also need to be inspected for roadworthiness and safety. The trailer must display a second plate fixed to the rear, issued upon the receipt of an additional fee.</p>
LOLER Certificate – hoist equipment	<p>If a mechanical hoist is fitted to the vehicle this will require a LOLER (Lifting Operations and Lifting Equipment Regulations 1998) inspection every six months by the manufacturer or their approved agent and a certificate/report must be produced to the Licensing Authority to that effect.<u>thorough examination report must be produced to the Licensing Authority. Where a thorough examination report includes identification of any part found to have a defect which is or could become a danger to persons, the report must be produced to the licensing authority by the quickest practicable means without delay. In all other cases, the report is to be provided within 21 days of the inspection date.</u></p>

An applicant whose vehicle does not meet the above criteria may request to have their application determined by the Licensing Committee. Departure from the agreed policy will only be considered where exceptional circumstances apply.

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Part 3 Private Hire Vehicle Policy

1 Introduction

The Council aims to provide a clear, consistent licensing service for service users. The Council sets high standards to protect the safety of the travelling public and to prevent nuisance or annoyance.

Vehicle licences will be issued for a maximum of 12 months or for a lesser period if the vehicle will reach the Council's age limits during the term of the licence. Additionally, vehicles which reach 7 years old (from the date of first registration) will be granted a licence for a 6 month period in line with the vehicle inspection regime.

2 Legislation

Local Government (Miscellaneous Provisions) Act 1976

The above legislation is the predominant set of laws governing the regulation of Private Hire vehicles.

3 Private Hire Vehicle Licensing Criteria

All New vehicles must comply with the following:

LICENSING CRITERIA	REQUIRED STANDARDS
Proof of Registered Keeper (V5 Registration Document)	An applicant for a vehicle licence must be the registered keeper of the vehicle. For initial applications, the applicant will need to provide the original V5C (vehicle registration document). From then onwards, the V5C will only need to be produced if the vehicle has had modifications and a new V5C has been issued. A bill of sale for that vehicle may be produced if the V5C is not available but the bill must include the date of first registration and the original V5C document must be produced within one calendar month.
Age Limit for licensing a vehicle for the first time	New vehicle licences will only be granted to vehicles less than 5 years of age from the date of first registration. This date will be taken from the V5.
Maximum Age Limit for vehicles	Vehicle licences will not be renewed once a vehicle is over 10 years of age from the date of first registration. This change will be implemented from 1 April 2027.
Condition of vehicle	Before a licence application is made in respect of a Private Hire vehicle, the applicant should ensure that:- (a) The vehicle is in a satisfactory and safe condition for the carriage of passengers. (b) The vehicle is suitable in type, size and design as a hackney carriage vehicle.

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LICENSING CRITERIA	REQUIRED STANDARDS
<p>Vehicle Fitness Standards</p>	<p>Type Approval</p> <p>All vehicles submitted to the Council for licensing as a Hackney Carriage or Private Hire Vehicle shall meet the safety standards of one of the following;</p> <ul style="list-style-type: none"> • M1 Category European Whole Vehicle Type Approval; • British National Type approval; or in the case of converted vehicles British Single Vehicle Approval (before 29 April 2009); or • Individual Vehicle Approval (from 29 April 2009) to M1 standards. <p>For more information visit: https://www.gov.uk/vehicle-approval</p> <p>Vehicles must be confirmed as fit for use in accordance with the Private Hire Vehicle licence criteria by one of the Council's nominated garages/MOT Testing Station prior to a new application or renewal licence being granted</p> <p>The Vehicle must be capable of complying with the Council's policy requirements and conditions for Private Hire Vehicles.</p> <p>Vehicles will require a Council Mechanical Test for all vehicles and an MOT test. Thereafter annual tests will be required until the vehicle reaches 7 years of age (V5 verified) when tests will be conducted every six months.</p>
<p>All vehicles must comply with the following requirements:-</p> <p>The council will not allow vehicles to be licensed for dual purposes or licensed by more than one authority.</p>	<ul style="list-style-type: none"> • Be a vehicle fitted with four road wheels and at least three doors (see access to doors below) • Be a right hand drive. • Be capable of being identified as a Private Hire Vehicle • Have a seating capacity of not more than eight passengers in addition to the driver • The vehicle must have seats with a minimum width of not less than 408mm (16 inches) per person • The seat layout, legroom, headroom and seated comfort of the vehicle will be assessed by an authorised officer upon inspection of the vehicle at the Council's offices. Each application will be considered on its own merits. Should the authorised officer determine that the vehicle is not appropriate for use as a Private Hire Vehicle or Hackney Carriage, or the dimensions of the vehicle

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LICENSING CRITERIA	REQUIRED STANDARDS
	<p>are not sufficient to seat the specified number of passengers, the vehicle may be refused for licensing or the number of passengers permitted in the vehicle may be reduced. The safety and comfort of the passenger will be paramount. It is therefore advised that proprietors liaise with the Council before purchasing a vehicle to ensure its suitability.</p> <ul style="list-style-type: none"> • The bodywork of the vehicle shall be in good condition 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. • All upholstery shall be clean and in a well maintained condition. No tear, crack, hole or burn will be acceptable. Upholstery includes seats, headrests, armrests, carpets and other trim. • All fittings shall be properly maintained and in good working order. Fittings include litter containers, 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 users.
<p>Access to Doors</p> <p>Currently licensed vehicles which do not meet the new criteria may continue in service until they reach the maximum age policy for such vehicles</p>	<p>No new vehicle shall be licensed which would require any passenger to climb over any luggage or obstruction in the vehicle.</p> <p><u>Clear and unobstructed ingress to and egress from any back row seating of the vehicle must be available at all times in the case of any minibus or people carrier-type vehicle with three or more rows of seating. This may require the removal of any seat adjacent to the nearside door of the passenger compartment of the vehicle.</u></p> <p><u>No person entering or exiting from a vehicle should have to remove or dismantle any seat or other obstacle, or to climb over any person being carried in the vehicle, or have any other person leave their seat, to facilitate them entering or exiting the vehicle.</u></p> <p><u>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</u></p>

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LICENSING CRITERIA	REQUIRED STANDARDS
	All passenger seats must have unobstructed access to the exit doors.
Seatbelts	All seats, front, rear and disabled must be fitted with three point seat belts.
Glazing	The windscreen must allow at least 75% of light to be transmitted through it and the front side windows allow 70% of light to be transmitted through them. It is also recommended that rear windows allow a minimum of 70% of light to be transmitted through them.
Vehicle Signage – Roof signs	<p><i>No licensed Private Hire vehicle may display a roof sign without obtaining prior consent <u>from the Council</u>.</i></p> <p>The proprietor may, by written application to the Licensing Section, request permission to permanently fix an illuminated roof sign or roof bar to a Private Hire Vehicle.</p> <p>The roof sign or roof bar must be to the specification required by the council and have the words 'Pre-Booked Only' on both or all sides of the sign or bar. Private Hire Vehicles are permitted to use bus lanes and bus gates providing an approved roof sign/bar has been fitted to the roof of the vehicle.</p>
Trailers	<p>The towing of trailers will not be permitted except with the written permission of an authorised officer of the Licensing Authority. The driver will need to demonstrate that they have the relevant DVLA licence category permitting the towing of trailers.</p> <p>The trailer unit will also need to be inspected for roadworthiness and safety. The trailer must display a second plate fixed to the rear, issued upon the receipt of an additional fee.</p>
LOLER Certificate – hoist equipment	<p>If a mechanical hoist is fitted to the vehicle this will require a LOLER (Lifting Operations and Lifting Equipment Regulations 1998) inspection every six months by the manufacturer or their approved agent and a certificate/ <u>thorough examination report must be produced to the Licensing Authority. Where a thorough examination report includes identification of any part found to have a defect which is or could become a danger to persons, the report must be produced to the licensing authority by the quickest practicable means without delay. In all other cases, the</u></p>

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LICENSING CRITERIA	REQUIRED STANDARDS
	<u>report is to be provided within 21 days of the inspection date.</u> report must be produced to that effect.
Transfer of Licence to a new vehicle	The proprietor of a licensed Private Hire Vehicle wishing to replace a licensed vehicle with another vehicle may apply to transfer the licence to the new vehicle. The new vehicle will be required to meet the same standards as for a new vehicle application. It will be required to undertake a vehicle mechanical test. The proprietor will also be required to produce valid MOT, insurance and vehicle registration documents for the vehicle as well as paying the prescribed fee. The vehicle must comply with the policy and conditions for a new vehicle licence.

An applicant whose vehicle does not meet the above criteria may request to have their application determined by the Licensing Committee. Departure from the agreed policy will only be considered where exceptional circumstances apply.

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Part 3a Private Hire Stretched Limousine Policy and Executive Hire Policy and Conditions

1 Stretched Limousines

A “stretched limousine”, is a saloon type vehicle that has undergone an increase in length by extending the wheelbase after manufacture. The majority of stretch limousine vehicles are imported from the United States and will not comply with the usual standards demanded of a Private Hire Vehicle.

It is likely that non-compliance will include:

- Vehicles will be left hand drive.
- Passenger windows will be dark/blacked out (*however they must comply with current legislation*)
- May not comply with age requirements
- Side facing seating arrangements

STRETCH LIMOUSINE – ADDITIONAL PRIVATE HIRE REQUIREMENTS

(Please see [Guidance for Operators of Stretch Limousines 2 .pdf \(publishing.service.gov.uk\)](#))

1. The stretched limousine must hold a valid Individual Vehicle Approval (IVA) Certificate issued by DVSA. Limousines converted by recognised convertors will only be accepted and will need to be evidenced. The IVA test comprises of a visual inspection of a vehicle by DVSA and certifies its safety and roadworthiness. [Vehicle approval: Individual Vehicle Approval - GOV.UK \(www.gov.uk\)](#)
2. The Operator must declare to the Council any specific DVLA driver category required to legitimately operate the vehicle.
3. No advertisement can be displayed on the vehicle, without obtaining prior written approval.
4. If the applicant/licence holder proposes to allow someone else to drive the vehicle they must obtain copies of their private hire vehicle driver's licence and DVLA driving licence entitling that person to drive the vehicle.

5. VEHICLE TESTING

Following consultation with DVSA, a limousine will be subject to **two** vehicle tests per year. If a licence is issued it will be issued for a maximum period of six months, renewable every six months.

6. SIDEWAYS SEATING

Stretched limousines with side seating (facing towards the centre of the vehicle) will be considered for licensing.

7. SEAT BELTS

Seatbelts must be fitted to all forward and rear facing seats and must be worn at all times by passengers whilst the vehicle is in motion as required under seat belt regulations. There is no legal requirement to fit seatbelts in sideways-facing seats and there are no seat belts or child restraints approved for side-facing seats. However, if seat belts have been fitted to any side-facing seats they must be worn and comply with current seat belt regulations.

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8. MAXIMUM PASSENGERS

- a) The limousine's seating capacity must be reduced where necessary to a maximum of 8 passengers. The vehicle must not carry more than 8 passengers **at any time**.
- b) Any seats in the driver's compartment must not be used to carry passengers. This is to ensure that passengers are not carried in the front of the vehicle in order to improve driver and passenger safety.
- c) In any advertisement publicising their limousine service, the Operator must state that the vehicle is only licensed to carry a maximum of 8 passengers.

9. TYRES

The limousine must be fitted with tyres that meet the appropriate specification for both the size and weight as specified by the convertors. Given the increased weight of the vehicle, tyres of the correct weight and size rating must be used at all times.

10. FIRE EXTINGUISHER

It will be the operator/driver's responsibility to ensure that the extinguisher is of the correct type (the fire extinguisher should be either a 1kg dry powder or a 2 litre AFFF), has the appropriate British Standard and serviced annually. The extinguisher must be securely fitted and must not be accessed by any of the passengers. The driver should also have sufficient training and knowledge in the safe use of the extinguisher in the event of fire.

11. ENTERTAINMENT

Entertainment which may be regulated includes TV, video, video games, loudspeakers, or any other activity provided for the passenger's enjoyment.

- a) The driver shall not play or permit the performance of any media which, because of its age restricted classification or its content, is unsuitable for the age of the passengers in the vehicle - based on the age of the youngest passenger. This is to safeguard child passengers from viewing unsuitable material.
- b) Limousines which have the capability of playing recorded media for the entertainment of customers may be required to hold a Performing Rights Licence.
- c) Entertainment provided in the vehicle shall be under the terms of any relevant legislative requirements.

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ADDITIONAL CONDITIONS FOR PRIVATE HIRE VEHICLES - STRETCH LIMOUSINES AND/OR EXECUTIVE HIRE VEHICLES

1. ALCOHOL

- a) Alcoholic drinks provided in the vehicle must be in accordance with the requirements of the Licensing Act 2003 relating to the sale and supply of alcohol.
- b) The driver must ensure that alcohol is *only* served while the vehicle is stationary and afterwards, all bottles are placed in a secure receptacle.
- c) If any passenger is below the age of 18, **no alcohol** should be served in the vehicle.
- d) Any 'glassware' in the vehicle must be made of either shatterproof glass or plastic.

2. SUNROOFS

The driver must ensure that any sunroofs fitted to the limousine are closed at all times when travelling and can only be operated by the driver from their compartment. This is to ensure the safety of the driver, passengers and the public.

3. PASSENGER COMPARTMENT SEPARATION

Where the rear seat compartment is separated from the driver by a partition, the operation of the partition (if applicable) to be only controlled by the driver from the driver's compartment. If the partition is of a glass construction it must be made of toughened/safety glass and carry the appropriate safety markings.

4. PASSENGER BEHAVIOUR

The driver will take all reasonable steps to ensure that passenger behaviour does not compromise public safety. Passengers need to be seated at all times when the vehicle is moving and prevent them from opening any of the rear windows. This is to ensure the safety of the passengers and prevent public nuisance.

5. SMOKING/VAPING

No smoking is allowed in any licensed or work vehicles, this is a legal requirement. No vaping shall be allowed in the vehicle at any time.

6. FIRE EXTINGUISHERS

~~Fire extinguishers carried in the vehicle will be the sole responsibility of the operator.~~ It will be the operator and driver's responsibility to ensure that the fire extinguisher carried in the vehicle is:

- a) of the correct type (The fire extinguisher should be either a 1kg dry powder or a 2 litre AFFF),
- b) has the appropriate British Standard
- c) is serviced annually.
- d) The extinguisher must be securely fitted; and
- e) must not be accessed by any of the passengers.
- f) The driver should also have sufficient training and knowledge in the safe use of the extinguisher in the event of fire.

Documentation required for a licence to be issued is the same as for a regular private hire vehicle:

- DVLA Registration Document (V5).

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- Valid Certificate of Insurance, with cover for hire and reward.
- Current MOT test certificate
- Completion of Council mechanical test

2 Executive Hire Vehicles Drivers and Operators

There is no legal definition of Executive Private Hire. The same rules apply as for private hire vehicles, drivers and operators. Bookings must be accepted by a licensed private hire operator and a licensed vehicle and driver will be dispatched to complete the contract.

The main distinction between standard and executive private hire is the type of client catered for, which is typically business to business contracts, the type of service offered, and the cost of the service provided.

Executive Hire is expected to be:

- By written contract
- Booking and payment made in advance of the journey or by invoice
- Carried out in a high specification vehicle
- Chauffeur uniformed driver or a minimum of a collared shirt and tie
- Detailed in the business plan provided by the Private Hire Operator.

Executive Private Hire Vehicles

The vehicle used to undertake executive private hire work will be a licensed vehicle. It will be a high value, high specification vehicle exempted from the requirement to display standard licence plates and signage, but required instead to display discreet silver identification plates, as approved by the Licensing Authority. Vehicles, operators and drivers are otherwise expected to be fully compliant with all other private hire licensing requirements and conditions.

Executive private hire vehicles are expected to meet the same criteria as standard licensed hire vehicles with the following exceptions:

- The vehicle must be an executive or prestige type vehicle.
- Examples of executive/prestige makes and models would include:
 - Audi A8
 - BMW series 7
 - Jaguar XJ
 - Lexus GS and LS
 - Mercedes S and E classes
 - Other vehicles may be licensed on request and at the Licensing Officer's discretion

Executive vehicles must be

- under 3 years of age when first licensed (from date of first registration stated on the V5)
- Manufacturers' window tints are permissible
- Window Tint Film must *not* be applied
- The vehicle cannot be fitted with operator to driver communication system (radio)

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- A licensed executive private hire vehicle will be exempted from displaying standard private hire licence plates. An approved silver executive plate will be required to be displayed.
- A licensed executive hire vehicle will not be permitted to display any form of advertising

Executive Private Hire Drivers

Drivers of Executive Private Hire Vehicles must hold a valid private hire drivers licence issued by the same local authority that issued the Executive vehicle and operator licence. The legislation requires that all licenced drivers (private hire and hackney carriage) are fit and proper to hold such a licence. The standards required by the Licensing Authority in terms of driving skills, medical fitness, criminal/motoring convictions, knowledge of licensing requirements, and safeguarding is the same for both standard and executive private hire drivers. A driver who holds a private hire drivers' licence can drive standard or executive hire vehicles.

The decision as to what constitutes Executive Hire will be taken by a Licensing Officer upon application.

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Part 4 Private Hire Operator Policy

1 Introduction

This part of the Licensing Policy sets out how the Authority will deal with applications for Private Hire Operator licences in the Broadland District.

The Council aims to provide a clear, consistent licensing service for service users. At the same time, it aims to protect the safety of users and to prevent nuisance or annoyance.

Operator Licences will ordinarily be issued for 5 years unless, in the case of individual applicants, leave to remain in the UK is time limited.

2 Legislation

The Local Government (Miscellaneous Provisions) Act 1976 requires that a licence should be held by the proprietor of each Private Hire Vehicle and by each person who acts as a driver of a Private Hire Vehicle or by an operator of Private Hire Vehicles who in the course of business provides for the invitation and acceptance of bookings for such vehicles.

3 Private Hire Operators Licensing Criteria

1. Applicants may be an individual, partnership or company.
2. Individual Applicants must be over 21 years of age.
3. Applicants for new licences should be free from previous convictions and cautions, other than for minor traffic offences. A basic DBS disclosure must be provided.
4. Applicants for renewal of licences should be free from new convictions and cautions, since the date of the last grant of their licence, other than for minor traffic offences. A basic DBS is required for disclosure of any relevant convictions.
If an applicant has not been resident in the UK for the last 5 years a certificate of good conduct from the appropriate overseas embassy(ies) may be acceptable in place of a basic level disclosure.
5. Operators must ensure that all staff working at the operator base produce a basic DBS disclosure (completed within the last month) at time of application for the Operator licence or at the time of employment, whichever is sooner. This must be produced to the Licensing Authority and recorded on the personnel file to be inspected by officers as part of the inspection process.
6. Operators must provide their policy on employing ex-offenders into office or dispatch roles and a register of staff must be maintained. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Consideration of Previous Convictions or Cautions for Licensing Hackney Carriage or Private Hire Drivers~~Assessment of previous convictions~~), other than

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those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

7. An Operator must ensure that Public Liability insurance is held for the Private Hire Operating business to a minimum value of £5,000,000.
8. An Operator must ensure that all vehicles operated and drivers working for them are licensed by one Council.

4 The Licensing Process & Delegation of Functions

Applications may also be referred to Licensing Committee for consideration and determination. All applications will be determined in accordance with this policy and each case will be considered individually on its facts and merits. Any applications that fall outside of this policy can only be determined by the Council's Licensing Committee.

5 Fees

Fees and charges for all licences must accompany the application.

Full details of all current fees and charges are obtainable from the Council website

<https://www.southnorfolkandbroadland.gov.uk/taxi-private-hire-licences>

6 Committee Procedure

If the application for a licence falls outside of our policies, the Licensing Section will inform the applicant of the reasons why. If the applicant wishes to, they may give notice in writing that they wish the matter to be considered by the relevant Licensing Committee. The applicant will be advised of the date that their application will appear before the Council's Licensing Committee. The applicant will be expected to attend to give reason as to why they feel that the Licensing Committee should depart from, or offer an exception to, the Policy.

7 Conditions

The Council, through its Licensing Committee, has agreed conditions relating to Private Hire Operator Licences.

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CONDITIONS

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DUAL HACKNEY CARRIAGE & PRIVATE HIRE DRIVERS' LICENCE CONDITIONS

Broadland District Council Hackney Carriage Byelaws

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the council of Broadland District with respect to hackney carriages in Broadland.

Interpretation

1. Throughout these byelaws “the Council” means Broadland District Council and “the district” means the District of Broadland.

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

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

(b) A proprietor or driver of a hackney carriage shall -
 - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire; and
 - (ii) not cause or permit the carriage to stand or ply for hire with any such painting marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided

3. The proprietor of a hackney carriage shall:-
 - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - (b) cause the roof or covering to be kept water-tight;
 - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
 - (d) cause the seats to be properly cushioned or covered;
 - (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
 - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
 - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
 - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be

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readily available for use; and

- (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say:
- (a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
 - (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures, a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council;
 - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
 - (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges

5. The driver of a hackney carriage provided with a taximeter shall -
- (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
 - (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and
 - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or

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with the seals affixed thereto.

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

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

14. (i) The proprietor or driver of a hackney carriage shall be entitled to demand and take for

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the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by a combination of distance and time unless the hirer express at the commencement of the hiring their desire to engage by time.

- ii) Where a hackney carriage furnished with a taximeter is hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

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

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof

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

Penalties

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

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PRIVATE HIRE DRIVERS' CONDITIONS

1. ANIMALS

The driver may not carry theirs or an Operator's animals whilst engaged in carrying a fare. Passenger owned animals may be carried at the driver's discretion.

A driver cannot refuse to carry an assistance dog except in the circumstances mentioned in paragraph 3(b) below.

2. APPEARANCE

- a) The driver shall be clean and tidy in appearance.
- b) The driver shall at all times be dressed in a manner not to cause embarrassment or offence to members of the public.

3. ASSISTANCE DOGS

- (a) No driver may refuse to carry an assistance dog which is in the charge of a fare paying passenger and no charge shall be made for the carriage of such a dog whilst in the company of a disabled person or a person training such a dog.
- (b) Drivers with medical conditions preventing the carrying of an assistance dog, must obtain a certificate of exemption from the Licensing Authority. This will be provided on receipt of a medical declaration from a certified medical practitioner. Any charge for any necessary medical examination is to be paid by the applicant. The holder of a certificate of exemption shall ensure that it is displayed within the vehicle at all times.
- (c) Drivers must comply with the Equality Act 2010 and any subsequent or supplementary relevant legislation, at all times.

4. BADGES

- (a) The driver will wear their issued drivers' badge at all times in such a manner as to be clearly and distinctly visible unless the vehicle is being used in connection with a wedding or funeral.
- (b) A duplicate identification badge will be issued and must be fixed to the dashboard or partition screen of the licensed vehicle to enable the passengers to be able to easily identify the driver.
- (c) Upon expiry, revocation or suspension, the licence must be returned immediately.
- (d) The badge remains the property of the Council at all times.
- (e) Where a badge is lost or stolen, the driver must obtain a replacement. This will be at the drivers' own expense.

5. COMPLIANCE WITH LEGISLATION

Drivers must comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

6. CHANGE OF ADDRESS OR OTHER CIRCUMSTANCES

The driver **must** notify the Licensing Team in writing of any of the following changes, within seven days of such changes taking place:

- a) change of name
- b) change of address
- c) change of Operator

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7. ARRESTS, CONVICTIONS, CAUTIONS AND MOTORING OFFENCES

The driver **must** notify the Licensing Team within 48 hours of:

- a) Any arrests, convictions, cautions, motoring or otherwise (including fixed penalty notices and penalty points, or attendance on a speed awareness course),
- b) Any voluntary attendance at a Police interview in relation to a criminal investigation,
- ~~a/c)~~ Their vehicle being stopped by the Police for any reason,
- ~~b/d)~~ Any medical condition affecting their ability to drive. A medical examination may be required.

8. CONDUCT

- (a) When a passenger is in the vehicle, a driver should not eat or drink in the vehicle.
- (b) The radio or other music shall not be played without the express permission of the hirer.
- (c) The driver shall not without the express consent of the hirer, convey or permit to be conveyed, any other person in the vehicle.

9. DEPOSIT OF LICENCE

If a driver is permitted to work for an Operator, they shall provide the Operator with a copy of their Council drivers' licence before commencing work with that Operator.

10. DISABILITY AWARENESS AND SAFEGUARDING COURSE

It is a condition of the granting of a Hackney Carriage/Private Hire Driver Licence that the driver must attend and complete both a Safeguarding and Disability Awareness training course. Existing drivers who have not completed this training, must do so before the licence can be renewed. Drivers who cannot prove having completed the course, will be suspended until proof of attendance is provided. All necessary fees must be paid by the driver.

11. DVLA DRIVING LICENCE

Any driver whose DVLA driving licence has been suspended or revoked must immediately notify the Licensing Authority and will automatically have their Private Hire Driver Licence suspended by an Authorised Officer. Drivers must return their badge to the licensing team. When considered in accordance with the Penalty Points policy, if eligible, the driver may be required to appear before the Licensing Committee for the licence application or reinstatement to be considered.

12. FARE TO BE CHARGED

The driver shall not exceed the fare agreed between the hirer and the Operator.

13. GENERAL LICENCE CONDITIONS

All drivers shall operate strictly within the terms of any licence issued under the terms and conditions of the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847 and Conditions issued by the Council.

14. INVESTIGATIONS

The driver shall cooperate fully in the investigation of complaints against them. An Authorised Officer of the Licensing Authority will arrange an interview, normally at the Council offices or other pre-agreed location. Drivers agree to produce any information reasonably requested during the course of such investigation. Failure to do so ~~will be considered an act of dishonesty and~~ may be subject to further action.

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15. LOST PROPERTY

The driver shall immediately after the termination of any hiring of the vehicle, or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there. Any property found must be handed to the Police within 24 hours.

16. OPERATORS

(a) Drivers are responsible for ensuring that the Operator they are working for has a valid Private Hire Operator's Licence and that the private hire vehicle is insured for their use.

~~(b) A licensed driver must notify the Licensing Team in writing as soon as they change the Operator through whom they take bookings.~~

~~(c)~~(b) A licensed driver who holds an Operator's licence must comply with all the conditions and requirements of that licence even when working for another Operator under a sub contract.

~~(d)~~(c) Drivers must provide a copy of their drivers' licence to the Operator before starting work.

~~(e)~~(d) Drivers must surrender the licence and badge to the Licensing Team immediately upon ceasing work as a driver.

17. PUNCTUAL ATTENDANCE

Any driver who has been pre-booked for a journey shall attend as appointed.

18. REASONABLE ASSISTANCE

The driver shall, when requested by any person hiring the vehicle:

- (a) convey a reasonable quantity of personal luggage;
- (b) afford reasonable assistance in loading luggage at the journey commencement point.
- (c) afford reasonable assistance in removing the luggage at the drop off point.

19. RECEIPTS

Any passenger requesting a receipt for payment made will be provided with a receipt showing the date and the fare paid, and the driver's signature. It shall be in such a form as to identify the company and/or individual providing the receipt.

20. RENEWALS

Completed renewal applications and the required fee must be submitted with all of the additional documentation no later than 4 weeks prior to the licence expiry date.

21. RESPONSIBILITY TO RESIDENTS

To avoid nuisance when picking up or waiting for a fare, particularly during hours of darkness, a driver shall:

- Keep the volume of radio or music playing to a minimum;
- Switch off the engine if required to wait;
- Take whatever additional action is reasonably necessary to avoid disturbance to residents in the neighbourhood.

22. SMOKING/VAPING

No smoking is allowed in any licensed or work vehicles, this is a legal requirement. No vaping shall be allowed in the vehicle at any time.

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23. SOUNDING THE HORN

A licensed driver shall not sound their horn to announce their presence to the hirer.

24. SUB-STANDARD DRIVING

Complaints received regarding sub-standard driving may result in a requirement to undertake a further driving assessment, which will be at the driver's expense. Failure to pass this assessment is a reasonable cause to suspend or revoke a licence.

25. SUSPENSION AND REVOCATION

A revoked or suspended licence MUST be surrendered to the Council on demand.

26. TOUTING AND SOLICITING

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

- (a) Tout or solicit any other person to hire, or be carried for hire in any private hire vehicle
- (b) Cause or procure any other person to tout or solicit any person to hire or be carried for hire in any private hire vehicle.
- (c) Ply for hire or use any taxi rank.

27. VEHICLE PLATES

- (a) The driver shall not convey or permit to be conveyed any greater number of passengers than specified on the plate affixed to the vehicle.
- (b) The Operator nor driver shall not wilfully or negligently cause or suffer any internal or external licence plate or number to be concealed from public view while the vehicle is hired. Nor shall they cause or permit the vehicle to be on hire with any such plate so defaced that any figure or material particular is illegible.

Any applicant aggrieved by any condition attached to the grant of this licence may Appeal to a Magistrates' Court within 21 days of the issue of the licence.

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HACKNEY CARRIAGE VEHICLE – LICENCE CONDITIONS

The Proprietor is responsible for

1. RENEWALS

Renewal applications and the fee must be submitted no later than 2 weeks prior to the licence expiry date. Failure to ensure the application is submitted and the fee is paid in time could result in the licence renewal being delayed.

2. VEHICLE STANDARDS

The proprietor of the vehicle must maintain the mechanical fitness, repair and cleanliness of the interior and the exterior of the vehicle, including the paintwork, in a clean, sound and damage free condition.

3. ADVERTISING SIGNS

Advertising signs will only be permitted on or in the vehicle with prior written approval of the Council.

4. LICENCE AND INSURANCE

- (a) The proprietor must ensure that every person who drives the vehicle is properly licensed and insured.
- (b) Upon the request of a Licensing Officer, Police Officer or other authorised person, the proprietor shall produce their:
 - Insurance certificate
 - V5 Vehicle registration document
 - MOT test certificate
- (c) The proprietor must ensure that the vehicle is properly insured for the duration of the licence.

5. INVESTIGATIONS

The proprietor shall co-operate fully in the investigation of complaints including attending the office, or other pre-agreed location, for interview, production of documents or information reasonably requested. This will include attending the Council offices to produce such information requested during the course of an investigation.

6. ALTERATIONS

Once a licence has been granted, no material alteration or change in the specification design condition or appearance of the vehicle shall be made without the prior approval of the Council.

7. HACKNEY CARRIAGE VEHICLE EXTERNAL LICENCE PLATES

The vehicle must display a licence plate as prescribed by the Council. This plate and the licence it represents, will be owned by the licensing authority

- (a) Licence Plates must be secured to the rear of the vehicle below the window line.
- (b) Plates must be clearly visible at all times.
- (c) When renewing, the old licence plate must be exchanged for the new plate.
- (d) Lost or damaged plates must be immediately replaced at the owner's expense.
- (e) Plates must not be removed without written consent.
- (f) Plates must only be used on the vehicle they were issued to.
- (g) The driver must not carry more than the number of passengers specified on the plate.
- (h) In the event of revocation or suspension, the owner of the vehicle must return the licence plate.

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- (i) Proprietors must not permit the use of the vehicle otherwise than in compliance with the above conditions .

8. HACKNEY CARRIAGE VEHICLE - INTERNAL LICENCE

The vehicle must display an Internal Licence as prescribed by the Council.

- (a) The Internal Licence Plate shall be displayed in the front windscreen of the vehicle
- (b) Plates must be clearly visible at all times.
- (c) When renewing, the old licence plate must be exchanged for the new plate.
- (d) Lost or damaged plates must be immediately replaced at the owner of the vehicles' expense.
- (e) Plates must not be removed without written consent.
- (f) Plates must only be used on the vehicle they were issued to.
- (g) The driver must not carry more than the number of passengers specified on the plate.
- (h) In the event of revocation or suspension, the owner of the vehicle must return the licence plate.
- (i) Proprietors must not permit the use of the vehicle otherwise than in compliance with the above conditions

9. COLLISION (ACCIDENT) REPORTING

Collisions resulting in damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried shall be reported to an authorised officer within 72 hours of the accident occurring on the prescribed form.

10. ASSISTANCE DOGS

No driver may refuse to carry an assistance dog which is in the charge of a fare paying passenger and no charge shall be made for the carriage of such a dog whilst in the company of a disabled person or a person training such a dog.

11. CHANGE OF ADDRESS OR OF OWNERSHIP AND PROPRIETOR CONVICTIONS

The Proprietor must inform the Council in writing within 7 days of:

- The sale and name and address of the new owner
- Their change of address, before the change if possible,
- The proprietor shall disclose to the Council in writing details of any conviction imposed on him/her (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence

But no more than 7 days afterwards in either case.

12. ARRESTS, CONVICTIONS, CAUTIONS AND PENALTY POINTS

- a) All Drivers must notify the Council in writing of any conviction or caution recorded against them or of any penalty points incurred, or attendance on a speed awareness course, within 7 days of such event.
- b) If a driver is arrested for any offence, voluntarily attends a Police interview in relation to a criminal investigation, or has their vehicle stopped by the Police for any reason, even if they are not charged, they must notify the Licensing Authority within 48hours.

13. DOCUMENTS

When a vehicle is available for or being used for hire, the following must be carried in the vehicle:

- a) Dual Driver's Licence issued by the council.

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- b) A duplicate identifying Driver Licence will be issued and must be displayed either in the front of the vehicle or on the partition screen between the driver and passengers to enable the duplicate badge to be visible to them.

14. DRIVERS

The proprietor shall not cause or procure or permit any person who is not the holder of a current Hackney Carriage licence issued by the Council to drive a licensed hackney carriage vehicle.

15. FIRE EXTINGUISHERS

The proprietor of the hackney carriage shall provide and maintain an efficient, in date and suitable fire extinguisher (the fire extinguisher should be either a 1kg dry powder or a 2 litre AFFF).

16. PASSENGERS

- a) The Proprietor or driver shall not permit to be conveyed in the vehicle a greater number of persons exclusive of the driver than the number of persons specified on the licence plate provided.
- b) The driver shall not allow any person, other than the hirer, to ride in the vehicle when it is on hire without the hirer's consent.

17. ROOF SIGNS

- (a) All vehicles (other than a purpose built taxi vehicle) shall be fitted with a double sided illuminated roof sign showing only the words in black lettering "TAXI" to the front and rear.
- (b) The sign must be illuminated when the vehicle is plying for hire, during the hours of darkness or where sidelights or headlights are necessary (i.e. fog).
- (c) The illuminated roof sign shall work with the taximeter so as to extinguish when hired.

18. SIGNS, PLATES AND BADGES

All badges, plates or signs provided by the Council remain the property of the Council at all times and must be returned immediately when requested to do so by an authorised officer.

19. SMOKING/VAPING

No smoking is allowed in any licensed or work vehicles, this is a legal requirement. No vaping shall be allowed in the vehicle at any time.

20. TABLE OF FARES (TARIFF)

The proprietor shall ensure that a copy of the current Table of Fares (Tariff) supplied by the Council is exhibited inside the carriage at all times in such a manner and place that the particulars thereon are clear and visible to any passenger being conveyed in the vehicle.

21. TAXIMETER

The vehicle must be fitted with a taximeter and it shall not be used for hire unless such taximeter has been tested and approved by the Council. All taximeters shall comply with the following:

- a) All Hackney Carriage Vehicles shall require a calendar controlled tariff taximeter;
- b) The taximeter shall be calibrated and sealed with a tamper evident seal following a change to the Table of Fares.

A record shall be made of the meter inspection that takes place.

22. VEHICLE MAINTENANCE

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- a) Exterior Bodywork and Wheel trims - The bodywork of the vehicle shall be in good condition 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.
- b) Upholstery - All upholstery shall be clean and in a well maintained condition. No tear, crack, hole or burn will be acceptable. Upholstery includes seats, headrests, armrests, carpets and other trim.
- c) Fittings - All fittings shall be properly maintained and in good working order. Fittings include litter containers, 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 users.

23. VEHICLE TESTING

All Hackney Carriage vehicles must be tested to ensure that they are mechanically sound, road-worthy and safe for use as a Hackney Carriage vehicle. This shall be carried out at an MOT testing centre.

Vehicles will be required to be tested:

- Up to 7 years old, once a year (from date of first registration, as specified on the V5)
- Over 7 years old, twice a year

24. COMPLAINTS

All Proprietors and Operators must maintain a record of all complaints received. This may be electronic or written. If written it will comprise of bound numbered pages. Each complaint will contain the following information:

- Date and time of incident
- Location of incident
- Details of complainant including contact details
- Driver details and licence number
- Details of the complaint
- Outcome of investigation

Where the nature of the complaint amounts to an offence e.g. public order, traffic violation, assault, taxi related offence etc the licensing authority must be informed as soon as possible.

Proprietors and Operators are legally obliged¹ to co-operate with any enquiry by the Authority and disclose records relating to complaints where lawfully required to do so. Any refusal, undue delay or obstruction to that investigation may bring into question the suitability of the licence holder to remain so which may lead to prosecution, suspension or revocation of the licence or referral to the Regulatory Committee.

Any applicant aggrieved by any condition attached to the grant of this licence may appeal to a Magistrates' Court within twenty-one days from the date of issue of the licence.

¹ s73 Local Government (Miscellaneous Provisions) Act 1976

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PRIVATE HIRE VEHICLE LICENCE CONDITIONS

1. RENEWALS

A ~~full~~ application for renewal of a licence, together with the documents as required by this policy, shall be submitted together with the appropriate fee not later than 2 weeks prior to the expiration of the current licence.

2. VEHICLE STANDARDS

The vehicle owner must maintain the mechanical fitness, repair and cleanliness of the interior and the exterior of the vehicle, including the paintwork, in a clean, sound and damage free condition.

3. ADVERTISING SIGNS

Advertising signs whether on or in the vehicle, will only be permitted with prior written approval from the Licensing Authority.

4. ROOF SIGNS

Roof Signs or Roof Bars will only be permitted with the prior written approval of the Licensing Authority.

5. LICENCE AND INSURANCE

- (a) The owner shall ensure that every person who drives the vehicle is properly licensed and insured for private hire use.
- (b) The owner must upon request produce the appropriate insurance documents, V5 registration document and MOT test certificate for inspection by Police or any authorised Officer of the Council.
- (c) The owner must ensure that the vehicle is properly insured for the duration of the licence.

6. INVESTIGATIONS

The owner shall co-operate fully in the investigation of complaints by an authorised Officer and shall attend the Council Offices to produce any information reasonably requested during the course of such investigation.

7. ALTERATIONS

Once a licence has been granted, no material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council.

8. PRIVATE HIRE VEHICLE - EXTERNAL LICENCE PLATE

The vehicle must display a licence plate as prescribed by the Council. This plate and the licence it represents, will be owned by the licensing authority.

- (a) New and Renewal Plates must be secured to the rear of the vehicle below the window line
- (b) Plates must be clearly visible at all times.
- (c) When renewing, the old licence plate must be exchanged for the new plate.
- (d) Lost or damaged plates must be immediately replaced at the owners' expense.
- (e) Plates must not be removed without written consent.
- (f) Plates must only be used on the vehicle they were issued to.
- (g) The driver must not carry more than the number of passengers specified on the plate.

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- (h) In the event of revocation or suspension, the owner of the vehicle must return the licence plate to the Council.
- (i) Owners must not permit the use of the vehicle otherwise than in compliance with the ~~above~~ licence conditions.

9. PRIVATE HIRE VEHICLE - INTERNAL LICENCE

The vehicle must display an Internal Licence as prescribed by the Council.

- (a) The Internal Licence Plate shall be displayed in the front windscreen of the vehicle
- (b) Plates must be clearly visible at all times.
- (c) When renewing, the old licence plate must be exchanged for the new plate.
- (d) Lost or damaged plates must be immediately replaced at the owners' expense.
- (e) Plates must not be removed without written consent.
- (f) Plates must only be used on the vehicle they were issued to.
- (g) The driver must not carry more than the number of passengers specified on the plate.
- (h) In the event of revocation or suspension, the owner of the vehicle must return the licence plate to the Council.
- (i) Owners must not cause or permit the use of the vehicle otherwise than in compliance with the above and below conditions.

10. ELECTRONIC COMMUNICATIONS AND DIGITAL BOOKING SYSTEMS

Where a journey pre-booked and confirmed by digital technology, i.e. email, SMS or via an app, vehicle details including the Licence number, vehicle registration and how to make a complaint must be sent to the customer when the booking is confirmed. Proprietors who operate via a website or mobile application provide information about how to make a complaint on that website or application, as applicable.

10. COLLISION (ACCIDENT) REPORTING

Collisions resulting in damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried shall be reported to the Council within 72 hours of the accident occurring.

11. CHANGE OF ADDRESS AND CHANGE OF OWNERSHIP

The owner must inform the Licensing Team within 7 days of:

- a) Their change of address (before the change if possible).
- b) Sale of the vehicle to include the name and address of the new owner

12. DOCUMENTS

When a vehicle is available for or being used for hire, the following must be carried in the vehicle:

- a) Driver's Licence issued by the council. Worn as prescribed to be clearly visible.
- b) A duplicate identification badge which will be issued and must be fixed to the dashboard or partition screen to enable the passengers to be able to easily identify the driver.

13. FIRE EXTINGUISHERS

The owner of the licensed vehicle shall provide and maintain an efficient, in date and suitable fire extinguisher (the fire extinguisher should be either a 1kg dry powder or a 2 litre AFFF).

14. PASSENGERS

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- a) The owner or driver shall not permit or carry a greater number of persons than the number of passengers the licence plate specifically permits.
- b) The driver shall not allow any person other than the hirer, to ride in the vehicle when it is on hire without the hirer's consent.

15. ISSUED BADGES, PLATES AND SIGNAGE

All badges, plates and signage provided by the Council remain the property of the Council at all times and must be returned immediately when requested to do so by an authorised officer.

16. SMOKING/VAPING

No smoking is allowed in any licensed or work vehicles, this is a legal requirement. No vaping shall be allowed in the vehicle at any time.

17. VEHICLE MAINTENANCE

- a) Exterior Bodywork and Wheel trims - The bodywork of the vehicle shall be in good condition 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.
- b) Upholstery - All upholstery shall be clean and in a well maintained condition. No tear, crack, hole or burn will be acceptable. Upholstery includes seats, headrests, armrests, carpets and other trim.
- c) Fittings - All fittings shall be properly maintained and in good working order. Fittings include litter containers, 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 users.

18. VEHICLE TESTING

All private hire vehicles must be tested to ensure that they are mechanically sound, roadworthy and safe for use as a private hire vehicle. This shall be carried out at an MOT testing centre.

These mechanical tests will be required for a vehicle:

- Up to 7 years old, once a year (from date of first registration, as specified on the V5)
- Over seven years old, twice a year

Any applicant aggrieved by any condition attached to the grant of this licence may appeal to a Magistrates' Court within twenty-one days from the date of issue of the licence.

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PRIVATE HIRE OPERATOR LICENCE CONDITIONS

1. GENERAL CONDITIONS

- a) The Operator must ensure that all private hire drivers and employees are aware of the meaning of plying for hire and that private hire drivers are not permitted to ply for hire under any circumstances.
- b) The Operator must not accept any booking made by a driver on behalf of a customer.

2. RECORDS TO BE KEPT BY THE OPERATOR

- (a) The records required to be kept by the operator under Section 56 (2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept electronically or in a suitable pre-numbered book or other means approved by ~~an~~the authorised officer of the licensing authority, and shall be produced for examination on demand.
- (b)
 - (i) An operator who takes a booking made by another operator is acting as a sub-contractor for the first operator. The operator who accepted the booking remains the role of contractor with the client, and remains responsible for the satisfactory completion of the contract. Full records must be kept of the booking and the company that were sub contracted.
 - (ii) The company who receive the sub-contract booking must keep a record of the booking referred to them by the first operator.
- (c) A driver who works for an ~~o~~operator but who also holds their own operator's licence is regarded as working for the other operator as a sub-contractor, and is responsible for keeping their own records as required below.
- (d) The operator shall enter in the record book, before the commencement of each journey, the following particulars of every booking of a private hire vehicle accepted by them:
 - the name of the passenger;
 - the time of the request;
 - the pick-up point;
 - the destination;
 - the name of the driver;
 - the driver's licence number;
 - the vehicle registration number of the vehicle;
 - the name of any individual that responded to the booking request;
 - the name of any individual that dispatched the vehicle.
- (e) The operator may keep records of bookings in a suitable Council approved computer programme. This must be available for inspection on demand. All records must be retained for a minimum of 3 years.
- (f) The operator shall keep a record of all Private Hire drivers used by them.
- (g) These records shall include:

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- Name and current address of the driver.
 - Driver's DVLA licence details.
 - Driver's private hire driver's licence number and date of expiry.
 - Date the driver started working for that operator.
 - Date the driver ceased to work for that operator.
- (h) The operator shall hold a copy of the driver's Private Hire Driver's Licence during the period that they work for them.
- (i) The operator shall keep records of all private hire vehicles operated by them.
- (j) These shall include:
- Details of the owner
 - Registration number and licence plate number
 - Details of the private hire vehicle licence, including the date of expiry
 - Driver
 - Any radio call sign used.
 - Date the operator started to use the vehicle.
 - Date the operator ceased to use the vehicle.
- (k) The operator shall keep all records for a period of 3 years.
- (l) The operator shall hold a copy of the owner's Private Hire Vehicle Licence during the period that they utilise such vehicle.

Complaints

b) All Proprietors and Operators must maintain a record of all complaints received. This may be electronic or written. If written it will comprise of bound numbered pages. Each complaint will contain the following information:

- Date and time of incident
- Location of incident
- Details of complainant including contact details
- Driver details and licence number
- Details of the complaint
- Outcome of investigation

c) Where the nature of the complaint amounts to an offence e.g. public order, traffic violation, assault, taxi related offence etc the licensing authority must be informed as soon as possible.

d) Proprietors and Operators are legally obliged² to co-operate with any enquiry by the Authority and disclose records relating to complaints where lawfully required to do so. Any refusal, undue delay

² s73 Local Government (Miscellaneous Provisions) Act 1976

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or obstruction to that investigation may bring into question the suitability of the licence holder to remain so which may lead to prosecution, suspension or revocation of the licence or referral to the Regulatory Committee.

3. ELECTRONIC COMMUNICATIONS AND DIGITAL BOOKING SYSTEMS

- (a) Where a journey pre-booked and confirmed by digital technology, i.e. email, SMS or via an app, vehicle details including the Licence number, vehicle registration and how to make a complaint must be sent to the customer when the booking is confirmed.
- (b) Operators who operate via a website or mobile application provide information about how to make a complaint on that website or application, as applicable.

3.4. CONDUCT OF THE OPERATOR

- (a) The operator shall notify the Council in writing of any change of address during the period of the licence within seven days of such change.
- (b) No operator may change the address from which they operate without the prior agreement of the Council and all licence requirements being met.
- (c) The operator shall notify the Council of the sale of the business within seven days of such event taking place and the detail of the new business owner.
- (d) The operator shall disclose to the Council in writing within seven days details of **any** convictions or cautions, motoring or otherwise that they receive.
- (e) The operator should advise the Council of changes of drivers within seven days of the change.

4.5. DEPOSIT OF DRIVER AND VEHICLE LICENCES

- (a) Any operator who employs or permits any person to drive any licensed vehicle owned by them on their behalf, must be able to prove that the driver is properly licensed. This could be by keeping a copy of the driver's Council issued licence.
- (b) Any vehicle employed or used by an operator must be licensed and the owner of the vehicle shall deposit a copy of their vehicle licence with the operator during the period that the vehicle is employed or used.
- (c) The operator must return the licence to the vehicle proprietor at the end of the period.
- (d) A licensed driver, driving a licensed vehicle, who is also a licensed operator, may retain their own licences whilst sub-contracting for another operator. It remains the responsibility of the operator holding the contract for a hiring to ensure that they utilise properly licensed drivers and vehicles, even when they sub-contract that hiring to another operator.

5.6. PLANNING PERMISSION

The operator ~~is recommended to~~shall ensure that all their premises have (where planning legislation requires it) a valid planning permission authorising the carrying out of business from the premises.

The grant of an Operator's licence does not authorise the use of premises without planning permission.

6.7. NOTICES

The operator shall clearly display on all their premises their licence to operate private hire vehicles or a copy of the same and also clearly display a copy of these licence conditions.

7.8. HIRINGS

The operator shall provide a prompt efficient and reliable service to members of the public at all reasonable times and:

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- (a) ensure that when a private hire vehicle has been hired, to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place;
- (b) keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purposes of booking or waiting;
- (c) ensure that where offices are open to the public for bookings that adequate seating facilities are provided;
- (d) ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly; and
- (e) not permit people who are drunk to remain on the premises.

8.9. RECORDS

All records kept by the operator shall be kept for a period of 3 years.

The operator may, with the prior approval of the Council, keep the above records on a suitable computer providing the records may be available to an authorised officer on demand.

When the operator accepts the hiring he/she shall immediately prior to the commencement of the journey, enter all the details onto the computer system or legibly in ink in if manual records are kept. Records must be in the form prescribed.

9.10. VEHICLES

- (a) The operator shall ensure that all vehicles operated by them comply with the conditions of the vehicle licence and shall immediately notify the Council of any damage to vehicles, howsoever occurring as soon as they becomes aware of such damage.
- (b) The operator shall notify the Council in writing within seven days of the operation of any additional private hire vehicle, or termination of the operation of any private hire vehicle.
- (c) The operator shall ensure that every private hire vehicle operated by them is covered by a Certificate of Insurance or cover note for hire and reward purposes at all times.

10.11. EMPLOYMENT OF OFFICE/DISPATCH STAFF

- (a) The operator shall ensure that all office or dispatch staff provide a DBS check prior to their employment with the operator.
- (b) Operators must evidence that a basic DBS check has been conducted. A copy of the DBS Certificate for all office staff and dispatch staff, must be provided to the Licensing Team before the commencement of their employment.
- (c) An up to date register of office and dispatch staff must be kept at the operator base.

11.12. COMPLAINTS

- (1) The operator shall keep a formal record of complaints made by the public. The system may be a prior approved electronic system, a book or ledger with consecutively numbered pages. The operator must produce the complaints record book or ledger at the request of any authorised Officer of the Council, or any Police Officer for inspection. The operator or his nominated representative shall be responsible for the investigation of all complaints.
- (2) The operator shall on receipt of any complaint from a member of the public (whether received personally, on the telephone or in writing) relating to any one or more of the following:
 - (a) the operator's business premises;
 - (b) their facilities within their premises;

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- (c) the state of cleanliness of any of their vehicles or drivers;
- (d) the terms and conditions of any contract or purported contract of hire;
- (e) any other matter relating to any contract or purported contract for hire;
- (f) any other matter relating to their business.

~~The operator must~~ immediately notify the complainant of their right to forward the complaint to the Council.

- (3) The operator shall on receipt of any complaint enter the following particulars of every complaint received by them in the complaints book or ledger:
 - (a) The date and time the complaint was received;
 - (b) the name and address of the complainant;
 - (c) how the complaint was made (i.e. personally, by telephone or in writing)
 - (d) the details of any relevant booking relating to the complaint;
 - (e) full details of the complaint, vehicle ~~and/or~~ driver
- (4) The operator shall promptly investigate any complaint received and notify the complainant in writing of the outcome of their investigations and any measures they propose to take to remedy the complaint. The operator shall record the action taken in the record complaints book or ledger.
- (5) When a complaint is received by the Council and is investigated by ~~an~~the authorised officer of the licensing authority, the operator shall comply with all reasonable requests of the officer in respect of that complaint.

12.13. INSURANCE

The operator shall, at all times, ensure that Public Liability insurance to the value of £5 million pounds is in place in respect of the Operator business.

13.14. CONVICTIONS

- a) The operator shall disclose to the Council in writing within 48 hours, details of any arrest or convictions imposed on them.
- b) The operator shall disclose to the Council any information they receive regarding the arrest, voluntary attendance at a Police interview in relation to a criminal investigation, penalty points or conviction of any driver utilising their operator licence, or the stopping of any licensed vehicle by the Police for any reason.

14.15. ADVERTISING

- (a) The operator shall ensure that all private hire vehicles operated by them do not display any advertising on roof signs whatsoever.
- (b) Advertising on the vehicle must only be with the prior written approval of the Council.

15.16. RENEWALS

Renewal applications and the fee must be submitted with all supporting documentation, no later than 2 weeks prior to the licence expiry date.

16.17. SUSPENSION AND REVOCATION OF OPERATOR LICENCES

The Council may suspend or revoke or refuse to renew a licence on the following grounds:

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- (a) The commission of an offence under, or non-compliance with, any provision contained within the relevant part of the Local Government (Miscellaneous Provisions) Act 1976.
- (b) ~~Unfitting~~ Conduct of the operator which in the view of the Council renders them unfit to hold an operator's licence.
- (c) Any material change in the operator's circumstances on the basis of which the licence is granted.
- (d) Any other reasonable cause (Section 62 Local Government (Miscellaneous Provisions) Act 1976).

Any applicant aggrieved by any condition attached to the grant of this licence may appeal to a Magistrates' Court within 21 days of the issue of the licence.

DRAFT

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CCTV CAMERAS IN LICENSED VEHICLES

Hackney Carriage proprietors and Private Hire Vehicle owners may, subject to the written approval of the Council and in compliance with any separate CCTV policy, install and use a visible closed circuit television surveillance camera in their vehicles for the purposes of personal safety and as a deterrent only. The legislation relating to the provision of CCTV in licensed vehicles is currently under review. These conditions are therefore subject to change following the introduction of any relevant legislation.

The installation and operation of CCTV shall comply with the requirements of the [Information Commissioner's CCTV Code of Practice](#).

Installation

All equipment must comply with any legislative requirements in respect of motor vehicle construction and use regulations.

All equipment must meet all requirements as regards safety, technical acceptability and operational/data integrity.

All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear.

CCTV equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle.

CCTV equipment should be e-marked or CE marked. If CE marked confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles is required.

The camera(s) must be fitted safely and securely, should not adversely encroach into the passenger area and must not impact on the safety of the driver, passenger or other road users.

Image security

Images captured must remain secure at all times. The captured images must be protected using approved encryption software which is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen. It is recommended by the Information Commissioner's Office (ICO) that "data controllers" ensure any encryption software used meets or exceeds the current FIPS 140-2 standard or equivalent. System protection access codes will also be required to ensure permanent security.

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Retention of CCTV images

The CCTV equipment selected for installation must have the capability of retaining images either:

- within its own hard drive
- using a fully secured and appropriately encrypted detachable mass storage device, for example, a compact flash solid state card
- or where a service provider is providing storage facilities, transferred in real time using fully secured and appropriately encrypted GPRS (GSM telephone) signalling to a secure server within the service provider's monitoring centre

Images must not be downloaded onto any kind of portable media device (eg CDs or memory sticks) for the purpose of general storage outside the vehicle.

CCTV equipment selected for installation must include an automatic overwriting function, so that images are only retained within the installed system storage device for a maximum period of 31 days from the date of capture. Where a service provider is used to store images on a secure server, the specified retention period must also only be for a maximum period of 31 days from the date of capture.

Where applicable, these provisions shall also apply to audio recordings.

Use of information recorded using CCTV

The data controller is responsible for complying with all relevant data protection legislation. The data controller is legally responsible for the use of all images including breaches of legislation.

Any images and audio recording should only be used for the purposes described earlier in these guidelines.

Requests may be made by the police or other statutory law enforcement agencies, insurance companies/brokers/loss adjusters or exceptionally other appropriate bodies, to the "data controller" to view captured images. The data controller is responsible for responding to these requests. Police or other law enforcement agencies should produce a standard template request form, setting out the reasons why the disclosure is required. Alternatively a signed statement may be accepted.

All requests should only be accepted where they are in writing, and specify the reasons why disclosure is required.

Under the [Data Protection Act 2018](#), members of the public may also make a request for the disclosure of images, but only where they have been the subject of a recording. This is known as a 'subject access request'. Such requests must only be accepted where they are in writing and include sufficient proofs of identity (which may include a photograph to confirm they are in fact the person in the recording). Data Controllers are also entitled to charge a fee for a subject access request (currently a maximum of £10) as published in the ICO CCTV Code of Practice.

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Signage

If an approved camera is fitted:

- (a) The vehicle owner or proprietor must register with the Information Commissioner's Officer (ICO)
- (b) A sign must be displayed outside the vehicle to warn prospective customers of the possible use of the surveillance camera.
- (c) Similar signs shall be displayed inside the vehicle, visible to passengers, stating 'Closed Circuit TV surveillance in operation'.

In accordance with the Information Commissioners document (at page 37) "A data protection code of practice for surveillance cameras and personal information", it states a sign must include the following:

- The purposes of the scheme
- The name of the Data Controller
- The Data Controller's contact telephone number/email
- That it includes audio recording

Audio Recording

Audio recording should only be used in ~~as an~~ exceptional circumstances where there is a demonstrated need and must be in compliance with the Information Commissioner's Office guidance.

Guidance

Vehicle owners and proprietors who wish to consider the installation of CCTV Cameras may like to familiarise themselves with the following documents:

[cctv-code-of-practice.pdf \(ico.org.uk\)](https://ico.org.uk/for-organisations/guide-to-the-law/cctv/cctv-code-of-practice.pdf)

[Surveillance Camera Code of Practice \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/612212/Surveillance_Camera_Code_of_Practice.pdf)

[Code of practice - A guide to the 12 principles \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/612212/Code_of_practice_-_A_guide_to_the_12_principles.pdf)

[12 principles diagram v3.pdf \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/612212/12_principles_diagram_v3.pdf)

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ENFORCEMENT

We recognise that well-directed enforcement activity not only benefits the public but also responsible members of the Hackney Carriage and Private Hire Vehicle trades.

The Council will follow the principles laid out in the Regulators' Code:

[Regulators' Code - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/regulators-code)

The Licensing Authority shall take enforcement action where it considers it necessary and proportionate to do so. Enforcement will be risk-based, intelligence-led and targeted and managed in line with the Council's own Enforcement Policy (available on the website).

In addition, the Council has a long established Council Penalty Points system which is used for less serious breaches. A copy of the Penalty Point system can be found at **Appendix 3**.

The Council also operates a 'Vehicle Defect Scheme'

A vehicle which fails an inspection/safety check during the currency of a licence with Broadland District Council will have the fault(s) rectified and the vehicle re-inspected within 2 months of the original inspection. Failure to ensure that the vehicle is re-inspected and passes the check~~de-so~~ will lead to the automatic revocation of the vehicle licence.

A vehicle may be inspected by an authorised officer of the 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 an **Unfit Vehicle Notice** to the 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 will be revoked under s60 of Part II, Local Government (Miscellaneous Provisions) Act 1976 and a notice of revocation and the grounds for the revocation will be issued to the responsible person. An authorised officer or police officer may permit other persons to examine the vehicle on their behalf (e.g. VOSA).

A record of any enforcement and/or disciplinary action taken, whether formal or informal, will be recorded on the licence holder's file and in the event of formal action becoming necessary, will be brought to the attention of the Licensing Committee, Sub-Committee or the Court.

The Civil burden of proof applies to matters brought before the Licensing Committee (less stringent than for criminal matters). This means that a case will be considered "on balance of probability" when formal action is taken.

It should be noted that some circumstances will necessitate the need to consider and take formal action immediately in certain cases, for example where a series of breaches or a more serious offence or breach is occasioned.

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APPENDIX 1 Consideration of Previous Convictions or Cautions for Licensing Hackney Carriage or Private Hire Drivers

A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions, cautions or unacceptable behaviour will ~~weigh heavily against a~~ be taken into serious consideration before a licence ~~being is~~ granted or retained. Where an applicant has more than one conviction (including caution, reprimand, warning or other reprehensible behaviour) which could indicate showing a pattern or tendency irrespective of time since the convictions (caution, reprimand, warning or other reprehensible behaviour), serious consideration will need to be given as to whether they are a safe and suitable person. In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

OFFENCE	REQUIRED STANDARDS
Crimes resulting in death OR Intention to cause death or serious injury of another person	Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.
Exploitation	Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.
Offences involving violence	Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
Possession of a weapon	Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.
Sex and indecency offences	Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

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OFFENCE	REQUIRED STANDARDS
Dishonesty	Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.
Drugs	<p>Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.</p> <p>Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.</p> <p>In these circumstances, any applicant will also have to undergo drugs testing, <u>with a Council approved provider</u> at their own expense to demonstrate that they are not using controlled drugs.</p>
Discrimination	Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.
Motoring convictions	<p>Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously.</p> <p>It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence.</p> <p>Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.</p>
Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving	<p>Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed.</p> <p>In these circumstances, any applicant will also have to undergo drugs testing, <u>with a Council approved provider</u> at their own expense to demonstrate that they are not using controlled drugs.</p> <p>Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving,</p>

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OFFENCE	REQUIRED STANDARDS
	a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.
Other motoring offences	<p>A minor traffic or vehicle related offence is one which</p> <ul style="list-style-type: none"> • does not involve loss of life, • driving under the influence of drink or drugs, • driving whilst using a mobile phone, <p>and has not resulted in injury to any person or damage to any property (including vehicles).</p> <p>Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.</p> <p>A major traffic or vehicle related offence is one which</p> <ul style="list-style-type: none"> • is not covered above; and also any offence which • resulted in injury to any person or damage to any property (including vehicles). • it also includes driving without insurance or • any offence connected with motor insurance. <p>Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.</p>
Hackney carriage and private hire offences	<p>Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.</p>
Vehicle use offences	<p>Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.</p>

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Consideration of Previous Convictions or Cautions for Private Hire Operators

A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver).

However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.

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

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

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

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Consideration of Previous Convictions or Cautions for Vehicle Proprietors

Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities. Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times. Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence. As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

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APPENDIX 2 SAFEGUARDING CODE OF CONDUCT

Private Hire Vehicle and Hackney Carriage Drivers (referred to in this document as Drivers) are in a position of trust in respect of the safety and welfare of their passengers. The Licensing Authority, through its Licensing Team and Committees, must ensure that all Drivers are 'fit and proper' to undertake their work as Drivers and that they also act as ambassadors for the district. It is essential that the Council and Drivers work together in order to ensure members of the public are treated with dignity and respect and that any concerns about the welfare of passengers is reported.

On occasion, Drivers may become aware of, or have suspicions that, their passengers are the victim of abuse, neglect or exploitation, either sexual or otherwise, or at risk of becoming a victim. In addition, Drivers themselves may be accused of misconduct or inappropriate behaviour through the possible misinterpretation of the Driver's actions or conversation.

Therefore, Broadland District Council has introduced this **Code of Conduct** which is aimed at protecting both passengers and Drivers. This ensures that concerns, suspicions of abuse, neglect or exploitation can be reported appropriately as well as minimising the risks for Drivers. Drivers are expected to comply with this Code of Conduct. Failure to do so may result in the Driver being referred to the Licensing Committee. In the event of a repeated and/or serious failure to comply, Drivers can expect that consideration will be given to the suspension or revocation of their licence.

It should be noted that the Code does not override any obligations enshrined in legislation, licence conditions or contractual obligations, such as County Council contracts.

Drivers should:

- Act in a professional manner at all times
- Treat passengers and other road users with respect
- Keep relationships with passengers on an appropriate, professional basis
- Respect all individuals – regardless of age, disability, gender, sexual orientation, gender reassignment, religion/belief, language spoken, race or ethnicity

And comply with the relevant conditions specified for each of:

- Ensure the safety and well-being of passengers
- use appropriate language
- Be mindful of the vulnerability of children and adults and Passengers with special needs
- Comply with any instruction given about the care or first aid requirements of a passenger
- Respect personal beliefs and standards, including dress and religion
- Beware of actions which may be misread by Passengers

Drivers should never:

- Become over-friendly or unprofessional in any way with passengers or engage in any form of inappropriate relationship, infatuation or show favouritism
- Inappropriately touch a passenger, unless in an emergency situation, or if required to do so because of the additional needs of the passenger
- Administer medication unless a specific request has been made by the hirer
- Photograph or video passengers in their care unless used in compliance with data protection legislation and any relevant Codes of Practice issued by the Home Office or

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Information Commissioner's Office

- Engage with passengers through social networking sites (such as Facebook and Twitter), instant messengers or any other online communication software such as mobile phone applications or video games (other than for clear and obvious business connections)
- Phone or send text messages to passengers other than directly concerning the hiring of their vehicle
- Swear, make personal or humiliating comments, or tell inappropriate jokes in person or by any other means e.g. social media
- Offer cigarettes or gifts of any sort
- Stop anywhere other than the specified pick up/drop off points unless requested by the hirer
- Show passengers videos or pictures on their mobile phone or any other electronic device

Safeguarding:

If a Driver has concerns or suspects abuse, neglect or exploitation of a passenger then these concerns should not be ignored. The safeguarding of children and vulnerable adults is everybody's responsibility. Remember that your information could help a vulnerable child or adult.

If a Driver is working in accordance with a Norfolk County Council contract then documents and guidance procedures issued by that Council should be followed in addition to any training received by the Driver.

Otherwise, the following procedures should be complied with in reporting any information or suspicions you may have:

Action to be taken if you have concerns:

- If your concerns are of an urgent matter or you believe that a crime has been committed and there is an immediate risk of danger, telephone the police on **999** (or **112** from a mobile telephone).
- If you are concerned that a child or an adult is suffering or is likely to suffer significant harm, including any form of mistreatment, abuse, neglect or exploitation but it is not of an urgent matter, please call the Licensing Team.
- If you would prefer to speak to the police on a non-urgent matter then call them on
 - **101** and follow the directions for Norfolk Constabulary.

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APPENDIX 3 PENALTY POINTS SYSTEM

The penalty points which can be imposed on the drivers of Private Hire Vehicles and Hackney Carriages, proprietors of Vehicles and Operators of Private Hire Vehicles are shown below. This system is designed 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 to resort straight to suspension/revocation or prosecution. The intention is to encourage all drivers to apply high standards during day to day driving activities, in particular to comply with the requirements of the licensing conditions.

If an individual concerned accrues a total of 9 points within a 3 year period then he/she will automatically be referred to Committee to show just cause why their licence should continue. Individuals may also be brought before the Committee at the discretion of the authorised officer.

Infringement	Driver	Proprietor	Operator
Failing to wear a Combined Private Hire/Hackney Carriage badge on their person where it is clearly visible at all times when under hire or available for hire	3	0	0
Failing to notify the Licensing Team, in writing within 7 days, of any points or convictions being imposed	3	0	6
Failing to notify the Licensing Team, in writing, of a change of address within 7 days	3	3	3
Failing to notify the Licensing Team in writing, of being involved in an accident within three working days of the accident occurring	6	6	0
Failing to deal with lost property in the correct manner	3	3	0
Leaving a vehicle unattended on the rank	3	0	0
Failure to attend the Council Offices when directed by an authorised officer without reasonable excuse	3	3	3
Demanding more than agreed fare	3	3	0
Failure to notify the Licensing Team of any change in medical fitness to drive	6	0	0
Failing to attend at appointed time and place without sufficient cause	3	3	0
Failure to produce a valid insurance certificate/cover note within 7 days of request	0	3	3
Not having an appropriate Fire Extinguisher in the vehicle that is readily accessible to the driver	3	3	0
Failure to display any Plates, Signs or Notices required by Broadland District Council	0	3	0
The issue of an Unfit vehicle notice for any reason other than for an accident	0	3	0
To smoke, <u>vape</u> or permit passengers to smoke or vape in a licensed vehicle.	3	3	3
Private Hire Operator failing to maintain their records in the correct format	0	0	3
<u>Any breach of any term of this Policy by a Driver, Proprietor or Operator, which the Council deems, in its absolute discretion, to warrant 3 penalty points.</u>	<u>3</u>	<u>3</u>	<u>3</u>

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Hackney Carriage and Private Hire Vehicle Policy and Conditions Review
Consultation Responses

Date	Name	Occupation	Consultation Comment(s)	Response to comments
14/09/2021	1. Cllr Caroline Karimi-Ghovanlou	Broadland District Councillor	<p>In respect of the review for Hackney Carriage and Private Hire Vehicle Policy, I would like to make one comment under 6. Disability Awareness Training.</p> <p>It states that “applicants will be required to complete an approved training session on disability awareness.” Hopefully that will cover all physical and non physical aspects, including autism etc.</p> <p>Also I would like added if possible, that applicants are fully competent in securing a manual or electric wheelchair into their vehicle, and know the difference in the restraining straps that must be used.</p> <p>I have had personal experience this year with the taxi that takes my grandson to school in his electric wheelchair - the taxi driver had no idea how to strap him in safely, as it was a new vehicle for him, and we had to show him every day how to do this. Thankfully now, the driver is more confident, but the first week back to school was not good. It places stress on the child and the parents which is completely unavoidable if trained properly.</p> <p>Many thanks and kind regards</p> <p>Caroline</p>	<p>These comments are very welcome.</p> <p>The authority is intending to introduce disability awareness training for licensed drivers. We will seek to include training which incorporates specific awareness of various restraining straps and vehicle configurations to ensure drivers are competent at safely and securely transporting passengers in wheelchairs.</p>

Hackney Carriage and Private Hire Vehicle Policy and Conditions Review
Consultation Responses

Date	Name	Occupation	Consultation Comment(s)	Response to comments
05/10/2021	2. Guy Ranaweera, Sprowston Town Council	Town Clerk	<p>Sprowston Town Council wishes to respond to this consultation as follows:</p> <ul style="list-style-type: none"> Key proposed change – Drivers #6: Disability awareness training should include all forms of mental and physical disability. Key proposed change – Vehicles #8: To encourage provision of electric hire vehicles, further installation of high-powered (3 phase) fast-charging points will be required across the district as current coverage is inadequate. <p>Thank you.</p>	<p>Thank you for these comments.</p> <p>The finer details of the disability awareness training are currently being researched. However, the Authority will look to ensure that awareness of a wide range of disabilities is included within the training.</p> <p>The Authority understands that further fast-charging points are being installed in the district, in particular at Postwick. There is further government funding being made available to assist with the provision of such chargers to also meet the government's targets in respect of electrical vehicles.</p>
20/10/2021	3. Licensing Team, Broadland District Council	Licensing Team	The new proposed licence condition (page 17) states, "No new vehicle shall be licensed which would require any passenger to climb over any luggage or obstruction in the vehicle.	It is recommended that Committee considers amending the draft policy to replace the proposed new condition with the current condition.

Hackney Carriage and Private Hire Vehicle Policy and Conditions Review
Consultation Responses

Date	Name	Occupation	Consultation Comment(s)	Response to comments
			<p>All passenger seats must have unobstructed access to the exit doors.”</p> <p>The current condition states, “Clear and unobstructed ingress to and egress from any back row seating of the vehicle must be available at all times in the case of any minibus or people carrier-type vehicle with three or more rows of seating. This may require the removal of any seat adjacent to the nearside door of the passenger compartment of the vehicle.</p> <p>No person entering or exiting from a vehicle should have to remove or dismantle any seat or other obstacle, or to climb over any person being carried in the vehicle, or have any other person leave their seat, to facilitate them entering or exiting the vehicle.</p> <p>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.”</p> <p>It is the officer recommendation that the current condition is retained. The effect of the condition remains the same. However, the current condition is clearer and provides further explanation of the reasoning behind it.</p>	
20/10/2021	4. Licensing Team, Broadland District Council	Licensing Team	One of the proposals within the draft policy is to introduce six monthly checks with the DBS Update Service. The effect of this is that the driver’s criminal record will be checked by officers	It is recommended that Committee considers a three year lead-in period for the introduction of 6

Hackney Carriage and Private Hire Vehicle Policy and Conditions Review
Consultation Responses

Date	Name	Occupation	Consultation Comment(s)	Response to comments
			every 6 months. However, in order to achieve this, each driver needs to be registered with the Update Service; something which they would normally do at the time they receive their disclosure from the Disclosure and Barring Service on application or renewal. There is also clearly a staff resource consideration where every licensed driver's criminal record is going to be checked on a 6 monthly basis.	monthly Update Service checks, to take effect from 1 April 2025. This will allow officers to convey the information to licensed drivers that, at their next full DBS check, they will need to register with the Update Service at the same time. This reduces the burden on both officers and drivers. It will also assist the Team with ensuring the resources are in place to process these checks.
20/10/2021	5. Licensing Team, Broadland District Council	Licensing Team	Further clarification recommended in respect of the type of fire extinguisher to be carried in licensed vehicles.	Recommend inserting the following wording into the fire extinguisher specification, "(the fire extinguisher should be either a 1kg dry powder or a 2 litre AFFF)"
21/10/2021	6. David Lowens	NPLaw	Amendments to the Policy proposed as per tracked changes within the draft Policy document.	Changes as proposed within draft document as tracked changes (those not in italics).
1/11/2021	7. Licensing Team, Broadland District Council	Licensing Team	In order to ensure that the policies covering both the Broadland and South Norfolk licensing authority areas are as aligned as possible, it is proposed that the amendments to the document as suggested by the South Norfolk Council legal advisers (Birketts) are also incorporated into the final document. All amendments proposed are for	Changes as proposed within draft document as tracked changes (in italics).

Hackney Carriage and Private Hire Vehicle Policy and Conditions Review
Consultation Responses

Date	Name	Occupation	Consultation Comment(s)	Response to comments
			clarification and do not significantly change the purpose or content of the Policy. This will greatly assist officers in processing applications and carrying out enforcement across the two districts. It is also proposed to incorporate the amendments suggested by NPLaw into the South Norfolk Council draft Policy document.	

Equalities and Communities Impact Assessment

Name of Officer/s completing assessment: Sarah Harris

Date of Assessment: 03/11/2021

1. What is the proposed Policy (please provide sufficient detail)?

For the purposes of the assessment the term 'Policy' relates to any new or revised policies, practices or procedures under consideration.

We have undertaken a review of the Broadland District Council Hackney Carriage and Private Hire Vehicle Policies and Conditions. The Council is required to have a Policy and set of Conditions in place under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

2. Which protected characteristics under the Equalities Act 2010 does this Policy impact: (indicate whether the impact could be **positive**, **neutral**, or **negative**)

Protected Characteristic	Potential Impact		
	Positive	Neutral	Negative
Age			✓
Disability	✓		
Race		✓	
Sex		✓	
Religion or Belief		✓	
Sexual Orientation		✓	
Marriage/Civil Partnership		✓	
Pregnancy/Maternity		✓	
Gender Reassignment		✓	

3. Which additional Communities characteristics does this policy impact?

Health		✓	
Place inc. Rurality	✓		
Low Income and Poverty	✓		

3. What do you believe are the potential equalities impacts of this policy?

Please include:

- Partnership organisations worked with in the development of this policy
- Evidence gathered to inform your decision
- Where you have consulted, Who and How this has informed the decision/policy
- Any other groups impacted not detailed above

Note: Impacts could be **positive**, **neutral**, or **negative** and impact groups differently

This is a review of the current Hackney Carriage and Private Hire Vehicle policy and conditions document for Broadland District Council. The current version of the document has previously undergone consultation with input from various partnership organisations, including other Norfolk Licensing Authorities, the Police, Fire Service, Highways, passenger transport organisations, licence holders and other bodies with an

interest in the hackney carriage and private hire licensing process. The draft reviewed policy document has undergone an 8 week consultation exercise. During this period, various authorities, agencies, organisations and charities have been consulted, along with licence holders specifically affected by the policy review.

In terms of the protected characteristic of age, once a hackney carriage or private hire driver licence holder reaches the age of 65, they will be required to complete a medical assessment on an annual basis. Licence holders under the age of 65 will be required to complete a medical on a three yearly basis, in line with their licence renewal. These medicals are completed to the DVLA Group 2 medical standard. This brings the authorities in line with the DVLA requirements for all individuals who are authorised to drive Group 2 vehicles (i.e. HGVs and PSVs). It is anticipated that this requirement will go towards ensuring public safety.

5. What do you believe are the potential communities impacts of this policy?

Please include:

- How the policy can meet agreed priorities
- Evidence gathered to inform your decision
- Partnership organisations worked with in the development of this policy
- Where you have consulted, Who and How this has informed the decision/policy
- Any other groups impacted not detailed above

Note: Impacts could be **positive**, **neutral**, or **negative** and impact groups differently

Hackney carriages and private hire vehicles are often relied upon for transport and their use is proportionately higher amongst low income families. Similarly, individuals living in remote areas, without access to their own car or a regular bus service, may be very reliant on these vehicles for transport. It is important to ensure that licensed vehicles and their drivers are safe and suitable to carry out these necessary journeys. The aim of this review is to ensure that the policy and conditions achieve this purpose.

Many licensed vehicles are also used on contract to Norfolk County Council to undertake home to school transport and to also transport vulnerable persons. With these groups in mind, in particular, it is essential that the policy and conditions ensure that only fit and proper individuals are granted the relevant licences.

The policy and conditions documents have been widely consulted upon, including with agencies and organisations representing a wide range of interests. As stated above, officers also work closely with other local licensing authorities, with the Police, Highways, County Council passenger transport and other relevant bodies. They have each had an opportunity to comment on this revised document.

6. How is it proposed that any identified negative impacts are mitigated?

Please include:

- Steps taken to mitigate, for example, other services that may be available
- If a neutral impact has been identified can a positive impact be achieved?
- If you are unable to resolve the issues highlighted during this assessment, please explain why
- How impacts will be monitored and addressed?
- Could the decision/policy be implemented in a different way?
- What is the impact if the decision/policy is not implemented?

The aim of this Policy document is that it does not impact against any protected characteristic in a negative way. Whilst there are extra medical requirements in respect of licence holders over the age of 65, the purpose of this is to ensure that they continue to be able to drive members of the public around in a safe manner. We have not proposed a maximum age limit for licence holders.

An overriding consideration in Licensing is the protection of the public. It must therefore be ensured that this reflected throughout the document.

Signed by evaluator:

Signed by responsible head of department:

Please send your completed forms to the equalities lead (Victoria Parsons) to be reviewed and stored in accordance with our legal duty.

REVIEW DATE - _____

(See Page 2 for details of reviews. Please send a copy of the reviewed document to Victoria Parsons)

Agenda Item: 6
Licensing and Regulatory Committee
17 November 2021

Gambling Act 2005

Review of Gambling Statement of Principles (Policy Statement)

Report Author(s): Sarah Harris
Licensing Team Leader
01603 430580
sarah.harris@southnorfolkandbroadland.gov.uk

Portfolio: Environmental Excellence

Ward(s) Affected: All

Purpose of the Report:

To enable the Committee to consider the draft Policy revisions following consultation. This report details the outcome of the consultation process in respect of the review of Broadland District Council's Gambling Act Statement of Principles (Policy Statement) and makes recommendations to Council for its adoption.

Recommendations:

The Committee is recommended to:

- (1) Consider the schedule of responses received as a result of the consultation in respect of the draft Policy Statement and:
 - a. agree any amendments proposed arising from the appraisal of the responses,
 - and/or,
 - b. agree amendments proposed by Committee.
- (2) To recommend the draft Policy Statement to Council for formal adoption including the table of delegations on page 39 of the draft Policy and as a consequence request the relevant amendments are made to the Constitution.

1. Summary

- 1.1 The Gambling Act 2005 requires each Authority to carry out its various licensing functions so as to promote the following three licensing objectives:
- Preventing gambling from being a source of crime and disorder, being associated with crime and disorder, or being used to support crime in any way.
 - Ensuring that gambling is conducted in a fair and open way.
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.2 To achieve these objectives, the Authority is required to publish a Policy Statement every three years and set out the policies the Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act. The Policy should be agreed by the Council.

2. Background

- 2.1 Details of the Policy Statement (attached at Appendix One) and where it could be viewed were circulated widely to stakeholders throughout the Broadland district, in addition to numerous national representative bodies and organisations, with a closing date for comments of 1 November 2021. Approximately 450 letters and emails advising groups, organisations, businesses and individuals of the six week consultation were circulated and the Policy Statement was also made available in local libraries and on the Council's website.
- 2.2 The draft document has previously been produced in conjunction with the six other licensing authorities in Norfolk. The Gambling Commission, in its Guidance to Licensing Authorities, April 2021 (updated May 2021), recommends that the Licensing Authority give appropriate weight to the views of those consulted in respect of the draft policy. In determining what weight to give particular representations, the factors to be taken into account should include:
- who is making the representations, the nature of their interest and their expertise
 - relevance of the factors to the licensing objectives
 - how many other people have expressed the same or similar views
 - how far the representations relate to matters that the licensing authority should be including in its policy statement.
- 2.3 It is important to demonstrate that in reviewing responses to the consultation, due weight and consideration has been given to all representations including, where appropriate, why some have been disregarded. This is so that in the event that the policy is challenged, the Authority can demonstrate to a court how it arrived at the

final policy.

2.4 Therefore, the representations received by 1 November 2021, attached at Appendix Two, have been set out in the following format:

- A reference number for each representation
- Name of the respondent
- A summary of the respondent's comments
- The Authority's response

3. Current position/findings

- 3.1 At the end of the consultation period, two responses from outside organisations had been received. The first, from HM Revenue and Customs, advised of a change of contact address. The second, from BeGambleAware.org.uk, advised of relevant guidance which is available to signpost those affected by problem gambling to the correct support and to assist with gambling related harms.
- 3.2 Responses have also been received from the Council's legal advisers and these have been incorporated into the final draft document. These are highlighted by way of tracked changes throughout the policy.
- 3.3 The policy review is required by legislation and very few changes are being proposed to the current policy document. It was therefore not anticipated that the Authority would receive a significant number of responses to this consultation exercise.

4. Proposed action

- 4.1 The Licensing and Regulatory Committee is requested to thoroughly review and consider Appendix Two which details the responses to the consultation process.

5. Issues and risks

- 5.1 **Resource Implications** – there are no specific resource implications in respect of the Policy Statement, in addition to those resources already identified and accounted for within the Licensing Team.
- 5.2 **Legal Implications** – the Gambling Act 2005 requires the Authority to review its Policy Statement, to consult in respect of the policy and to have considered and formally adopted, published and advertised the policy by 3 January 2022 for implementation from 31 January 2022.
- 5.3 **Equality Implications** – an Equality Impact Assessment has been completed with no issues or concerns highlighted.

- 5.4 **Environmental Impact** – it is not anticipated that there will be a specific environmental impact as a result of this policy review.
- 5.5 **Crime and Disorder** – the licensing objective of, “Preventing gambling from being a source of crime and disorder, being associated with crime and disorder, or being used to support crime in any way” must be upheld.
- 5.6 **Risks** – if the Authority does not adopt and publish the revised policy statement by 3 January 2022, it would not be able to issue licences or otherwise carry out its functions under the Gambling Act 2005.

6. Conclusion

- 6.1 The review of the Authority’s Gambling Statement of Principles (Policy Statement) has been properly conducted in accordance with the requirements of the Gambling Act 2005 and the Gambling Commission’s Guidance to Licensing Authorities. Ensuring the revised Policy document is in place in accordance with the time frames set out will enable the Authority to continue to properly exercise its duties under the terms of the legislation.

7. Recommendations

- 7.1 The Committee is recommended to:
- (1) Consider the schedule of responses received as a result of the consultation in respect of the draft Policy Statement and:
 - a. agree any amendments proposed arising from the appraisal of the responses,
 - and/or,
 - b. agree amendments proposed by Committee.
 - (2) To recommend the draft Policy Statement to Council for formal adoption including the table of delegations on page 39 of the draft Policy and as a consequence request the relevant amendments are made to the Constitution.

Background papers

Gambling Act 2005

Gambling Commission’s Guidance to Licensing Authorities (April 2021)

Appendices

Appendix One Draft Proposed Statement of Principles

Appendix Two Schedule of responses received as a result of the consultation in respect of Statement of Principles

Gambling Act 2005

Statement of Principles

2022-2025

Section 349 of the Gambling Act 2005 requires all Licensing Authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the three-year period to which the policy applies.

This 'Gambling Act 2005: Statement of Principles' document has been drafted to advise all of those with an interest in the Gambling Act 2005 function. It has been updated using available Regulations, Conditions, Codes of Practice, Guidance and Legislation. Following consultation, relevant consultee responses have also been included.

This document is the fifth statement produced by this Licensing Authority and must be published by 3 January 2022 prior to its implementation date of 31 January 2022.

Changes in legislation, regulations, case-law or guidance which impact upon the content of this *Gambling Act 2005 - Statement of Principles* document, and it may be amended or updated accordingly.

The Guidance document for Licensing Authorities, updated by The Gambling Commission on 13 May 2021 has been used in producing this document.

For further information please refer to: www.gamblingcommission.gov.uk

This Statement of Licensing Principles was approved by Broadland District Council on
DD/MM/YYYY

GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES 2022-2025

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PART A – GENERAL

1. Introduction

This Statement of Licensing Policy sets out the principles that Broadland District Council, as the Licensing Authority under the Gambling Act 2005 (referred to in this document as ‘the Act’), proposes to apply in discharging its functions to licence premises for gambling under the Act as well as:

- Designating the body responsible for advising the Authority on the protection of children from harm;
- Determining whether or not a person is an “Interested Party”;
- Exchanging information with the Gambling Commission and others; and
- Inspecting premises and instituting proceedings for offences under the Act.

It should be noted that this policy may, from time to time, be affected by revised guidance issued by the Gambling Commission or as a result of Court judgements made.

2. The Licensing Objectives

In exercising most of its functions under the Gambling Act 2005 (The Act), the Licensing Authority 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.

The Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

In accordance with Section 153 of the Act, in making decisions about premises licences and temporary use notices, The Licensing Authority should **aim to permit** the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives subject to the two points above; and
- in accordance with the Authority’s Statement of Principles, subject to the three points above.

~~3. Introduction~~

3. The Local Area Profile

Broadland District Council is situated in the county of Norfolk. The district has a population of 129 000. The council area includes the northern suburbs of Norwich, such as Thorpe St. Andrew, Sprowston and Hellesdon, as well more rural areas to the north and east, including market towns such as Aylsham and Acle. The Broadland Northway (A1270) allows for easy access between the main arterial roads of the district and the A47.

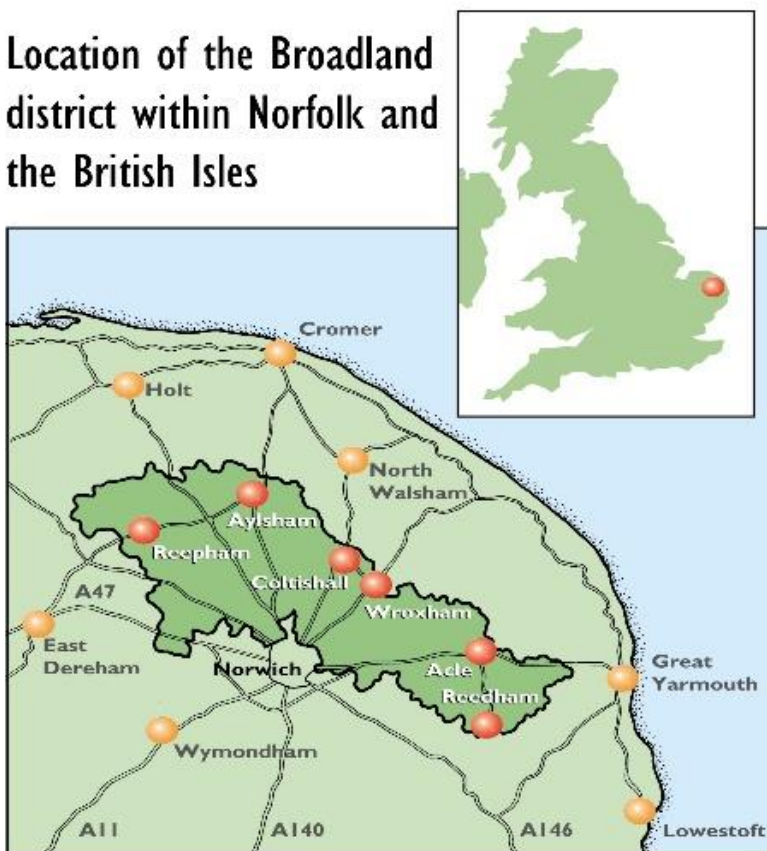
Gambling activities within Broadland currently consist of 2 betting shops, 2 unlicensed family entertainment centres and a total of 62 premises with a premises licence authorising the sale of alcohol where gaming machines have been provided by way of notification or permit. There are 15 clubs that hold club machine/gaming permits and there are 167 society lotteries registered (July 2018).

It will be seen that gambling is not a significant industry or activity within the District.

Therefore, any new gambling proposal which seeks to intensify gambling activities will be very carefully considered.

4.23.2 Map of the area covered by Broadland District Council

Location of the Broadland district within Norfolk and the British Isles



Licensing authorities are required by the Act 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 must be re-consulted upon. Following any amendment and consultation, the revised statement must be then re-published.

Broadland District Council consulted widely upon this statement of principles before it was finalised and published.

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.

The consultation took place between 20 September and 1 November 2021. [A list of those consulted is set out in Annex B.](#)

The full list of comments made and the consideration by the Council of those comments is available via the Council’s website at: www.southnorfolkandbroadland.gov.uk.

The revised statement of principles was approved at a meeting of the Full Council on DD/MM/YYYY. The document is available on our website or upon request to the Licensing Team.

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.

5.4. DECLARATION

In producing this statement of principles, the licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance issued by the Gambling Commission, and any responses from those consulted.

6.5. LICENCE CONDITIONS AND CODES OF PRACTICE

Operators should be mindful of the Commission’s published Licence Conditions and Codes of Practice (LCCP) which provides sector-specific advice about steps that a business should take to meet its social responsibilities and reflect the licensing objectives. In particular this relates to those business activities which fall under the responsibility of the Licensing Authority i.e. in the areas of non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.

7.6. RISK ASSESSMENTS AND LOCAL AREA PROFILES

Operators will be required to prepare a risk assessment for their business which takes into account the nature and characteristics of the locality in which they are situated.

The Gambling Commission issue codes of practice under section 24 of The Act regarding the manner in which facilities for gambling are provided to ensure that:

- gambling is conducted in a fair and open way
- children and other vulnerable people are protected from being harmed or exploited by gambling
- assistance is made available to people who are, or may be, affected by problems related to gambling.

Codes of practice are either:

- social responsibility code provisions - which must be adhered to by all licence holders and have the force of a licence condition, or
- ordinary code provisions – these are not mandatory but operators are expected to follow them unless they have alternative arrangements in place that they can demonstrate are equally effective. do not have the status of licence conditions but failure to take account of them can be used as evidence in criminal or civil proceedings.

~~New~~ Regarding code provisions covering risk assessments and local authority area profiles, more came into force in April 2016 ~~More~~ detail can be found by going to the Gambling Commission website at www.gamblingcommission.gov.uk. The following are extracts relating to this aspect:

Social responsibility code provision 10.1.1

Assessing local risk

In the case of all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences

1. Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's Statement of Principles.
2. 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;

- 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.

Ordinary code provision 10.1.2

Sharing local risk assessments

In the case of all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences

- Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

The 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 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.

The local risk assessment should show how vulnerable people, including those with gambling dependencies are protected.

The Licensing Authority would expect the local area risk assessment to be kept on the individual premises and be available for inspection.

Local Area Profile

Such risk assessments can make reference to the council's local area profile which may be compiled with respect to reported gambling-related problems in an area. BSNs local area profile is an assessment of the local environment and identifies key characteristics. At the time of preparing this edition of the Statement of Principles there has been no evidence to suggest that any part of our district is experiencing problems from gambling activities. The local area can change, and it is important to retain the ability to review and update the local area profile so that any current and emerging risks can be included. For this reason, the local area profile is not included within the body of this Policy and is published as a separate document. It is available by request from the Licensing Team licensing@broadland.gov.uk.

8.7. 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 this authority designates the Local Safeguarding Children Board for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at www.southnorfolkandbroadland.gov.uk.

9.8. 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 persons who in the opinion of the licensing authority:

- live sufficiently close to the premises to be likely to be affected by the authorised activities,
- have business interests that might be affected by the authorised activities, or
- 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:

- Whether a person is an interested party will be decided on a case by case basis ~~Each case will be decided upon its merits.~~
- This authority will not apply a rigid rule to its decision making as to who is an interested party. It may have regard to a number of factors, for example:
 - ~~t~~The size of the premises
 - ~~t~~The nature of activities the applicant proposes to provide at the premises;
 - the distance of the premises from the location of the person making the representation
 - the potential impact of the premises such as the number of customers, routes likely to be taken by those visiting the establishment
 - the circumstances of the person who lives close to the premises. This is not their personal characteristics, but their interests which may be relevant to the distance from the premises.
 - Guidance from the Gambling Commission that *business interests* should be given the widest possible interpretation (see para 6.21 of the GC Guidance)

Interested parties can include persons who are democratically elected such as county, parish and town councillors and MPs. Other than these persons, the licensing authority will normally require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. Other representatives might include bodies such as trade associations and trade unions, and residents' and tenants' associations. A school

head or governor might act in representing the interests of pupils or parents and a community group might represent vulnerable people living near to the proposed premises.

10.9. 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 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 will not be contravened. The licensing authority will also comply with any relevant requirements of the Freedom of Information Act 2000 and 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.

Exchanges of information will be conducted in a timely and accurate fashion and confirmed in writing in all cases to form an audit trail. (Note: Written confirmation may include information in electronic form.) An audit trail should include:-

- record of data disclosed;
- project chronology; and
- notes of meetings with other partners and recent correspondence including phone calls.

In accordance with Section 350 of the Gambling Act 2005, the Licensing Authority may exchange information with the following statutory bodies or individuals:

- A constable or police force
- An enforcement officer
- A licensing authority
- Her Majesty's Revenue and Customs
- The Gambling Appeal Tribunal
- The Secretary of State
- Scottish Ministers
- Any other person or body designated by the Secretary of State in accordance with the Act.

The Licensing Authority may also exchange information provided by applicants with law enforcement agencies for purposes connected with the prevention and detection of crime, but we will only share any personal details for this purpose if required to do so by law.

The Licensing Authority may also exchange information provided by applicants with law enforcement agencies for purposes connected with the prevention and detection of crime, but we will only share any personal details for this purpose if required to do so by law.

Should any protocols be established pursuant to section 350 of the Act concerning information exchange with the other bodies as listed in Schedule 6(1) of the act then these will be made available by the licensing authority.

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

11.10. ENFORCEMENT

Licensing authorities are required by regulation under the Act 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 (in particular Part 36), the Regulators' Compliance Code – and shall endeavour to regulate in the public interest and be:

- Proportionate: regulators should only intervene when necessary and 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;
- Targeted: regulation should be focused on the problem, and minimise side effects

In accordance with the Gambling Commission's Guidance, the Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

Any inspection programme which may be adopted by the licensing authority shall be risk-based.

As part of its ongoing inspection programme, the licensing authority may carry out test purchasing to ascertain if a licensee has robust policies in place to prevent underage gambling. Operators will always be advised of the outcome of the test. Where operators carry out their own test purchasing, the licensing authority expect to be advised of the results. Should the results show a failure then the licensing authority will, in the first instance, work with the operator to review and improve their policies and procedures.

The enforcement and compliance role for the Licensing Authority under the Gambling Act 2005 is to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission is the enforcement body for Operator and Personal Licences and Manufacture, supply or repair of gaming machines.

This Licensing Authority aims to work in partnership with and support local businesses, having regard to the stated principles and best practice guidelines published by the Better Regulation

Executive, in respect of its responsibilities under the Gambling Act 2005 and other regulatory functions of the Local Authority.

Any enforcement/compliance protocols or written agreements developed by the Licensing Authority shall be made available upon request.

In considering applications, and taking enforcement action, under the Gambling Act 2005 the Licensing Authority shall duly consider any Human Rights Act 1998 implications (in particular Article 1, Protocol 1 and Articles 6, 8 and 10).

12.11. LICENSING AUTHORITY FUNCTIONS

The Act gives Licensing Authorities a number of regulatory functions in relation to gambling. The main functions of which are to:

- Licence **premises** for gambling activities;
- Consider **notices** given for the temporary use of premises for gambling;
- Grant gaming and gaming machines **permits in clubs and miners' welfare institutes**;
- Regulate gaming and gaming machines in **alcohol-licensed premises**;
- Grant **permits** to Family Entertainment Centres (FEC's) for the use of certain lower stake gaming machines;
- Grant **permits** for **prize gaming**;
- Consider **occasional use notices** for betting at tracks;
- Register small societies' lotteries;
- Consider applications for **provisional statements**;
- Provide information to the Gambling Commission regarding details of licences, permits, notices and registrations issued;
- **Maintain registers** of the permits, notices and licences issued;
- Prepare and publish, every three years a **statement of principles** it proposes to apply when exercising its functions under the Act.

The Gambling Commission is responsible for issuing operating and personal licences to persons and organisations who:

- operate a casino;*
- provide facilities for playing bingo or for pool betting;*
- provide betting or act as intermediaries for betting;*
- make gaming machines available for use in Adult Gaming Centres and licensed Family Entertainment Centres;*
- manufacture, supply, install, adapt, maintain or repair gaming machines; • manufacture, supply, install or adapt gambling machine software; or*
- promote a lottery.*

The Licensing Authority cannot become involved in the moral issues of gambling and must aim to permit the use of premises for gambling in so far as they think it is:

- In accordance with any relevant codes of practice;
- In accordance with any relevant Guidance issued by the Gambling Commission;
- Reasonably consistent with the Licensing Objectives, and
- In accordance with the Licensing Authority's Statement of Licensing Policy. 4.6

Before the Licensing Authority can consider an application for a Premises Licence, an Operating and Personal Licence must have been obtained from the Gambling Commission (With the exception of Tracks).

~~It should be noted that licensing authorities are not involved in licensing remote gambling. This is the responsibility of the Gambling Commission.~~

12. PUBLIC REGISTER

The Licensing Authority is required to keep a public register and share information in it with the Gambling Commission and others (e.g. H.M. Revenue and Customs). Regulations will prescribe what information should be kept in the register. Copies of the register may be obtained on payment of a fee.

13. APPEALS

Appeals relating to premises licensing and other decisions by licensing authorities are covered within the relevant legislation and regulations and are referred to in Part 12 of the Gambling Commission guidance.

PART B - PREMISES LICENCES

1. GENERAL PRINCIPLES

Premises licences are subject to the requirements set out in the Gambling Act 2005 and regulations. The Act provides that conditions may be attached to licences in a number of ways:

1. automatically, having been set out on the face of the Act;
2. through regulations made by the Secretary of State
3. by the Commission, to operating and personal licences;
4. by the licensing authority, to premises licences and some permits;
5. by the licensing authority, by excluding certain default conditions on a premises licence.

~~When determining an application, this Licensing Authority aims to permit the use of premises for gambling in so far as it thinks it is:~~

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

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 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 (subject to the above); 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 or 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 18) and also that unmet demand is not a criterion for a licensing authority.

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 general 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.

Definition of "premises"

Premises" is defined in The Act as "any place". A particular premises cannot be granted more than one premises licence under the Act at any one time. It is possible for a single building to 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 separate premises.

Whether different parts of a building are genuinely separate premises will depend on the circumstances. The Gambling Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can be properly regarded as different premises.

Consideration will be given to whether the premises is genuinely a separate premises and would merit its own licence and not an artificially created part of what is readily identifiable as a single premises.

The Gambling Commission Guidance states that Licensing Authorities should take particular care when considering applications *for more than one premises licences for a single building*, and applications for a premises licence where part of the premises is used for non-gambling purposes. In particular the Licensing Authority will consider whether:

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

The Gambling Commission Guidance also stipulates that Licensing Authorities should pay attention to applications where access to the licensed premises is through other premises,

whether licensed or unlicensed. The Licensing Authority will consider whether:

- entrances and exits from parts of a building covered by one or more licences are to be separate and identifiable so that the separation of different premises is not compromised and that people cannot 'drift' into a gambling area;
- 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;
- customers are able to participate in the principal gambling activity authorised by the premises licence.
- children can gain access to the premises;
- the two establishments are compatible; and
- The proposed licence holder would be able to comply with the requirements of the Act, for example, mandatory operating licence conditions; and
- Gambling Commission Guidance in relation to division, separation or splitting of premises and primary gambling activity (Part 7 of guidance).

An overriding consideration for the Licensing Authority is whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

Where an application is made in respect of a premises to be constructed or altered the Licensing Authority will consider each application on its own merits having due regard to the advice given by the Gambling Commission in its Guidance (particularly sections 7.58 to 7.65). The Licensing Authority will consider:

- if a future effective date on the licence is appropriate;
- the licence should be issued subject to a condition that trading shall not commence until the premises have been completed in all respects and in accordance with the scale plans provided with the application.

The Licensing Authority may require inspection of the completed works or written confirmation from the applicant, their agent or surveyor to satisfy the Authority that the completed works comply with the original, or changed, plan attached to the premises licence.

Location:

Demand or need for licensed premises cannot be considered with regard to the location of premises. In accordance with the Gambling Commission Guidance, the Licensing Authority will pay particular attention to protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Consideration will include the type of gambling that is proposed for the premises. Should any specific policy be decided upon concerning areas where gambling premises should not be located, this policy 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 possibility for the applicant to show how any concerns can be overcome.

Duplication with other regulatory regimes:

The Licensing Authority seeks to avoid any duplication with other statutory/regulatory systems wherever possible, including planning, building control, health and safety and fire safety.

Should it come to the attention of the Licensing Authority that planning conditions or other regulatory restrictions/controls may impact on a premises operator's ability to comply with mandatory or default conditions then it may alert the applicant accordingly. 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.

Licensing objectives:

Premises Licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Licensing Authority has considered the Gambling Commission Guidance and provides some commentary below:

(1) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime:

The Gambling Commission will take the leading role in preventing gambling from being a source of crime. Where a particular area is associated with criminal activity the Licensing Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be appropriate, for example the provision of door supervisors. There is a distinction between disorder and nuisance and the licensing Authority will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed when determining applications under the Gambling Act 2005.

(2) Ensuring that gambling is conducted in a fair and open way:

The Gambling Commission stated in its Guidance that it would, with the exception of tracks (see Part B section 97 of this document), generally not expect Licensing Authorities to be ~~concerned dealing with issues around ensuring that~~ gambling ~~being~~ **is** conducted in a fair and open way as this is usually addressed via Operator and Personal licensing requirements. If the Licensing Authority suspects that gambling is not being conducted in a fair and open way then this will be brought to the attention of the Gambling Commission for its further consideration.

(3) Protecting children and other vulnerable persons from being harmed or exploited by gambling:

The Gambling Commission has stated, with limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult only environments. The objective refers to protecting children from being 'harmed or exploited' by gambling. This means preventing them from taking part in gambling activities except limited authorised activities ~~(see schedule D)~~, and for there to be restrictions on advertising so that gambling products are not aimed at children or

advertised in such a way that makes them particularly attractive to children (excepting category D machines).

The Licensing Authority will therefore consider, as suggested in the Gambling Commission Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include such matters as supervision of entrances/machines or segregation of areas.

The Licensing Authority will also have due regard to any relevant Codes of Practice issued by the Gambling Commission concerning this licensing objective in relation to specific premises.

The Gambling Commission does not provide a definition for the term “vulnerable persons” but states that “for regulatory purposes assume that this group includes people who:

- gamble more than they want to;
- gamble beyond their means; and
- may not be able to make informed or balanced decisions about gambling due to mental health needs, alcohol or drugs.”

The Licensing Authority will consider this licensing objective on a case by case basis.

It is noted that those concerned about their use of gambling activities and facilities may contact the National Gambling Helpline on 0808 8020 133 and also www.begambleaware.org. Both are part of the National Gambling Treatment Service and offer free, confidential advice and support for those who may need it.

Conditions:

Since the Licensing Authority must aim to permit the use of premises for gambling, it will not attach conditions which limit the use of the premises for gambling, except where that is necessary as a result of the requirement to act:

- in accordance with the Gambling Commission Guidance, the Commission’s codes of practice or this Licensing Authority’s Statement of Policy; or
- in a way that is reasonably consistent with the Licensing Objectives.

This Licensing Authority notes that conditions on premises licences should only relate to gambling, and it is not necessary, proportionate or appropriate to impose conditions on a premises licence where the Gambling Commission’s Licence Conditions and Codes of Practice, or other legislation, places the same or similar duties, responsibilities or restrictions on an employer or the operator of gambling premises.

This Licensing Authority shares the view of the Gambling Commission that the mandatory and default conditions set by the Secretary of State will normally be adequate for the general good conduct of gambling premises. However, where there are specific, evidenced risks or problems associated with a particular locality, specific premises, or class of premises in its area then the

Licensing Authority may be able to attach individual conditions to address this.

Any conditions attached by the Licensing Authority to a premises licence shall be:

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

Sections 169 to 172 of the Act set out certain matters that may not be the subject of Licensing Authority conditions, as set out below:

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

The Licensing Authority will have due regard to these when considering the need for conditions.

The Licensing Authority will also consider specific measures which may be required for buildings which are the subject of more than one Premises Licence. In considering these matters the Licensing Authority shall have due regard to:

- any mandatory or default conditions of licence,
- any relevant Codes of Practice (particularly social responsibility provisions linked to operator licences) issued by the Gambling Commission; and
- Gambling Commission Guidance.

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 specific non-adult gambling premises in order to promote the licensing objectives.

The Licensing Authority must be satisfied that where category C or above machines are available 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.

These considerations may apply to premises including buildings where more than one Premises Licence is applicable.

Tracks (defined below) may be subject to one, or more than one, Premises Licence provided each licence relates to a specified area of the track. In accordance with the Gambling Commission Guidance, the Licensing Authority will consider the impact upon the protection of children 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.

In accordance with Gambling Commission Guidance, the Licensing Authority may consider whether door supervisors are appropriate in particular circumstances in order to:

- prevent premises from becoming a source of crime or disorder; or
- protect children and vulnerable persons from being harmed or exploited by gambling.

Should the Licensing Authority consider that door supervisors are necessary and appropriate in the particular circumstances to promote the licensing objectives for a particular premises, it will normally expect that any person employed as a door supervisor at that premises will either:

- meet the minimum requirements necessary for that individual to be licensed by the Security Industry Authority (SIA) in normal circumstances (accepting that there is a specific exemption from the licensing of door supervisors by the SIA for in-house staff of casino and bingo premises);
- the holder of the operator licence will have recruitment criteria for their door supervisors, which may specify:
 - (a) a minimum training standard (whether within the organisation, or a nationally accredited training course); and
 - (b) an assessment of whether that individual is fit and proper, for example by means of a subject access search, Disclosure and Barring Service disclosure or other means.

2. 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, assessing each application on its merits, 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.

~~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.~~

When considering any review request, or whether to instigate its own review, the licensing authority will have due regard to the guidance issued by the Gambling Commission and consider:

- each application on its merits
- whether matters raised in the application are frivolous or vexatious
- whether the application would cause it to amend or suspend or revoke the licence, or
- whether the request is substantially the same as any previous representations or requests made for a review or previous application for the same premises.

There is no appeal against the Authority's determination of the relevance of an application for review.

Officers of the authority may attempt informal mediation or dispute resolution techniques, where practicable, prior to a review being conducted.

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.

More details including time periods can be found in the Gambling Act 2005 (Premises Licences) (Review) Regulations 2007.

A review application must only be determined by a subcommittee, and not an officer. 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.

In determining what action, if any, should be taken following a review, the licensing authority shall 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 shall, 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.

3. 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.

S204 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 to 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;
- 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.

S.210 of the Act, which applies to both premises licences and provisional statements, makes it clear that a licensing authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.

4. 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 to 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—including that a Temporary Use Notice may only be granted to a person or company holding a relevant operator licence, and limitations on the number of times a 'set of premises' can be used under these provisions.

~~The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Guidance. 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.~~

A 'set of premises', as referred to in section 218 of the Act, is the subject of a Temporary Use Notice if any part of the premises is the subject of a notice. This reference to 'premises' is not the same as that in Part 8 of the Act. It prevents one large premises from serving a TUN for different parts of the premises and exceeding the statutory limit of 21 days in any 12-month period.

The definition of “a set of premises” will be a question of fact in the each particular circumstance. In considering whether a place falls within the definition of “a set of premises” the Licensing Authority will consider, amongst other things, the ownership/occupation and control of the premises.

The Authority will consider whether they wish to give a notice of objection in respect of a Temporary Use Notice. In considering whether to do so, they must have regard to the licensing objectives and if they consider that the gambling should not take place, or only with modifications they must give notice of objection to the person who gave the Temporary Use Notice.

5. OCCASIONAL USE NOTICES

Occasional Use Notices apply only to tracks which are defined by the Act as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place. Section 39 of the Act provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice 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 eight days in a calendar year is not exceeded. This licensing authority will though, consider the definition of a ‘track’, which do not need to be a permanent fixture -and whether the applicant is permitted to avail him/herself of the notice.

6. CASINOS

This licensing authority has not passed a ‘no casino’ resolution under Section 166 of the Gambling Act 2005 but is aware that it has the power to do so. Should this authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

7. BINGO PREMISES

It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category B or C or machines are made available for use on premises to which children are admitted Licensing Authorities should ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance; and
- only adults are admitted to the area where the machines are located

The Licensing Authority shall have due regard to relevant licence conditions and codes of practice in relation to the operation of Bingo premises, and also the Gambling Commission’s guidance about the particular issues that Licensing Authorities should take into account in relation to the suitability and layout of bingo premises. This includes guidance on primary gambling activity, split premises and operating licence conditions.

8. BETTING PREMISES

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. 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.

Betting machines

S.235(2)(c) provides that a machine is not a gaming machine by reason only of the fact that it is designed or adapted for use to bet on future real events. Some betting premises may make available for use machines that accept bets on live events, such as a sporting event, 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. Such betting machines merely replicate and automate the process that can be conducted in person, and therefore do not require regulation as gaming machines.

S.181 of the Act 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).

The holder of a betting premises licence may make up to 4 gaming machines (category B,C or D) available for use.

Paragraph 19.5 of the Gambling Commission Guidance provides further details.

9. TRACK PREMISES LICENCES

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 Guidance, this licensing authority will especially consider the impact upon the third licensing 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 Part 6 of 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 2005 (Premises Licences and Provisional Statements Regulations 2007) require 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 is fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity (see Guidance to Licensing Authorities, para 20.43).

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, para 20.44).

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.

This Authority will require that the plan provides sufficient information to enable them to assess an application.

10. ADULT GAMING CENTRES

The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will require applicants to demonstrate that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate measures may also be included within mandatory/default conditions and codes of practice and cover matters such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Access and Location of entry
- Notices / signage
- Self-barring schemes
- ATM location
- Prohibition of alcohol consumption
- Provision of information leaflets/helpline numbers for organisations such as GamCare or Gamble Aware.

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

The Licensing Authority may determine the opening hours for Adult Gaming Centres, on a case-by-case basis, in the absence of any default conditions addressing this matter.

11. (LICENSED) FAMILY ENTERTAINMENT CENTRES

The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will require applicants to demonstrate that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only Category C gaming machine areas.

The Licensing Authority will require applicants to demonstrate that there will be sufficient measures to promote the licensing objectives. Appropriate measures may also be included within mandatory/default conditions and codes of practice and cover matters such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Access and Location of entry
- Notices / signage
- Challenging children or young persons attempting to play category C machines
- Self-barring schemes
- ATM location
- Prohibition of alcohol consumption
- Provision of information leaflets/helpline numbers for organisations such as GamCare or Gamble Aware
- 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.

The Licensing Authority will, in accordance with the Gambling Commission Guidance, make itself aware of any conditions that may apply to Operator licences covering the way in which the area containing the category C machines should be delineated. The Licensing Authority will ensure that it has due regard to any mandatory or default conditions on these Premises Licences and Codes of Practice and guidance issued by the Gambling Commission when dispensing its functions in relation to licensed Family Entertainment Centres.

The Licensing Authority may determine the opening hours for licensed FEC's, on a case-by-case basis, in the absence of any default conditions addressing this matter.

PART C – PERMITS, TRAVELLING FAIRS AND SOCIETY LOTTERIES

1. UNLICENSED FAMILY ENTERTAINMENT CENTRE (UNLICENSED FEC'S) GAMING MACHINE PERMITS

Unlicensed Family Entertainment Centres (FEC's) are commonly located at seaside resorts, in airports and at motorway service stations, catering for families - including unaccompanied children and young persons.

Where a premises does not hold a Premises Licence but there is an intention to provide gaming machines (category D only), an application may be made to the Licensing Authority for the grant of this permit. The applicant must be an individual aged 18 or over, and he/she must occupy or plan to occupy the relevant premises. The Licensing Authority may only grant a permit where it is satisfied that the applicant intends to use the premises as an unlicensed FEC and where it has consulted the Chief Officer of Police on the application. Any duties on the applicant to comply with other legislation such as fire regulations or Health and Safety are not issues for the Licensing Authority under the Gambling Act 2005.

If the operator of an Unlicensed Family Entertainment Centre intends to make category C machines available, in addition to category D machines, then an application must be made for an Operator Licence from the Gambling Commission and a Premises Licence from the Licensing Authority (see section 24.4 Unlicensed Family Entertainment Centre).

It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

Statement of Principles

The Licensing Authority will expect the applicant to satisfy it that they and their employees can demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's. The applicant is expected to demonstrate that he has considered appropriate measures to promote the licensing objectives, and training for staff on matters such as:

- suspected truant school children on the premises;
- how staff would deal with unsupervised very young children being on the premises;
- children causing problems on or around the premises; and
- maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's

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

The Chief Officer of Police is a statutory consultee for all such permit applications, and any representations made by him will be considered by the Licensing Authority.

This licensing authority will also expect, as per Gambling Commission Guidance at para 24.9, that applicants can 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 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. Where the applicant is a partnership the disclosure must be carried out on all partners. Where the applicant is a company the disclosure must be completed for the company secretary and directors, where applicable. 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 of 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)

The Licensing Authority may also require the applicant to provide details of any relevant convictions, (those that are set out in Schedule 7 of the Act), the following documents will be accepted:

- basic Disclosure and Barring Service disclosure; or
- a police subject access search.

Details of up to date application requirements, including any supporting documentation, are available via the Council website at www.southnorfolkandbroadland.gov.uk or directly from the Licensing Team.

2. CLUB GAMING PERMITS

Members Clubs and Miners' welfare institutes (but not commercial Clubs) may apply for a Club

Gaming Permit which authorises the premises to:

- make available for use up to 3 gaming machines of categories B3A to D,
- equal chance gaming (without restriction on the stakes and prizes); and
- games of chance as prescribed by regulations (namely pontoon and chemin de fer).

The gaming which a club gaming permit allows is subject to the following conditions:

In respect of equal chance gaming:

- a. The club must not deduct money from sums staked or won;
- b. The participation fee must not exceed the amount prescribed in regulations;
- c. The game takes place on the premises and must not be linked with a game on another set of premises.

Two games are linked if:

- i. The result of one game is, or may be, wholly or partly determined by reference to the result of the other game;
- ii. The amount of winnings available in one game is wholly or partly determined by reference to the amount of participation in the other game, and a game which is split so that part is played on one site and another part is played elsewhere is treated as two linked games
- iii. Only club members and their genuine guests participate

In respect of other games of chance:

- a. the game must be pontoon and chemin de fer only
- b. no participation fee may be charged otherwise than in accordance with the regulations
- c. no amount may be deducted from sums staked or won otherwise than in accordance with the regulations.

Members clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made such regulations covering bridge and whist clubs A members' club must be permanent in nature and established and conducted for the benefit of its members and not as a commercial enterprise. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations".

A club gaming permit may not be granted in respect of a vehicle or a vessel.

The Licensing Authority may only refuse an application on the grounds that:

- a. the applicant does not fulfil the requirements for a members' club or miners' welfare

- Institute and therefore is not entitled to receive the type of permit for which it has applied;
- b. the applicant's premises are used wholly or mainly by children and/or young persons;
- c. an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- d. a permit held by the applicant has been cancelled in the previous ten years; or
- e. an objection has been lodged by the Gambling Commission or the Police

Where the Licensing Authority is satisfied that (a) or (b) is the case, it must refuse the application. In determining an application the Licensing Authority shall have regard to the relevant guidance issued by the Gambling Commission and, subject to that guidance, the licensing objectives.

Where a permit is granted, the permit holder must comply with statutory conditions:

- no child or young person may use a category B or C machine on the premises; and
- the permit holder must comply with any relevant provision of a code of practice regarding the location and operation of gaming machines.

There is a 'fast-track' procedure available for premises where the club holds a Club Premises Certificate under section 72 of the Licensing Act 2003. Where an application is made under the fast track procedure, there is no opportunity for objections to be made by the Commission or the Police, and the grounds upon which an Authority can refuse a permit are limited as below:

- the club is established primarily for gaming, other than gaming of a prescribed kind
- in addition to the prescribed gaming, the applicant provides facilities for other gaming;
- a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

There are statutory conditions concerning Club Gaming Permits

3. CLUB MACHINE PERMITS

Members Clubs and Miners' welfare institutes and commercial Clubs may apply for a Club Machine Permit, which enables the premises to make available for use up to 3 gaming machines of categories B4, C and D. Members clubs and Miner's welfare institutes only may also make available for use category B3A machines offering lottery games in the club under a club machine permit.

Members clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made such regulations covering bridge and whist clubs. A members' club must be permanent in nature and established and conducted for the benefit of its members

and not as a commercial enterprise. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations".

Commercial clubs must have at least 25 members but may be established with a view to making a profit, which is not returned to the members, but the proprietor(s) of the club. Examples of commercial clubs include snooker clubs, clubs established for personal profit and most clubs established as private companies.

The Gambling Commission Guidance advises that Licensing Authorities may only refuse an application on the grounds that:

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

It should be noted that either type of permit may not be issued in respect of a vessel or vehicle.

There is also a 'fast-track' procedure available for premises where the club holds a Club Premises Certificate under section 72 of the Licensing Act 2003 (. As the Gambling Commission Guidance states: "Under the fast-track procedure there is no opportunity for an objection to be made by the Commission or the Police, and the grounds upon which an Authority can refuse a permit are reduced". The grounds on which an application under the process may be refused are that:

- a. the club is established primarily for gaming, other than gaming of a prescribed kind;
- b. in addition to the prescribed gaming, the applicant provides facilities for other gaming;
- c. a club machine permit issued to the applicant in the last ten years has been cancelled.

There are statutory conditions concerning Club Machine Permits that no child or young person may use a category B or C machine on the premises and that the permit holder complies with any relevant provision of a code of practice regarding the location and operation of gaming machines.

4. (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS

The Act makes provision for premises licensed to sell alcohol for general consumption on the premises to be entitled to make available up to 2 gaming machines, of categories C and/or D. The Licensing Act 2003 premises licence holder needs only to notify the Licensing Authority of this intention and pay the prescribed fee. The Licensing Authority may remove the automatic authorisation in respect of any particular premises only if it is satisfied that:

- 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.

Before making any such order the Licensing Authority shall give the licensee at least 21 days prior notice and consider any representations made by the applicant (at a hearing if requested by the Licence holder).

If a Licensing Act 2003 premises licence holder wishes to use more than 2 gaming machines, then (s)he will need to apply to the Licensing Authority for a permit and the Licensing Authority must consider that application based upon:

- the licensing objectives;
- any guidance issued by the Gambling Commission; and
- “such matters” as it thinks relevant.

This Licensing Authority considers that “such matters” will be assessed on a case by case basis. Generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling.

This permit replaces, and is not in addition to, the automatic entitlement notification.

The Licensing Authority expects the applicant to satisfy it that there will be sufficient measures in place to ensure that persons under the age of 18 do not have access to the adult only category C gaming machines. The applicant may consider appropriate measures to comply with Gambling Commission Codes of Practice and monitor access to machines. This may include:

- ensuring that the adult gaming machines are within sight of the bar, or within the sight of staff who can monitor that the machines are not being used by persons under the age of 18;
- Notices and signage may also be an appropriate measure/safeguard;
- the provision of information leaflets / helpline numbers for organisations that give support to vulnerable persons such as GamCare and Gamble Aware.

The holder of a permit must comply with any relevant code of practice issued under section 24 of the Act by the Gambling Commission concerning the location and operation of the gaming machines.

It should be noted that the Licensing Authority can and may 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 to the grant of this permit.

There is a similar mechanism for applying to vary the number and category of machines specified on an existing permit.

Gaming machines can only be located on licensed premises that have a bar for serving alcohol to their customers. Premises restricted to selling alcohol only with food will not be able to apply for a permit.

5. PRIZE GAMING AND PRIZE GAMING PERMITS

Statement of principles:

The prize gaming 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 monetary 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.

It should be also noted that this permit cannot be issued in respect of a vessel or vehicle.

An application may only be made by an individual over the age of 18, who occupies or plans to occupy the relevant premises. An application for a permit cannot be made if a premises licence or club gaming permit is already in effect for the same premises.

The Licensing Authority will expect the applicant to satisfy the Authority that they and their employees can demonstrate a full understanding of the maximum stakes and prizes for the gaming offered and that the type of gaming offered is within the law. The applicant will normally be required to set out the types of gaming that he/she is intending to offer, and may wish to consider appropriate measures to promote the licensing objectives, and training for staff on:

- the type of gaming which they intend to provide; and
- the stakes and prizes which apply under the regulations relevant to the type of gaming they intend to offer.

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

In making its decision on an application for this permit the Licensing Authority may have regard to the licensing objectives and must have regard to any Gambling Commission Guidance. Given that the premises may be particularly appealing to children and young persons, the Licensing

Authority will give appropriate weight to the consideration of child protection matters and may consult with the Safeguarding Children Board where necessary.

The Chief Officer of Police is a statutory consultee for all such permit applications. Any representations made by the Chief Officer of Police which are relevant to the licensing objectives will be considered by the Licensing Authority relevant considerations may include:

- whether the applicant has any convictions that would render them unsuitable to operate prize gaming, or
- the suitability of the location of the premises in relation to any disorder concerns.

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

It should be noted that whilst there may be conditions in the Gambling Act 2005 and Gambling Commission codes of practice (including on social responsibility) with which the permit holder must comply, the Licensing Authority cannot attach conditions to this permit. Where the Authority is minded to refuse a permit application it will notify the applicant and allow the opportunity for the applicant to make representations (which may be considered at a hearing).

6. TRAVELLING FAIRS

It is the duty of the Licensing Authority to decide whether, where category D machines and / or equal chance prize gaming without a permit are 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 carefully consider whether an operator falls within the statutory definition of a travelling fair (provided by section 286 of the Act) and be 'wholly or principally' providing amusements.

The 27-day statutory maximum for the land being used as a fair is per calendar year, and that this 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. The Licensing Authority shall endeavour to work with neighbouring authorities to ensure that land which crosses district/borough boundaries is monitored so that the statutory limits are not exceeded.

7. SOCIETY LOTTERIES

The Council as the local authority is responsible for registering small society lotteries. A lottery is defined under the Act and in the guidance as:

a simple lottery if:

- persons are required to pay to participate
- one or more prizes are allocated to one or more members of a class
- the prizes are allocated by a process which relies wholly on chance

a complex lottery if:

- persons are required to pay to participate
- one or more prizes are allocated to one or more members of a class
- the prizes are allocated by a series of processes
- the first of those processes relies wholly on chance

A society, or any separate branch of such a society, may be registered by the council to promote a small lottery where it is established and conducted:

- for charitable purposes
- for the purpose of enabling participation in , or of supporting, sport, athletics or a cultural activity;
- for any other non-commercial purpose other than private gain;
- and the proceeds of the lottery must be devoted to the purposes above.

The society must not be established for the sole purpose of facilitating lotteries.

The Council may only register a society which wishes to promote a small lottery where the society's *principal office* is located within its area. If the Council believes that the society's principal office does not fall within its boundaries it will inform the society and relevant authority at the earliest opportunity.

A small lottery is defined in the Act and the current limits are published on the Gambling Commission website. Definitions of exempt lotteries are also published at this address.

The Council will expect the society applying to register with it supply a copy of its terms conditions or constitution to enable it to establish that the society is non- commercial, together with a declaration to the effect that it is non-commercial.

Details of societies registered by the council will be published in a register maintained by the Council. The registration is for an indefinite period unless the registration is cancelled by:

- the society; or
- the council on failure of the society to pay the annual charge.

The council may refuse to register a small society lottery where:

- an operating licence held by the applicant for registration has been revoked or an application for an operating licence made by the applicant for registration has been refused;
- the society cannot be deemed non-commercial
- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence;
- information provided in or with the application for registration is found to be false or misleading.

Where the Council proposes to refuse to register a small society lottery it will give the society an opportunity to make representations in writing or at a hearing. The Council will notify the society in writing of the outcome of the hearing and the reasons for the decision.

The Council may revoke a society lottery registration where it considers that it would have had to, or would be entitled to refuse an application if it were to be made at that time.

DRAFT

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING COMMITTEE OR SUB COMMITTEE	OFFICERS/ HEAD OF SERVICE
Three year licensing policy	✓		
Policy not to permit casinos	✓		
Fee Setting - when appropriate			Head of Service or equivalent
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		✓	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		✓	
Applications for other permits			✓
Cancellation of licensed premises gaming machine permits			✓
Consideration of temporary use notice			✓
Decision to give a counter notice to a temporary use notice		✓	

LIST OF CONSULTEES

List of persons this authority consulted:

- Norfolk Constabulary
- Norfolk Fire Service
- Social Services and Trading Standards, Norfolk County Council
- Norfolk Local Safeguarding Children Board
- HM Revenue and Customs
- Maritime Coastguard Agency and The Broads Authority
- The Environment Agency
- Legal Services Department, Norfolk County Council
- Broadland Business Forum and Norfolk Chamber of Commerce and Industry
- Association of British Bookmakers
- BACTA
- British Beer and Pub Association
- British Holiday and Home Parks Association
- Gamblers Anonymous
- Racecourse Association Ltd
- Responsible Gambling Trust t/a Gambleaware
- Gamcare
- Gambling Commission
- National Casino Industry Forum
- The Bingo Association
- Gaming machine suppliers
- Abbotts Leisure Park Ltd
- Head offices of Ladbrokes Coral, William Hill and Betfred and Local betting shops
- Broadland Councillors, Town & Parish Councils within Broadland
- Broadland District Council Heads of Department, Directors and Chief Executive
- Relevant licence holders in the Broadland district.

Gambling Policy Review 2021
Consultation Responses

Number	Name	Comments	Response to Comments
1	HM Revenue and Customs	<p>Good Afternoon,</p> <p>As one of the responsible authorities quoted in your appendices can I ask you to amend our postal contact address to:-</p> <p>HM Revenue and Customs Excise Processing Teams BX9 1GL United Kingdom</p> <p>Our contact telephone number is now 0300 322 7072 Option 7.</p> <p>Our email address remain the same, NRUBetting&Gaming@hmrc.gsi.gov.uk</p>	<p>Comments noted.</p> <p>Contact details will be updated.</p>
2	BeGambleAware.org	<p>Hi, Thank you for consulting us on your draft Statement of Principles under the Gambling Act 2005. Due to resource constraints on a small charity, we are not able to offer specific feedback on your policy. However, you may find GambleAware's recently published interactive maps useful, which have been designed for use by local authorities. The maps show the prevalence of problem gambling severity in each local authority and ward area as well as usage of, and reported demand for, treatment and support for gambling harms.</p> <p>GambleAware also strongly commends two publications by the Local Government Association which set out the range of options available to local authorities to deal with gambling-related harms using existing powers: · https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales</p>	<p>Thank you to BeGambleAware.org for these comments. The resources signposted in this response will prove useful should the Authority experience an increase in gambling licensed premises in the area, and subsequent evidence of gambling harms. The Authority has included an Area Profile within its policy document and this will continue to be kept under review. The Authority will ensure that the National Gambling Helpline contact details are included within the Policy document, and displayed at gambling licensed premises, for those that may need support (additional paragraph on page 15 of the policy document).</p>

Gambling Policy Review 2021
Consultation Responses

Number	Name	Comments	Response to Comments
		<p>GambleAware is also fully supportive of local authorities which conduct an analysis to identify areas with increased levels of risk for any reason. In particular we support those who also include additional licence requirements to mitigate the increased level of risk. Areas where there are higher than average resident or visiting populations from groups we know to be vulnerable to gambling harms include children, the unemployed, the homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance addiction treatment services.</p> <p>Finally, GambleAware is a leading commissioner of prevention and treatment services for gambling harms. It provides these functions across England, Scotland and Wales and its work is underpinned by high quality research, data and evaluation. We encourage all local authorities to signpost people to the National Gambling Helpline on 0808 8020 133 and also www.begambleaware.org. Both are part of the National Gambling Treatment Service and offer free, confidential advice and support for those who may need it. Many thanks, BeGambleAware.org</p>	
3	NPLaw	Amendments to the Policy proposed as per tracked changes within the draft Policy document.	Recommend changes as proposed within draft document as tracked changes (those not in italics).
4	Licensing Team, Broadland District Council	In order to ensure that the policies covering both the Broadland and South Norfolk licensing authority areas are as aligned as possible, it is proposed that the amendments to the document as suggested by the South Norfolk Council legal advisers (Birketts) are also incorporated into the final document. All amendments	Recommend changes as proposed within draft document as tracked changes (in italics).

Gambling Policy Review 2021
Consultation Responses

Number	Name	Comments	Response to Comments
		proposed are for clarification and do not significantly change the purpose or content of the Policy. This will greatly assist officers in processing applications and carrying out enforcement across the two districts. It is also proposed to incorporate the amendments suggested by NPLaw into the South Norfolk Council draft Policy document.	

Equalities and Communities Impact Assessment

Name of Officer/s completing assessment: Sarah Harris

Date of Assessment: 02/11/2021

1. What is the proposed Policy (please provide sufficient detail)?

For the purposes of the assessment the term 'Policy' relates to any new or revised policies, practices or procedures under consideration.

We are undertaking a review of the Broadland District Council Statement of Principles (Policy Statement). The Council is required to have this Policy in place under the Gambling Act 2005 and must review the policy document every three years. The current policy expires on 31 January 2022.

2. Which protected characteristics under the Equalities Act 2010 does this Policy impact: (indicate whether the impact could be **positive**, **neutral**, or **negative**)

Protected Characteristic	Potential Impact		
	Positive	Neutral	Negative
Age	✓		
Disability		✓	
Race		✓	
Sex		✓	
Religion or Belief		✓	
Sexual Orientation		✓	
Marriage/Civil Partnership		✓	
Pregnancy/Maternity		✓	
Gender Reassignment		✓	
3. Which additional Communities characteristics does this policy impact?			
Health	✓		
Place inc. Rurality		✓	
Low Income and Poverty	✓		

3. What do you believe are the potential equalities impacts of this policy?

Please include:

- Partnership organisations worked with in the development of this policy
- Evidence gathered to inform your decision
- Where you have consulted, Who and How this has informed the decision/policy
- Any other groups impacted not detailed above

Note: Impacts could be **positive**, **neutral**, or **negative** and impact groups differently

This is a review of the current Gambling Policy document which has been in place since January 2019 (the first policy took effect from January 2007). Earlier versions of the policy document were formulated following collaborative work with other Norfolk Licensing Authorities, the Police, Fire Service, Trading

Standards and other bodies with an interest in the licensing process. The draft revised policy document has undergone a 6 week consultation. During this period, various authorities, agencies, organisations and charities have been consulted, along with licence holders specifically affected by the policy review.

In terms of the protected characteristic of age, only persons over the age of 18 may apply for a licence and may participate in gambling activities (with the exception of very low stake and low pay out gaming machines). However, this is specified in legislation and cannot further be controlled by way of this policy document. Application of the gambling policy will have a positive impact on young people by ensuring that they only partake in very low level gambling activities and that this takes place responsibly and in line with the legislation.

5. What do you believe are the potential communities impacts of this policy?

Please include:

- How the policy can meet agreed priorities
- Evidence gathered to inform your decision
- Partnership organisations worked with in the development of this policy
- Where you have consulted, Who and How this has informed the decision/policy
- Any other groups impacted not detailed above

Note: Impacts could be **positive**, **neutral**, or **negative** and impact groups differently

Access to high stakes gambling is restricted by the terms of the legislation. However, gambling can be addictive and can consequently be detrimental to the health, including mental health, of consumers in cases of excessive use. Previous government studies have indicated that persons from a low-income background may be more likely to gamble and due to their low-income may be more likely to be adversely affected by gambling beyond their means. The Gambling industry works hard to guard against addictive gambling and has measures in place, including self-exclusion schemes for individuals who have been, or believe they may be susceptible to, gambling addiction.

The Policy supports and re-enforces the legislation and guidance in respect of gambling activities to ensure they are conducted safely and responsibly. Where premises are not upholding their responsibilities the licence can be reviewed and may subsequently be subject to additional conditions or revocation of the licence. The Gambling Commission is also responsible for issuing Operating licences to large companies and carries out various monitoring and compliance checks to ensure the licensing objectives are being upheld on a company-wide basis.

This Policy document has been widely consulted upon, including with agencies and organisations representing a wide range of interests. As stated above, we work closely with other local licensing authorities, with the Police, Planning, the Gambling Commission and other bodies as required under the Gambling Act 2005. They have each had an opportunity to input into this policy document.

6. How is it proposed that any identified negative impacts are mitigated?

Please include:

- Steps taken to mitigate, for example, other services that may be available
- If a neutral impact has been identified can a positive impact be achieved?
- If you are unable to resolve the issues highlighted during this assessment, please explain why
- How impacts will be monitored and addressed?
- Could the decision/policy be implemented in a different way?
- What is the impact if the decision/policy is not implemented?

The aim of this Policy document is that it does not impact against any protected characteristic in a negative way. It allows individuals, businesses and charities to obtain a licence for various types of gambling activity, from casinos, to betting shops, to small lotteries run on a charitable basis. Providing this is done in accordance with the legislation and guidance, it does not seek to further prevent persons from doing so. Mandatory conditions on each licence place certain requirements on licensed premises, including how the premises may be accessed, who they may be accessed by and the location of cash points, etc in relation to gaming machines. These mandatory conditions help guard against children or vulnerable persons accessing high level gambling.

Signed by evaluator:

Signed by responsible head of department:

Please send your completed forms to the equalities lead (Victoria Parsons) to be reviewed and stored in accordance with our legal duty.

REVIEW DATE - _____

(See Page 2 for details of reviews. Please send a copy of the reviewed document to Victoria Parsons)

**NOT FOR PUBLICATION BY VIRTUE OF SCHEDULE 12A OF PART 1
PARAGRAPH 1,3, 7 OF THE LOCAL GOVERNMENT ACT 1972 (AS AMENDED)
THE LOCAL AUTHORITIES (ACCESS TO INFORMATION) (VARIATION) ORDER
2006 (Contains information relating to: an individual; the financial or business
affairs of any particular person and action to be taken in connection with the
prosecution of a crime)**

Pages 140 to 144 are not available to the
public because the information is
confidential as it includes exempt
information about the financial or business
affairs of a person