

Title of Report: **Gambling Act 2005 – Setting of Fees**

Item 4

Report to be considered by: Licensing Committee

Purpose of Report:

To set fees for Gambling Premises Licences in accordance with Regulation SI 2007 / 479 of the Gambling Act 2005.

Recommended Action:

1. To recommend to Council that the Licensing Committee be delegated responsibility for setting fees in accordance with the Gambling Act 2005.
2. To recommend to Council that the level of fees be set at 75% of the statutory maximum (Appendix 1 refers).

List of other options considered:

To set the maximum fee laid down by the Government

Key background documentation:

- Gambling Act 2005: DCMS Guidance to Licensing Authorities on Setting Premises Licence Fees.

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Supporting Information

1. Background

- 1.1 The Gambling Act 2005 comes into force on the 1st September 2007.
- 1.2 The Licensing Committee approved the Council's Gambling Licensing Policy at the meeting held on 5 December 2006 and this was subsequently approved by full council at its meeting on 14 December 2006.
- 1.3 The Council's responsibilities are those of considering applications for gambling premises licences and where appropriate issuing licences. The Legislation requires that each application be accompanied by a fee and that fee has been set by central government as a maximum. The fees are in two parts with an initial fee being required with application and an annual fee to be paid each year, both fees are set as a maximum.
- 1.4 The Government have indicated that although they have set a maximum fee, councils are advised that they will be audited at some point in the first year regarding the setting of such fees and their relationship to the actual cost to the service.
- 1.5 Full Council are responsible for setting fees however they can if wished delegate this responsibility to a committee (including the Licensing Committee), or to an officer, if desired.
- 1.6 The delegation for the setting of fees sits with the full Council in accordance with The Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2007.
- 1.7 The Department for Culture, Media and Sport have recommended that Councils delegate the power to set fees to Licensing Committees.

2. Current Situation

- 2.1 Due to the local elections it has not been possible to report to full Council regarding the delegation of power. Officers would recommend that the Licensing Committee be delegated the power to set fees for both the initial fee and the annual charge.
- 2.3 Should full Council be minded to delegate to the Licensing Committee the level of fees recommended by officers is 75% of the maximum permitted.
- 2.4 In order to assist members in understanding the criteria for costing licence fees, appendix 1 to this report provides DCMS guidance and a table of maximum fees.

Appendices *(in list format)*

- Appendix 1 Gambling Act 2005: DCMS Guidance to Licensing Authorities on Setting Premises Licence Fees.

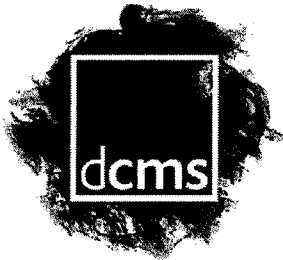
Implications

Policy: Once set, this policy will determine levels of fees, however these fees can be reviewed within guidance.

Financial:	Currently it is unknown what level of income is to be expected however based upon full cost recovery and the setting of fees at 75% of the maximum permitted it is expected that the service will recover its costs.
Personnel:	None. The number of premises involved is relatively low and this work can be undertaken using existing resources.
Legal:	It is a statutory requirement to set fees.
Environmental:	None
Equalities:	None
Property:	None
Risk Management:	If no fees are set the Council will be acting illegally and cannot accept applications for premises licences.
Community Safety:	None

Consultation Responses

Local Stakeholders:	Operators of Gambling Premises throughout the District.
Officers Consulted:	John Priest
Trade Union:	None



department for
culture, media
and sport

GAMBLING ACT 2005:

GUIDANCE TO LICENSING AUTHORITIES ON SETTING PREMISES LICENCE FEES

GAMBLING ACT 2005: GUIDANCE TO LICENSING AUTHORITIES ON SETTING PREMISES LICENCE FEES

Summary

1. Licensing authorities are responsible for setting the fees for gambling premises licences. These must be calculated on a cost recovery basis. Fees must not exceed the maximums set out in the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (Annex A). The Treasury Guide on Fees and Charges contains useful definitions. Fees for premises licences should include an element for overheads and for dealing with illegal gambling in the area. The fees must not include start up costs. Councils can delegate responsibility for setting fees to their licensing committee or officers. Licensing authorities have discretion to offer discounts on first annual fees and discounts for premises which open on a seasonal basis. Fees cannot be set on the basis of size, rateable value or any other basis. Licensing authorities must be transparent about the assumptions they have made in setting their fees. Fees should be published and reviewed on an annual basis initially. Fees for permits are set centrally by the Department for Culture Media and Sport (the Department).

Detail

2. The Gambling Act 2005 (the Act) gives licensing authorities responsibility for licensing gambling premises. The cost of providing this service will be met by application, annual fees and other fees paid by the licensees. A definition of the different types of fees and what each covers is at Annex A.
3. The Secretary of State has made the Regulations which specify the maximum fees a licensing authority can charge for each type of fee (described in Annex A) and each type of premises. In addition, these Regulations give licensing authorities the discretion to determine:
 - discounted first annual fees; and
 - discounted annual fees for premises which only open on a seasonal basis;
4. Licensing authorities have a duty to set these fees on a cost recovery basis. The Act states (S212 (2) (d)) that licensing authorities "shall aim to ensure that income from fees as nearly as possible equates to the cost of providing the service to which the fee relates including a reasonable share of expenditure which is referable only partly or only indirectly linked to the provision of the service". Licensing authorities must be transparent about the assumptions they have made in setting their fees.
5. Licensing authorities may find it helpful to refer to the Treasury Fees and Charges Guide. Although this applies to the provision of central government rather than local government fees and services, it is

contains relevant definitions and guidance, including on how services are to be costed and forecast and how to deal with accidental surpluses and deficits. This defines full cost as the total cost of all the resources used in providing the service (direct and indirect costs, including a full proportional share of overhead costs and any selling and distribution expenses, insurance, depreciation and cost of capital, both cash and "non-cash" costs). Full cost should be calculated on an accruals basis and use a cost of capital rate of 3.5%.

Start up costs

6. Local authorities have already received funding to cover the cost of preparing for their new responsibilities under the Act. This was included in the EPCS settlement through the revenue support grant for 2004/5 and 2005/6 (DCMS' letter of 21 October 2004). This funding was provided to cover the costs of:
 - training existing licensing offices, councillors and administrative staff;
 - staff/recruitment costs (where additional staff are required to fulfil gambling premises licence responsibilities);
 - additional software/hardware requirements;
 - transfer of records from Magistrates to authorities;
 - producing and consulting on the three year licensing policy statement.
7. Start up costs should not therefore be included when calculating fees.

Illegal gambling

8. The annual fee will cover the costs of compliance and enforcement work, including the cost of dealing with illegal gambling in a licensing authority's area. The Gambling Commission will shortly publish guidance to licensing authorities on this which advocates a risk based approach. The Gambling Commission will also be taking a risk based approach and will concentrate its resources on those cases which pose greatest risk to the licensing objectives and will pursue appropriate levels of intervention in conjunction with licensing authorities to resolve other cases.

Discretions

9. Under section 212 (2)(b) of the Act a licensing authority may determine different fees for differing classes of case specified in the Regulations. A licensing authority may not otherwise determine different fees for different cases (for example on the basis of rateable value or size).
10. The Regulations authorise licensing authorities to set different fees for the different classes of premises licence specified in Regulation 3 (for example, bingo premises licence, large casino premises licence etc).

In relation to each class of premises licence, licensing authorities may set different fees for the following:

- a fast track conversion application for a licence (Regulation 4);
- a non-fast track conversion application for a licence (Regulation 4);
- a non-conversion application for a licence for premises in respect of which a provisional statement has already been issued (Regulation 5) ;
- a non-conversion application for any other premises (Regulation 5);
- a first annual fee (which may not exceed the annual fee) (Regulation 6);
- an annual fee (Regulation 8);
- first annual and annual fees for a premises licence that is subject to a seasonal condition (that is, a condition that provides for the premises to be used for part of the year only) (Regulation 9);
- a notification of a change of circumstance (Regulation 10);
- an application to vary a licence (Regulation 11);
- an application to transfer a licence (Regulation 12);
- an application for a copy of a licence (Regulation 13);
- an application for reinstatement of a licence (Regulation 14);
- an application for a provisional statement (Regulation 15).

11. First annual fees are payable within 30 days after the date that a licence is issued or comes into effect (Regulation 7). They cover premises' first year of operation. In determining first annual fees licensing authorities may wish to consider whether it is appropriate to set a lower fee than the "ordinary" annual fee. In making this determination, licensing authorities should consider whether work done by the authority in relation to the application for the licence will reduce the amount of work required in relation to that licence during the first year. For example, inspections carried out in the context of considering an application for a licence may reduce the number of inspections required in the first year of operations.

Delegations

12. A licensing authority's fee setting functions under section 212 are not automatically delegated to the authority's licensing committee. However, an authority may choose to delegate those functions to its licensing committee (section 154(2)(b) of the Gambling Act).

13. Where a licensing authority chooses to delegate its fee setting function to a licensing committee, section 154(3) of the Gambling Act applies. This section applies section 10 of the Licensing Act 2003 to the fee setting functions delegated to a licensing committee. Section 10 allows the licensing committee to arrange for those functions to be discharged by a sub-committee or an officer of the licensing authority. Under

section 10(2), a sub-committee may in turn arrange for the discharge of the functions by an officer of the licensing authority.

Setting fees for types of premises not in your area?

14. Fees must be determined and published by licensing authorities before the date on which they are payable. Licensing authorities therefore need to have finalised and published their fees for applications for licences and provisional statements by 21 May 2007, which is the first day for advance applications.
15. Licensing authorities should determine licence application and provisional statement application fees for all categories of licence which they may issue, even if they do not currently have any premises of a particular category within their area. This is because those fees have to be in place before a person can apply for a licence or provisional statement, and people may wish to apply to open a category of premises which is new to the area.
16. Licensing authorities can determine when they set the other fees. However, when deciding whether to defer setting fees (for example, the annual fee for a premises type which is not currently established in the area), a licensing authority will wish to consider the efficiency of this approach (in terms of additional administrative burdens) as well as the potential impact on business (in terms of their ability to assess future business costs).
17. Licensing authorities who are not authorised to issue a licence for one of the new casinos do not need to set fees for this type of premises.

Reviews

18. Licensing authorities have a duty to ensure that income from fees equates as nearly as possible to the cost of providing the service to which the fee relates. Licensing authorities should therefore review their fees annually to ensure that the income from the premises licence fees in any one accounting period (i.e. in any full financial year) does not exceed the full costs incurred by the authority in carrying out the relevant functions.
19. We recognised that 2007/8 will be atypical. There will be a large number of conversion applications and the new licensing regime is only coming into effect part way through the financial year. We therefore recognise that this may not give a true picture of the costs of implementing the new regime in future years. We therefore consider that it would be appropriate for licensing authorities to review their fees at the end of 2007/8 and then again at the end of 2008/9 to satisfy themselves that they are charging fees which are as close to the cost of providing the service as possible.

Application Fee	<p>This is a one-off, non-refundable fee payable to the licensing authority upon application for a new gambling premises licence or one under the transitional arrangements for existing operators. The fee will cover the cost to the licensing authority of receiving, considering and determining the application, including staff costs, overheads, IT, legal and other central support costs, initial inspections, Licensing Committee costs and hearing costs and appeals.</p> <p><u>Under the Transitional Arrangements</u> separate fees will be payable for:</p> <p>Fast-track transitional licence applications, which are made by an existing licence holder who accepts all the default conditions that will attach to the licence;</p> <p>Slow-track transitional licence applications, which are made by an existing licence holder who seeks to, vary the default conditions that would otherwise attach to the licence.</p>
First Annual Fee	<p>This will cover the regulatory costs for the first year (e.g. processing costs, plus review, inspection and enforcement activity). Licensing authorities have discretion to offer a discount on the first annual fee in recognition of the fact that checks will have been done at time of application, and the costs will be on average lower than in subsequent years. This is consistent with the Gambling Commission's approach to non-remote operating licensing fees.</p> <p>First annual fees for licences issued <u>from</u> 1st September 2007 are due within 30 days after the licence comes into effect or within 12 months after the issue date, whichever is sooner (SI 2007 / 479 paragraph 7). Note that a licence will come into effect on the date it is issued, unless the licence states otherwise. First annual fees for licences issued <u>before</u> 1st September 2007 (which may include conversion applications) are payable within 30 days after 1st September 2007.</p>
Annual Fee	<p>Payable annually by all premises licence holders for the maintenance of their licence. This will cover the regulatory costs for the next year (i.e. inspection, holding reviews and enforcement activity), the costs associated with processing the annual fee (i.e. updating computer systems, register of gambling premises licences and processing fee) and annualised periodic costs incurred by the licensing authority in respect of its 3 year licensing policy statements;</p> <p>Under the Act, subsequent annual fees are payable before each anniversary of the date on which the licence is issued.</p> <p>Under the Act, a licensing authority must revoke a premises licence if a licensee fails to pay the annual fee, except where the authority thinks the failure to pay is due to an administrative error.</p>
MISCELLANEOUS FEES	
Change of circumstance fees	Payable by holders of premises licences when they submit a notification of a change of circumstance.
Variation of licence fees	Payable by holders of premises licences when they apply to vary a licence.
Transfer of licence fees	Payable by holders of premises licences when they apply to transfer a licence from one operator to another.
Re-instatement fees	Payable by anyone applying for a licence to be re-instated.
Provisional statement fees	<p>Payable by anyone applying for a provisional statement (a statement from the licensing authority in advance of a full premises licence).</p> <p>An adjusted licence application fee payable subsequently by provisional statement holders.</p>
Copy of licence fees	Payable for the provision of a replacement copy of a premises licence.

SCHEDULE

Table of maximum fees

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>	<i>Column (4)</i>	<i>Column (5)</i>	<i>Column (6)</i>	<i>Column (7)</i>	<i>Column (8)</i>	<i>Column (9)</i>
<i>Classes of premises licence</i>	<i>Maximum conversion application fee for non-fast track application</i>	<i>Maximum non-conversion application fee in respect of provisional statement premises</i>	<i>Maximum non-conversion application fee in respect of other premises</i>	<i>Maximum annual fee</i>	<i>Maximum fee for application to vary licence</i>	<i>Maximum fee for application to transfer a licence</i>	<i>Maximum fee for application for reinstatement of a licence</i>	<i>Maximum fee for application for provisional statement</i>
Regional casino premises licence		£8,000	£15,000	£15,000	£7,500	£6,500	£6,500	£15,000
Large casino premises licence		£5,000	£10,000	£10,000	£5,000	£2,150	£2,150	£10,000
Small casino premises licence		£3,000	£8,000	£5,000	£4,000	£1,800	£1,800	£8,000
Converted casino premises licence	£2,000			£3,000	£2,000	£1,350	£1,350	
Bingo premises licence	£1,750	£1,200	£3,500	£1,000	£1,750	£1,200	£1,200	£3,500
Adult gaming centre premises licence	£1,000	£1,200	£2,000	£1,000	£1,000	£1,200	£1,200	£2,000

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>	<i>Column (4)</i>	<i>Column (5)</i>	<i>Column (6)</i>	<i>Column (7)</i>	<i>Column (8)</i>	<i>Column (9)</i>
<i>Classes of premises licence</i>	<i>Maximum conversion application fee for non-fast track application</i>	<i>Maximum non-conversion application fee in respect of provisional statement premises</i>	<i>Maximum non-conversion application fee in respect of other premises</i>	<i>Maximum annual fee</i>	<i>Maximum fee for application to vary licence</i>	<i>Maximum fee for application to transfer a licence</i>	<i>Maximum fee for application for reinstatement of a licence</i>	<i>Maximum fee for application for provisional statement</i>
Betting premises (track) licence	£1,250	£950	£2,500	£1,000	£1,250	£950	£950	£2,500
Family entertainment centre premises licence	£1,000	£950	£2,000	£750	£1,000	£950	£950	£2,000
Betting premises (other) licence	£1,500	£1,200	£3,000	£600	£1,500	£1,200	£1,200	£3,000

Title of Report: Review of Hackney Carriage Proprietors (vehicle) Conditions

Item 5

Report to be considered by: Licensing Committee

Purpose of Report:

To review and update conditions for hackney carriage vehicles

Recommended Action:

Approve the conditions

List of other options considered:

None

Key background documentation:
(bulleted list format)

- Current Hackney Carriage Proprietors Conditions

Contact Officer Details

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Supporting Information

1. Background

- 1.1 The Local Government (Miscellaneous Provisions) Act 1976 allows a council to set conditions for taxi licences, as the Council may consider reasonably necessary.
- 1.2 The existing conditions were updated in 2004 and many local changes have occurred since then. West Berkshire Council has always applied conditions to these licences in order to regulate and maintain standards across the taxi fleet. Conditions have generally been reviewed at the point at which new legislation comes into force or when necessary to modernise and strengthen existing standards.
- 1.3 The Council have been forced to provide a new contractor for the inspection of taxis due to the "Biffa" contract coming to an end and officers feel this is an appropriate time to effect changes to the standard conditions. Not only have the revised conditions addressed the inspection contract but also the criteria for providing disabled access vehicles, vehicles with darkened windows, temporary suspension, confirmed ownership of the identification plate and changes to the door and roof signs required to be displayed on taxis.

Appendices *(in list format)*

Appendix 1	Current Hackney Carriage Proprietors (vehicle) Licence Conditions
Appendix 2	Proposed Hackney Carriage Proprietors (vehicle) Licence Conditions

Implications

Policy:	The Council's policy has been to apply conditions for taxis in order to maintain safety and consistency throughout the hackney carriage fleet.
Financial:	Some. The previous "Biffa" contract required owners to pay the Council for inspections. The Council were then invoiced by Biffa and paid monthly. The new contract requires the owner to pay the contractor direct therefore the base budget will show a pressure for this financial year.
Personnel:	None
Legal:	Conditions are subject to appeal.
Environmental:	Licensed taxis provide a valuable service to all members of the community and continue to be a major source of transport throughout the district.
Equalities:	The conditions have been upgraded in part to better facilitate transport for the disabled, elderly and infirm.
Property:	None
Risk Management:	None
Community Safety:	By applying and periodically upgrading conditions the Council ensures that the public are not put at undue risk by using taxis.

Consultation Responses

Local Stakeholders: The West Berkshire Taxi and Private Hire Association

Officers Consulted: John Priest

Trade Union: None

Appendix 1

Hackney Carriage Proprietors (vehicle) Licence Conditions

A hackney carriage proprietor is an owner or part/co owner of a vehicle, or where a vehicle is subject to a leasing contract, hiring agreement or hire purchase, a proprietor is the person in possession of the vehicle under the agreement. In both cases the proprietor requires a Hackney Carriage Proprietors Licence from West Berkshire District Council (the Council), before he/she is legally entitled to use the vehicle for plying for hire.

- 1 The holder of every Hackney Carriage licence (the Proprietor) shall comply with the provisions relating to hackney carriages contained in the following legislation:

Town Police Clauses Act 1847 (the 1847 Act)

Part II Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act)

West Berkshire District Council Byelaws Relating to Hackney Carriages

Road Traffic Act 1988 Part 11 (a) Construction and Use of Vehicles and Equipment

The Disability Discrimination Act 1995 (Taxis) (Carrying of Guide Dogs etc.) (England and Wales) Regulations 2000

and

The West Berkshire Council Hackney Carriage Proprietors (Vehicle) Licence Conditions

Every person holding such a licence should be aware and become familiar with the provisions of this and any other relevant legislation and if necessary seek their own legal guidance on the statutory requirements of the above Acts.

2. **General Duties**

The Proprietor shall:

inform the Council of any change of permanent address within 10 days of such change, in writing.

- b) only permit drivers who hold a hackney carriage drivers licence for the relevant zone, to drive his/her vehicles, within the zone for which the vehicle is licensed. The area (zone) in which a vehicle licensed by the Council shall be permitted to

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ply for hire shall be determined by the Council and will be within the area which is legally administrated by West Berkshire District Council.

- c) retain the hackney carriage driver's licence of any person he/she permits or employs to drive a hackney carriage whilst that person is in their employment and shall return the licence to the driver, once that contract has ceased, or to the Council if the licence has expired.
- d) Shall ensure that any arrest, caution, charge or conviction for criminal offences, including driving offences, of him/herself or any driver employed by them, shall be notified to the Council, in writing, within 7 days.

3. The Vehicle

The Proprietor shall:

- a) ensure that a fully charged and serviced fire extinguisher approved by the Council and which complies with BSEN3 1996 PARTS 1-6 of the British Standard Institution, is provided, and is affixed in the boot of the vehicle. The extinguisher shall be of Dry Powder type and have a capacity of 1Kg or two such extinguishers having an aggregate capacity of at least 1Kg.
- b) ensure that a first aid kit is provided and contains the following;

- 1 adhesive tape 5m x 2.5m
- 8 First aid dressings, 10cm x 6cm *
- 3 Standard dressings, medium *
- 1 Standard dressing, large *
- 2 Burn dressings 40cm x 60cm *
- 1 Burn dressings, 60cm x 80cm *
- 2 Conforming bandages, 6cm x 4m
- 3 Conforming bandages, 8cm x 4m
- 1 Emergency blanket
- 6 Wound dressings, 10cm x 10cm *
- 2 Triangular bandages
- 1 Pair first aid scissors
- 4 Disposable gloves
- 1 First aid instruction booklet

* Replace products for wound treatment after the expiry date.

The kit shall be kept on the vehicle and be located in a position which is easily accessible to the driver.

- c) ensure that all passenger/s are able to easily communicate with the driver at all times.

- d) provide adequate windows as detailed in the specification of the vehicle and ensure that the means of opening them works adequately at all times. Where a vehicle has been modified such modifications shall be notified to the Council who reserve the right to refuse a licence or apply conditions as appropriate.
- e) Ensure that vehicle's are not fitted with one or more blacked out windows nor shall they be so modified.
- f) cause the seats to be properly covered and cushioned and be in good repair at all times.
- g) cause the floor to be covered with carpet or matting as specified by the manufacturers of the vehicle or to the approval of the Environmental Health Manager.
- h) ensure that within reason, the exterior of the vehicle is kept clean and presentable.
- i) if the vehicle is an estate car, ensure that the provisions for the safe securing of luggage are provided and used.
- j) ensure that all seat belts or restraints are securely fixed to the vehicle, are in good condition and operate correctly at all times.
- k) ensure that no material alteration or change in the vehicle's specification, design, condition or appearance is made without prior approval, in writing, from the Council. This includes any proposed advertising material
- l) ensure that the vehicle is presented promptly for test and or inspection at the request of the Council, at such times and places as the Council may reasonably require during the period of the licence.
- m) ensure that the vehicle is roadworthy at all times whilst licensed.
- n) ensure that any damage to the vehicle which affects its roadworthiness, or could cause injury to passengers or pedestrians is reported to the Council immediately upon being discovered.
- o) Ensure that, notwithstanding the above, all damage which materially affects the safety, performance or appearance of the hackney carriage, or which affects the comfort or convenience of persons carried therein, if not immediately rectified, shall be reported to the Council as soon as reasonably practicable and, in any case within 72 hours of any damage occurring.

4. Vehicle Age and Testing

- a) Vehicles of any age may be presented for initial licensing, or relicensing. However, the Council will only consider vehicles which are safe and suitable for the purpose of becoming or remaining a hackney carriage. The Council therefore reserves the right to consider the age of a vehicle, along with any other material factors that it may consider relevant at the time.
- b) Licensed vehicles will be tested at regular intervals, at the following frequency:

vehicles up to 6 years old	once a year
vehicles from 6 to 8 years old	twice a year
vehicles over 8 years old	three times a year
- c) The age of imported vehicles will be considered to be from the date of first registration of the vehicle whether registered in this country or abroad, with the same criteria, a) and b) above, applying.

5. Vehicle identification marks and livery

- a) The identification plate issued by the Council bearing the number and vehicle details, granted in respect of the vehicle, shall be clearly visible and be securely fixed to the rear exterior surface of the vehicle, at all times, in a position which is not higher than the lower edge of the rear window.
- b) The identification plate shall at no time be wilfully defaced or obstructed from public view.
- c) The proprietor shall ensure that the number of his/her licence and the number of persons permitted to be carried, is displayed prominently, in a form approved by the Council. This will be in a position within the vehicle, which all passengers can read easily. This notice must not be obscured.
- d) The proprietor shall ensure that tables or scales of charges, as determined by the Council, are displayed inside the vehicle in such position as to be clearly visible to the hirer and passengers. These must be permanently displayed in the front of the vehicle and readily available to passengers in the rear, at all times.
- e) No advertising material or signage other than "no smoking" signs or a sign advertising that a first aid kit is carried on the vehicle, shall be displayed, either in or outside the vehicle, unless specifically approved, in writing, by the Council, or as required by the livery standard.

- f) The proprietor shall ensure that any system of communications, including mobile phones, installed or used in the vehicle, is capable of being operated on a hands free basis and does not hinder the drivers ability to drive safely and in accordance with road traffic law.
- g) The proprietor shall provide a roof sign to the following specification, unless the vehicle is a London Cab or other similar vehicle which has a built in taxi roof sign.

1. The roof sign will be manufactured, designed and maintained for the intended purpose.

2. Roof signs will be kept clean and at all times will be securely mounted in a central position on the vehicle roof, with the main face showing forward.

3. The roof sign will have a uniform triangular cross section along its length, referred to by some sign manufacturers as the "toblerone shape". The long dimension will be approximately 25 inches (625 mm). The base will be approximately 8 inches (200 mm) and the height will be approximately 6 inches (150 mm). Reference should also be made to any illustrative art work, or model signs, provided by the Council to show the approved design.

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

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

6. The front face of the roof sign will show the words "West Berkshire" above the word "TAXI", and the plate number, within a circle, on both sides of this wording. The words and the circles will be in green colour, code PMS 334. (other codes may be acceptable, eg APA, Moss Green, code E/494.1, or Matic 9800's series, Medium Green, code 5-491.

West Berkshire will be in Swiss Condensed font and approximately 1.5 inches (400mm) tall. It will be in lower case, apart from the W and B, which will be capitals.

Taxi will be in capitals, in Swiss Condensed font and approximately 3 inches (800mm) tall.

The circles will be approximately 5.5 inches (135mm) in diameter and have the number cut out, 2.5 inches (60mm) tall.

The front face will not show anything else.

7. The two triangular ends of the roof sign will be white, as will the front and will show the number of the plate in a circle as on the face side. This circle will be in

the same green and be approximately 4 inches (110mm) in diameter, with the numbers 1.5 inches (40mm) tall.

Reference should be made to any illustrative art work or model signs provided by the Council.

8. The rear face of the roof sign will show the plate number (once only) to the same specifications as on the front. The number may be positioned anywhere on the rear face at the discretion of the licensee. The licensee may use the remaining space for any reasonable use. Examples of reasonable use include the word "TAXI", the name of the proprietor and the telephone number of the proprietor. This text does not have to be green, (although the number does). All inappropriate or unauthorised signage will be required to be removed.

9. Minor variations from the specification may be permitted at the discretion of the Council and must be requested in writing. Any variations granted will be confirmed in writing and may be subject to conditions.

10. In the event of the Council not being satisfied that a roof sign meets the specification, the conditions of the vehicle licence will be deemed to have been breached. The licensee of the vehicle may then be subject to a penalty within any point's scheme prevailing at the time, in addition to any other penalty permitted by law.

h) The proprietor shall provide door signs to the following specification:

1. The door sign will be manufactured, designed and maintained for the intended purpose.

2. Door signs will be kept clean and permanently mounted and will be positioned on the top part of both front doors of the vehicle. Ideally, this will be in a central position.

3. The door sign will be white and show the words "West Berkshire" above the word "TAXI", in green, as specified above for roof signs. The licence number will also be shown within a circle, as specified for the front of the roof sign, but only once and to the left of the wording.

4. The sign will be a minimum of 15 inches (380mm) by 6 inches (150mm) and must not be smaller in area than any approved advertising signs on the vehicle. If the door signs are larger, the text size must increase proportionately.

5. The sign will be made of self adhesive vinyl, or similar and be permanently displayed. It cannot be of magnetic type.

6. All vehicles, including "London Cabs" or other similar types, will display these door signs. Vehicles which have a council approved, "all over" advertising livery,

will be exempt this requirement. (these would normally only be "London Cabs" or other similar vehicles).

7. Minor variations from the specification may be permitted at the discretion of the Council. Any variations granted will be confirmed in writing and may be subject to conditions.

8. In the event of the Council not being satisfied that a door sign meets the specification, the conditions of the vehicle licence will be deemed to have been breached. The licence holder of the vehicle may be subject to a penalty within any point's scheme prevailing at the time, in addition to any other penalty permitted by law.

6 Taximeters

17. The proprietor shall ensure that all vehicles, of which they are the proprietor, have taxi meters which have been sealed by an authorised representative of the Council.
18. The proprietor shall ensure that the driver of any vehicle fitted with a sealed taximeter, charges a fare calculated from the point in the District from which the hirer commences the journey and shall not charge a fare which exceeds that displayed upon the taximeter at the completion of the journey, except for any additional charges as specified in the scale of fares approved by the Council.
19. The proprietor shall notify the Council immediately upon becoming aware that the taximeter seal is broken.
20. The proprietor shall ensure that a vehicle fitted with a taximeter shall not operate unless the meter is working correctly and has been checked and sealed by an authorised representative of the Council.

7 Disabled Accessibility

1. Those taxis licensed before April 2001, the group presently not subject to conditions requiring disabled access, will continue to be free from conditions relating to disabled access, subject to any national legislation which might be introduced at a later date.
2. Applicants who were granted licences subject to disabled conditions and who met those conditions by providing either wheelchair access or a swivel seat, shall remain subject to those conditions.
3. All taxis first licensed from 15th March 2005 will be granted on the condition that vehicles provide full wheelchair accessibility.
4. Unadapted taxis (that is taxis licensed after 1st April 200,1 which were not equipped with either a swivel seat, or that could provide full access to

7

wheelchairs) shall provide full wheelchair accessibility from either the next change of vehicle or 1st October 2006, whichever is the sooner.

5. If a taxi proprietor transfers whole or in part his/her interest in a hackney carriage proprietor's licence, that transfer shall, subject to the family exemption, be treated as a grant of a new licence for the purpose of applicability of the disabled access condition. Therefore, the disabled access condition requiring the provision of a fully wheelchair accessible vehicle will be applied to that licence with immediate effect from the date that licence is transferred.

8. The Family Exemption

1. Any transfer by a hackney carriage proprietor of an interest in his/her licence, in whole or in part, which is limited to a transfer of such interest to a member of the proprietors immediate family as defined below, shall not be affected by the disabled access condition to any greater extent than the licence would have been affected had the transfer not occurred. Therefore, upon a transfer to a family member of an interest in a hackney carriage proprietor's licence, the relevant disabled access condition applicable to that licence immediately before the transfer was effected will remain in force.

2. For the purposes of the above condition, "immediate family" shall mean the:-

Mother or Father
Spouse or Partner
Children
Brothers or Sisters
Step-Mother or Step-Father
Step-Children
Step-Brothers or Step-Sisters

of the hackney carriage proprietor, but shall not extend to any additional family member.

3. Where it is claimed upon the transfer of an interest in a hackney carriage proprietors licence that the family exemption applies, it shall in every case be for the proprietor of the licence to prove that a family relationship exists within the above definitions.

Please note that any other condition may be attached to a licence as considered reasonable by the Council.

Any person aggrieved by any conditions attached to their licence may appeal to a Magistrates Court within 21 days of a licence being issued.

Conditions reviewed 1st June 2005

APPENDIX 2.

Hackney Carriage Proprietors (vehicle) Licence Conditions

A hackney carriage proprietor is an owner or part/co owner of a vehicle, or where a vehicle is subject to a leasing contract, hiring agreement or hire purchase, a proprietor is the person in possession of the vehicle under the agreement. In both cases the proprietor requires a Hackney Carriage Proprietors Licence from West Berkshire District Council (the Council), before he/she is legally entitled to use the vehicle for plying for hire.

- 1 The holder of every Hackney Carriage licence (the Proprietor) shall comply with the provisions relating to hackney carriages contained in the following legislation:

Town Police Clauses Act 1847 (the 1847 Act)

Part II Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act)

West Berkshire District Council Byelaws Relating to Hackney Carriages

Road Traffic Act 1988 Part 11 (a) Construction and Use of Vehicles and Equipment

Motor Vehicles (Tests) Regulations 1981

The Disability Discrimination Act 1995 (Taxis) (Carrying of Guide Dogs etc.) (England and Wales) Regulations 2000

and

The West Berkshire Council Hackney Carriage Proprietors (Vehicle) Licence Conditions

Every person holding such a licence should be aware and become familiar with the provisions of this and any other relevant legislation and if necessary seek their own legal guidance on the statutory requirements of the above Acts.

2. General Duties

The Proprietor shall:

- a) inform the Council's Licensing Officers of any change of permanent address within 10 days of such change, in writing.

- b) only permit drivers who hold a hackney carriage driver's licence for the relevant zone, where appropriate, to drive his/her vehicles, within the zone for which the vehicle is licensed. The area (zone) in which a vehicle licensed by the Council shall be permitted to ply for hire shall be determined by the Council and will be within the area which is legally administrated by West Berkshire District Council.
- c) retain the hackney carriage driver's licence of any person he/she permits or employs to drive a hackney carriage whilst that person is in their employment and shall return the licence to the driver, once that contract has ceased, or to the Council if the licence has expired.
- d) shall ensure that any arrest, caution, charge or conviction for criminal offences, including driving offences, of him/herself or any driver employed by them, where known, shall be notified to the Council's Licensing Officers, in writing, within 7 days.

3. The Vehicle

The Proprietor shall:

- a) ensure that a fully charged and serviced fire extinguisher approved by the Council and which complies with BS EN3 1996 PARTS 1-6 of the British Standard Institution, is provided, and is affixed in the boot of the vehicle. The extinguisher shall be of Dry Powder type and have a capacity of 1Kg or two such extinguishers having an aggregate capacity of at least 1Kg.
- b) ensure that a first aid kit is provided and contains the following:
 - 1 adhesive tape 5m x 2.5m
 - 8 First aid dressings, 10cm x 6cm *
 - 3 Standard dressings, medium *
 - 1 Standard dressing, large *
 - 2 Burn dressings 40cm x 60cm *
 - 1 Burn dressings, 60cm x 80cm *
 - 2 Conforming bandages, 6cm x 4m
 - 3 Conforming bandages, 8cm x 4m
 - 1 Emergency blanket
 - 6 Wound dressings, 10cm x 10cm *
 - 2 Triangular bandages
 - 1 Pair first aid scissors
 - 4 Disposable gloves
 - 1 First aid instruction booklet

* Replace products for wound treatment after the expiry date.

The kit shall be kept on the vehicle and be located in a position which is easily accessible to the driver.

- c) ensure that all passenger/s are able to easily communicate with the driver at all times.
- d) provide adequate windows as detailed in the specification of the vehicle and ensure that the means of opening them works adequately at all times. Where a vehicle has been modified such modifications shall be notified to the Council's Licensing Officers who reserve the right to refuse a licence or apply conditions as appropriate.
- e) Ensure that vehicle's are not fitted with one or more blacked out windows nor shall they be so modified. Exceptions for those vehicles which have darkened windows as standard specification for the vehicle from manufacture and that are in accordance with the current VOSA standards will be made at the discretion of the Council's Licensing Officers.
- f) cause the seats to be properly covered and cushioned and be in good repair at all times.
- g) cause the floor to be covered with carpet or matting as specified by the manufacturers of the vehicle or to the approval of the Council's Licensing Officers.
- h) ensure that within reason, the exterior of the vehicle is kept clean and presentable.
- i) if the vehicle is an estate car, ensure that the provisions for the safe securing of luggage are provided and used.
- j) ensure that all seat belts or restraints are securely fixed to the vehicle, are in good condition and operate correctly at all times.
- k) ensure that no material alteration or change in the vehicle's specification, design, condition or appearance is made without prior approval, in writing, from the Council's Licensing Officers. This includes any proposed advertising material.
- l) ensure that the vehicle is presented promptly for test and or inspection at the request of the Council, at such times and places as the Council's Licensing Officers may reasonably require during the period of the licence.
- m) ensure that the vehicle is roadworthy at all times whilst licensed. Where a vehicle becomes temporarily unroadworthy the proprietor shall inform the Council's Licensing Officers of the nature of the defect and the period during which it is anticipated the vehicle will be off the road. Temporary suspensions may be placed upon the vehicle at the discretion of the Senior Licensing Officer or any other officer delegated for this purpose, at the time.

- n) ensure that any damage to the vehicle which affects its roadworthiness, or could cause injury to passengers or pedestrians is reported to the Council's Licensing Officers immediately upon being discovered.
- o) Ensure that, notwithstanding the above, all damage which materially affects the safety, performance or appearance of the hackney carriage, or which affects the comfort or convenience of persons carried therein, if not immediately rectified, shall be reported to the Council's Licensing Officers as soon as reasonably practicable and, in any case within 72 hours of any damage occurring.
- p) Where any vehicle is being purchased with the intention of applying for a licence and such vehicle has been adapted for the transportation of a wheelchair, with passenger in situ, the owner must provide such certification as is necessary to prove that the adaptation was carried out by persons qualified to carry out such works. Certification of the works must be provided as being in accordance with such guidance, legislation or best practice relevant at the time of the adaptation being carried out. Failure to provide this information may mean that the vehicle is not deemed suitably safe to hold a licence. This decision shall be at the discretion of the Senior Licensing Officer or such other officer delegated at the time.
- q) All wheelchair accessible vehicles must have available and in working order, on the vehicle, at all times, appropriate ramps, lifts or other devices for allowing access to the vehicle of, a passenger in a wheelchair.

4. Vehicle Age and Testing

- a) Vehicles of any age may be presented for initial licensing, or re - licensing. However, the Council will only consider vehicles which are safe and suitable for the purpose of becoming or remaining a hackney carriage. The Council therefore reserves the right to consider the age of a vehicle, along with any other material factors that it may consider relevant at the time.
- b) Three door vehicles and 4x4's such as land rovers and other similar vehicles will not normally be considered for licensing.
- c) Licensed vehicles will be tested at regular intervals, at the following frequency:

vehicles up to 6 years old	once a year
vehicles from 6 to 8 years old	twice a year
vehicles over 8 years old	three times a year

- d) All vehicles will be inspected in accordance with the above time intervals at a workshop/s authorised by the Council, currently Halfway Garage 7 Pipers Court Thatcham. The inspection shall be at the expense of the licence holder or applicant and the fee shall be paid to the workshop at the time of inspection or as agreed with the contractor.
- e) Fees shall be those agreed with the Council and only altered with Council permission. Currently the fees are;

MOT & council inspection £70.25p

Council inspection only £35.25p
- f) The inspection shall consist of an MOT in accordance with the standards set by VOSA plus additional visual/manual checks as detailed in Annex 1, to this document.
- g) All vehicles failing the inspection will be refused a licence until such time as defects identified are remedied and the vehicle has been re - inspected and passed as suitable to operate as a taxi.
- h) The age of imported vehicles will be considered to be from the date of first registration of the vehicle whether registered in this country or abroad, with the same criteria, a) and c) above, applying.

5. Vehicle identification marks and livery

- a) The identification plate issued and owned by the Council bearing the number and vehicle details, granted in respect of the vehicle, shall be clearly visible and be securely fixed to the rear exterior surface of the vehicle, at all times, in a position which is not higher than the lower edge of the rear window. This plate remains the property of the Council at all times. It should be noted that the plate is not the licence, but is a legal requirement to indicate the number of passengers carried within the vehicle.
- b) The identification plate shall at no time be wilfully defaced or obstructed from public view.
- c) The licence/plate cannot be transferred without the permission of the Council and can only be transferred with the vehicle to which it currently applies.
- d) The licence/plate cannot under any circumstances be sold or leased.
- e) The proprietor shall ensure that the number of his/her licence and the number of persons permitted to be carried, is displayed prominently in the vehicle, in the form

of the identification badge or sticker provided by the Council. This will be in a position within the vehicle, which all passengers can read easily. This notice must not be obscured.

- f) The proprietor shall ensure that tables or scales of charges, as determined by the Council, are displayed inside the vehicle in such position as to be clearly visible to the hirer and passengers. These must be permanently displayed in the front of the vehicle and readily available to passengers in the rear, at all times.
- g) No advertising material or signage other than "no smoking" signs or a sign advertising that a first aid kit is carried on the vehicle, shall be displayed, either in or outside the vehicle, unless specifically approved, in writing, by the Council's Licensing Officers, or as required by the livery standard.
- h) The proprietor shall ensure that any system of communications, including mobile phones, installed or used in the vehicle, are capable of being operated on a hands free basis and does not hinder the drivers ability to drive safely and in accordance with road traffic law.
- i) The proprietor shall provide a roof sign to the following specification, unless the vehicle is a London Cab or other similar vehicle which has a built in taxi roof sign.
 - 1. The roof sign will be manufactured, designed and maintained for the intended purpose.
 - 2. Roof signs will be kept clean and in good repair and at all times be securely mounted on the vehicle roof, with the main face showing forward.
 - 3. The roof sign will have a uniform triangular cross section along its length, referred to by some sign manufacturers as the "toblerone shape". The long dimension will be approximately 25 inches (625 mm). The base will be approximately 8 inches (200 mm) and the height will be approximately 6 inches (150 mm). Reference should also be made to any illustrative art work, or model signs, provided by the Council to show the approved design.
 - 4. The roof sign will be white in background colour. When lit, the sign must show red to the rear but not red to the front and sides.
 - 5. The roof sign must be connected to the taximeter to be automatically controlled. The roof sign must be lit when the taximeter is not active and not lit when the taximeter is in use.
 - 6. The front face of the roof sign will show the words "West Berkshire Council" in the form of the Council's logo including words and the Coat of Arms below the word "TAXI" Licensed by, and the licence number, within a circle, on both sides of this wording.

The words and the circles will be in green colour, code PMS 334. (other codes may be acceptable, eg APA, Moss Green, code E/494.1, or Matic 9800's series, Medium Green, code 5-491.

West Berkshire Council will be in Swiss Condensed font and approximately 1.5 inches (40mm) tall. It will be in lower case, apart from the W and B, which will be capitals.

Taxi will be in capitals, in Swiss Condensed font and approximately 3 inches (80mm) tall.

The circles will be approximately 5.5 inches (135mm) in diameter and have the number cut out, 2.5 inches (60mm) tall.

The front face will not show anything else.

7. The two triangular ends of the roof sign will be white, as will the front and will show the number of the licence in a circle as on the face side. This circle will be in the same green and be approximately 4 inches (110mm) in diameter, with the numbers 1.5 inches (40mm) tall.

Reference should be made to any illustrative art work or model signs provided by the Council.

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

9. Minor variations from the specification may be permitted at the discretion of the Council's Licensing Officers and must be requested in writing. Any variations granted will be confirmed in writing and may be subject to conditions.

10. In the event of the Council's Licensing Officers not being satisfied that a roof sign meets the specification, the conditions of the vehicle licence will be deemed to have been breached. The licensee of the vehicle may then be subject to a penalty within any point's scheme prevailing at the time, in addition to any other penalty permitted by law.

11. Vehicles which are purchased as custom constructed taxis that have a sign provided by the manufacturer, which is not a sign fitted into the fabric of the vehicle, must apply in writing to the Council, for any variation to the approved signage detailed above.

h) The proprietor shall provide door signs to the following specification:

1. The door sign will be manufactured, designed and maintained for the intended purpose.
2. Door signs will be kept clean, in good repair and permanently mounted and will be positioned on the top part of both front doors of the vehicle. Ideally, this will be in a central position.
3. The door sign will be white and show the words "West Berkshire Council in the form of the Council's logo" below the word "TAXI", in green, as specified above for roof signs. The licence number will also be shown within a circle, as specified for the front of the roof sign, but only once and to the left of the wording.
4. The sign will be a minimum of 15 inches (380mm) by 6 inches (150mm) and must not be smaller in area than any approved advertising signs on the vehicle. If the door signs are larger, the text size must increase proportionately.
5. The sign will be made of self adhesive vinyl, or similar and be permanently displayed. **It cannot be of magnetic type.**
6. All vehicles, including "London Cabs" or other similar types, will display these door signs. Vehicles which have a council approved, "all over" advertising livery, will be exempt this requirement. (these would normally only be "London Cabs" or other similar vehicles).
7. Minor variations from the specification may be permitted at the discretion of the Council's Licensing Officers. Any variations granted will be confirmed in writing and may be subject to conditions.
8. In the event of the Council's Licensing Officers not being satisfied that a door sign meets the specification, the conditions of the vehicle licence will be deemed to have been breached. The licence holder of the vehicle may be subject to a penalty within any point's scheme prevailing at the time, in addition to any other penalty permitted by law.

6 Taximeters

17. The proprietor shall ensure that all vehicles, of which they are the proprietor, have taxi meters fitted which have been sealed by an authorised representative of the Council.
18. The proprietor shall ensure that the driver of any vehicle fitted with a sealed taximeter, charges a fare calculated from the point in the District from which the hirer commences the journey and shall not charge a fare which exceeds that displayed upon the taximeter at the completion of the journey, except for any additional charges as specified in the scale of fares approved by the Council.

19. The proprietor shall notify the Council's Licensing Officers immediately upon becoming aware that the taximeter seal is broken.
20. The proprietor shall ensure that a vehicle fitted with a taximeter shall not operate unless the meter is working correctly and has been checked and sealed by an authorised representative of the Council.

7 Disabled Accessibility

1. Those taxis licensed before April 2001, the group presently not subject to conditions requiring disabled access, will continue to be free from conditions relating to disabled access, subject to any national legislation which might be introduced at a later date.
2. Applicants who were granted licences subject to disabled conditions and who met those conditions by providing either wheelchair access or a swivel seat, shall remain subject to those conditions.
3. **All taxis first licensed from 15th March 2005 will be granted on the condition that vehicles provide full wheelchair accessibility.**
4. Unadapted taxis (that is taxis licensed after 1st April 2001, which were not equipped with either a swivel seat, or that could provide full wheelchair access to wheelchairs) shall provide full wheelchair accessibility from either the next change of vehicle or 1st October 2006, whichever is the sooner.
4. If a taxi proprietor transfers whole or in part his/her interest in a hackney carriage proprietor's licence, that transfer shall, subject to the family exemption, be treated as a grant of a new licence for the purpose of applicability of the disabled access condition. Therefore, the disabled access condition requiring the provision of a fully wheelchair accessible vehicle will be applied to that licence with immediate effect from the date that licence is transferred.

8. The Family Exemption

1. Any transfer by a hackney carriage proprietor of an interest in his/her licence, in whole or in part, which is limited to a transfer of such interest to a member of the proprietors immediate family as defined below, shall not be affected by the disabled access condition to any greater extent than the licence would have been affected had the transfer not occurred. Therefore, upon a transfer to a family member of an interest in a hackney carriage proprietor's licence, the relevant disabled access condition applicable to that licence immediately before the transfer was effected will remain in force.
2. For the purposes of the above condition, "immediate family" shall mean the:-

Mother or Father

Spouse or Partner
Children
Brothers or Sisters
Step-Mother or Step-Father
Step-Children
Step-Brothers or Step-Sisters

of the hackney carriage proprietor, but shall not extend to any additional family member.

3. Where it is claimed upon the transfer of an interest in a hackney carriage proprietors licence that the family exemption applies, it shall in every case be for the proprietor of the licence to prove that a family relationship exists within the above definitions.

Please note that any other condition may be attached to a licence as considered reasonable by the Council.

Any person aggrieved by any conditions attached to their licence may appeal to a Magistrates Court within 21 days of a licence being issued.

Conditions reviewed July 2007

ANNEX 1

West Berkshire Council Hackney Carriage and Private Hire Vehicle Checks.

All vehicles are required to be checked by the Council's preferred vehicle inspection practitioner as follows.

All hackney carriage vehicles over 1 year from manufacture require a standard MOT, in addition;

all vehicles presented for licensing or renewal must be inspected in accordance with the Council's additional inspection standards. These are;

vehicles up to 6 years old	once per year
vehicles from 6 to 8 years old	twice per year
vehicles over 8 years old	three times per year

All inspections will consist of the following;

A standard VOSA MOT
Visual/manual checks of ;

- Bodywork
- Paintwork
- Door locks, hinges etc
- Boot lid, tailgate etc
- Windows, degree of tint if any, free movement and locking
- Advertisements other than standard livery
- Condition of bumpers
- Condition of Registration plates
- External and internal mirrors
- Additional lights
- Condition of headlining,
- Condition of Interior fittings and fabrics
- Number and condition of seats, free movement etc
- Speedometer
- Fire Extinguisher
- Licence plate (renewals)
- West Berks logo roof signs and door stickers - hackney carriage only
- Test roof sign light - hackney carriage only
- Steering and drive shaft gaiters
- First Aid kit
- Cleanliness of vehicle internally and externally
- Ramps, lifting gear and restraints – disabled access vehicles

Luggage restraints – estate cars
Meter and seal – hackney carriages only
Swivel seat fitted – front passenger seat
Current years tariff card
Spare wheel or other approved device, jack and wheel brace

The practitioner will report by completion of the West Berkshire Council Licensing Inspection Form showing pass or fail and include comments where appropriate.

Where any vehicle fails on safety issues these must be reported to the Council immediately. Those failures which are deemed not to be safety issues or are cosmetic in nature will be notified to the Council as advisories for the Council Officers to determine what action, if any, needs to be taken.

Title of Report: Disability Awareness Training for Taxi and private hire drivers

Item 6

Report to be considered by: Licensing Committee

Purpose of Report:

To Update Members on the proposal to introduce disability awareness training for drivers of taxis and private hire vehicles.

Recommended Action:

Approve the requirement for all new drivers to undertake a course of instruction on disability awareness from 18 July 2007

List of other options considered:

None

Key background documentation:
(bulleted list format)

- None

Contact Officer Details

Name:	Brian Leahy
Job Title:	Senior Licensing Officer
Tel. No.:	01635 519209
E-mail Address:	bleahy@westberks.gov.uk

Supporting Information

1. Background

- 1.1 The Disability Discrimination Act 1995 intends that all taxis will eventually be vehicles which can accommodate a person in a wheelchair. Unfortunately Part 5 of the Act which relates to taxis has not yet been initiated by the Government.
- 1.2 West Berkshire Council decided in 2000, to add disabled access vehicles into the existing fleet by only licensing for the first time vehicles which had either a front passenger seat which swivels to the left and will transport a passenger to the frontal position and lock in situ, or a vehicle which would accommodate a person in a wheelchair in reasonable ease and comfort.
- 1.3 This has proved successful in that the current fleet of taxis comprises 54 taxis which have swivel seats, 34 taxis which will accommodate a wheelchair complete with passenger and the remainder of the full fleet of 168 are vehicles which have neither provision.
- 1.4 Members further decided in March 2005 that only vehicles which could accommodate a person in a wheelchair should be licensed as taxis.
- 1.5 At the Licensing Committee held on 31 January 2006 officers presented a report which investigated the proposal to introduce a form of disability awareness training for taxi drivers. Members asked that further research be carried out on the subject due to the relatively high cost to both the Council and the trade.
- 1.6 Officers further investigated the introduction of a scheme and at the Licensing Committee meeting on 25 July 2006 presented a report which identified training opportunities at varying costs to the trade. Members agreed that there was full support for introducing disabled awareness training for all taxi drivers and that a phased implementation was appropriate by starting any such scheme with new applicants for taxi driver's licences.

2. Current Situation

- 2.1 Officers have trialed a training video which covers a range of training initiatives for both hackney carriage and private hire drivers and is mapped to National Occupational Standards for Road Passenger Transport and to further relevant qualifications.
- 2.2 Officers believe that this video should be introduced into the driver's knowledge test prior to being issued a licence.
- 2.3 This form of training is low cost to the Council and will be at no extra cost to drivers.
- 2.4 Officers will continue to consult with the trade with a view to introducing this form of training to all drivers in due course.

Implications

Policy: The Council are firmly committed to compliance with the Disability Discrimination Act through the licensing of taxis and this policy will ensure that all new drivers are appropriately trained.

Financial:	There is an initial cost of £103. This cost can be absorbed into the current taxi budget.
Personnel:	None
Legal:	Although at the present time there is no legal obligation upon the Council to provide disability awareness training the introduction of Part 5 of the Act is likely to require drivers to be trained in awareness.
Environmental:	None
Equalities:	The Council have already agreed that only disabled access vehicles will be licensed, it therefore follows that we should ensure that drivers are appropriately trained to further ensure that customers are able to be treated with equality and respect.
Property:	None
Risk Management:	By providing training the Council can demonstrate that its policy of licensing disabled access taxis has been followed up by ensuring that drivers have the competencies required to convey disabled, elderly and infirm passengers.
Community Safety:	Trained drivers will offer the public a better more informed service.

Consultation Responses

Local Stakeholders:	West Berkshire Taxi and Private Hire Association
Officers Consulted:	John Priest
Trade Union:	None

Title of Report: Driving Standards for Taxi and Private Hire Vehicle Drivers

Item 7

Report to be considered by: Licensing Committee

Purpose of Report:

To advise members on the opportunities available to introduce driving standards tests for taxi and private hire drivers

Recommended Action:

To approve further research by officers with a view to introducing a scheme, in due course

List of other options considered:

None

Key background documentation:
(bulleted list format)

- Driving Standards Agency letter

Contact Officer Details

Name:	Brian Leahy
Job Title:	Senior Licensing Officer
Tel. No.:	01635 519209
E-mail Address:	bleahy@westberks.gov.uk

Supporting Information

1. Background

- 1.1 The Council currently licences taxi and private hire drivers who have a full UK or EU driving licence.
- 1.2 The Local Government (Miscellaneous Provisions) Act 1976 requires that a council cannot grant a licence unless they are satisfied that the applicant is a fit and proper person, or to any person who has not for at least the last twelve months been authorised to drive a motor car, or is not at the date of application for a driver's licence, so authorised.
- 1.3 There is currently no requirement for drivers to demonstrate to the Council that they are in fact competent to drive a taxi or private hire vehicle. Although it could be argued that any person holding a drivers licence issued by DVLA is a competent driver, many councils have introduced a practical driving test of driving skills for taxi and private hire drivers. This test has been developed by the Driving Standards Agency and is generally funded by the driver.
- 1.4 In order to assist members a brief overview of the scheme is attached at Appendix 1 to this report.

Appendices *(in list format)*

Appendix 1 Driving Standards Agency letter
Implications

Policy:	The introduction of such a test would become a requirement of the existing policy and licence conditions for application of a drivers licence.
Financial:	None to the Council, but drivers would be required to cover the cost of the test.
Personnel:	None
Legal:	The introduction of such a scheme would need to be formalised by being a condition of the licence application. Consultation with legal officers is required to determine the legality of applying this condition to hackney carriage drivers licences. Private hire drivers licences can have a condition lawfully attached.
Environmental:	None
Equalities:	The test has an additional module as a wheelchair upgrade which if made mandatory will ensure that all drivers are competent and fully conversant with the passage of those customers who must be conveyed in a wheelchair.
Property:	None
Risk Management:	Improving driving standards should reduce the risk of licensing drivers who although DVLA licensed are not fully competent to drive a taxi or private hire vehicle.
Community Safety:	By testing drivers in competencies the Council can demonstrate to the public that they take community safety seriously and are addressing the issues before issuing licences.

Consultation Responses

Local Stakeholders: West Berkshire Taxi and Private Hire Association
Officers Consulted: John Priest
Trade Union: None



Driving Standards Agency
Stanley House
Talbot Street
Nottingham
NG1 5GU

Tel: 0115 901 5892
Fax: 0115 901 5885
Mobile 07899 062866

Senior Licensing Officer
Newbury Town Council
Town Hall
Market Place
Newbury
Berks
RG14 5AA

May 16th 2005
ian.gardnerlong@dsa.gsi.gov.uk

DSA Taxi Assessment Initiative

Dear Sir,

RECEIVED
24 MAY 2005
PUBLIC PROTECTION

The Driving Standards Agency has introduced a practical driving test for potential taxi drivers. Qualified and experienced Driving Standards Agency examiners are specially trained to bring a new element of objectivity to testing applicants for the taxi licence. The driving test is both specifically and realistically designed to reflect modern driving practises and conditions in assessing the driving standard of applicants for a Hackney Carriage or Private Hire licence.

With its maxim **Safe Driving for Life**, the Driving Standards Agency sets the standard of testing for all motor vehicles, thus ensuring the potential taxi license holders can achieve a level of credibility and equality with other vocational drivers.

The key points of the taxi driver assessment are listed below and the accompanying literature provides further details.

- Local DSA test centres.
 - Applicants deal direct with the DSA
 - On-line booking facility or a national booking line telephone number
 - Experienced examiners receive additional and specific training.
 - Standards monitoring of examiners.
 - Specifically designed routes.
 - Taxi specific manoeuvre included.
 - Evaluation and statistical reports are available for the licensing authority.
 - Complaints procedure.
- Cost £48.85 per test, VAT inclusive at the normal rate - Private Hire/Hackney Carriage saloon
 - Cost £57.00 per test, VAT inclusive at the normal rate- Hackney Carriage Black Cab Style
 - Cost £16.40 per test, VAT inclusive at the normal rate- Wheelchair Upgrade



I would be happy to meet with you at any time and would be pleased to discuss this Road Safety initiative with you. In the meantime I will look forward to hearing from you.

Yours sincerely

Ian Gardner-Long
Taxi Operations
Manager



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