

AGENDA

Meeting: Licensing Committee
Place: County Hall, Bythesea Road, Trowbridge
Committee Room: Committee Room III
Date: Wednesday 26 May 2010
Time: 10.30 am

Please direct any enquiries on this Agenda to Lisa Pullin, of Democratic and Members' Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713015 or email lisa.pullin@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Desna Allen	Cllr Jon Hubbard
Cllr Richard Beattie	Cllr George Jeans
Cllr Peggy Dow	Cllr Bill Moss
Cllr Rod Eaton	Cllr Nina Phillips
Cllr Jose Green	Cllr Bill Roberts
Cllr Mark Griffiths	Cllr Jonathon Seed

AGENDA

1. **Apologies**

2. **Minutes** (*Pages 1 - 4*)

To confirm the minutes of the last meeting held on 15 December 2009 (copy attached).

3. **Chairman's Announcements**

4. **Declarations of Interest**

To receive any declarations of personal or prejudicial interests or dispensations granted by the Standards Committee.

5. **Public Participation**

The Council welcomes contributions from members of the public.

If you would like to make a statement at this meeting on any item on this agenda, please register to do so at least 10 minutes prior to the meeting. Up to 3 speakers are permitted to speak for up to 3 minutes each on any agenda item. Please contact the officer named above for any further clarification.

Members of the public wishing to ask a question should give written notice (including details of any question) to the officer named above by 12:00 noon on Monday 24 May 2010.

6. **Minutes of the Licensing Sub-Committees** (*Pages 5 - 24*)

To receive the minutes of the following Licensing Sub-Committees:

Northern Area

08.12.09
12.05.10

Eastern Area

03.12.09

Western Area

15.12.09

7. **Sexual Entertainment Venues** (*Pages 25 - 38*)

The report of Kate Gollege, (Licensing Team Manager, North and West) provides an update for Members on the new provisions relating to the regulation of sexual entertainment venues.

8. **Harmonisation of Hackney Carriage and Private Hire Licensing** (*Pages 39 - 126*)

The report of Samantha Colley (Licensing Manager, South and East), sets out the way in which the Council seeks to determine the future provision of a harmonised hackney carriage and private hire licensing service.

9. **Urgent Items**

Any other items of business, which in the opinion of the Chairman, should be taken as a matter of urgency. Urgent items of a confidential nature may be considered under Part II of this agenda.

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LICENSING COMMITTEE

DRAFT MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON TUESDAY 15 DECEMBER 2009 AT 2.30PM AT COUNTY HALL, TROWBRIDGE

Present:

Councillor R Beattie, Councillor R Eaton, Councillor Mrs J Green, Councillor J Hubbard, Councillor G Jeans, Councillor W Moss (Chairman), Councillor Mrs N Phillips, and Councillor B Roberts

Apologies:

Apologies were received from Councillor Mrs D Allen, Councillor Mrs P Dow and Councillor M Griffiths.

15. MINUTES

The minutes of the meeting held 5 November 2009 were confirmed as a correct record and signed by the Chairman.

16. CHAIRMAN'S ANNOUNCEMENTS

There were none.

17. MEMBERS' INTERESTS

None were declared.

18. PUBLIC PARTICIPATION

Mrs Frances Mackay (Applicant) was present at the meeting and indicated that she wished to address the Committee regarding the Private Hire Car Licensing item on the Agenda. The Chairman confirmed that he would hear from Mrs Mackay when the Committee were discussing this agenda item.

19. MINUTES OF LICENSING SUB-COMMITTEE

The Committee received the minutes of the Licensing Sub-Committee meetings held in the Southern Area on 3rd November 2009.

Resolved:

That the minutes be received and noted.

20. PRIVATE HIRE CARE LICENSING

The Chairman circulated copies of photographs to the Committee of examples of different motorised trikes which would be included within the realms of any licence granted.

The Licensing Officer outlined the details of the application and explained that the Committee was being asked to consider the request for the licensing of a motorised trike as a private hire vehicle and to include additional conditions for the safety of its users.

Mrs Mackay addressed the Committee and requested that the proposed condition for all passengers, including the driver to wear a helmet be reconsidered as this was not required under the law of the Road Traffic Act. She stated that five other counties have licensed similar vehicles and not included the condition that helmet should be worn by all passengers.

The Licensing Officer reported the view that under the Health and Safety at Work Act, 1974 the driver as a minimum should be required to wear a helmet as it should be deemed to be a piece of protective work equipment.

It was highlighted by the legal representative that there would need to be the usual exemptions i.e. religious groups that could not be enforced to wear a helmet.

Resolved:

That a Motorised Trike be incorporated (with the existing conditions, and additional conditions detailed below) as a private hire vehicle.

Additional Conditions:-

P40 Motorised Trikes

In relation to these conditions, certain exemptions or restrictions apply with regard to motorised trikes. These vehicles are defined as:-

A three-wheeled vehicle, with the capacity to carry up to 3 passengers excluding the driver. It is an adaptation of a two-wheel motorbike, widened to the rear for carriage of passengers side by side behind the driver. All passengers are carried at the risk of being exposed to the elements as there is no roof/canopy or doors to the vehicle.

The purpose of these conditions is to protect public safety. They apply in addition to the Authorities standard conditions for private hire vehicles.

P41 Trike Tyres

The vehicle should be equipped with 3 road tyres, but is not required to carry a spare tyre due to lack of carriage facilities.

P42 Trike Seatbelts

All seats provided for the use of passengers must be fitted with seatbelts in accordance with the current Road Vehicle (Construction and Use) Regulations.

P43 Passengers carried in Trikes

- **All passengers must remain seated and wear a seatbelt when the vehicle is in motion.**
- **Any child carried must be over 135cms in height.**
- **Any child under the age of 16 years must be accompanied by an adult.**

P44 Protective Clothing

All drivers will be required to wear: -

- **A helmet, compliant with Safety Standard ECE 22.05. This requirement does not apply to drivers who wear headwear due to their religion**

All passengers shall have provided, if they so wish to wear: -

- **A helmet, compliant with Safety Standard ECE 22. 05**
- **Hygienic hair covers to be worn under the helmet.**

All passengers will be required to wear: -

- **Eye protection glasses, compliant with European Directive 89/686/EEC.**

- Long trousers and covered in shoes.
- Waterproof clothing, which should be provided if required.

P45 Fire Extinguisher

Operators of trikes will not be required to carry a fire extinguisher.

21. URGENT ITEMS

No urgent items were considered.

PART 2

**Items considered whilst the public were not entitled to be present
None.**

Chairman
2010

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NORTHERN AREA LICENSING SUB-COMMITTEE

MINUTES of a MEETING of the NORTHERN AREA LICENSING SUB-COMMITTEE held at MONKTON PARK, CHIPPENHAM on TUESDAY 8 DECEMBER 2009.

PRESENT:

Cllr Desna Allen
Cllr Bill Douglas
Cllr Jacqui Lay.

Mrs K Golledge – Principal Environmental Health Officer, Licensing, Wiltshire Council

Mrs L Holland – Licensing Officer, Wiltshire Council

Ms A Higgins – Solicitor, Wiltshire Council

Mr R Bishton – Democratic Services Officer, Wiltshire Council

Ms J Lloyd – Licensing Officer, Wiltshire Council (Observer)

Ms J Quartley – Licensing Officer, Wiltshire Council (Observer)

Ms A Hart – Westlea Housing Association

Ms C Scratchley – Westlea Housing Association

Mr N Connor – Applicant

Mr K Dungey – Applicant

Ms G Roberts – Applicant

Mr N Stokes – Applicant

Mr P Spiller – Interested Party

Miss H Smith – Interested Party

1. **Election of Chairman**

Resolved: To elect Cllr Desna Allen Chairman for the meeting.

Cllr Desna Allen in the Chair

2. **Procedure for the Meeting**

The Chairman explained the procedure to be followed at the hearing, as contained within the “Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications”.

3. **Chairman’s Announcements**

There were none.

4. **Members’ Interests**

There were none.

5. **Application for a Variation of Premises Licence in respect of The Bridge House, Borough Parade, Chippenham, SN15 3LW for JD Wetherspoon**

The Licensing Officer introduced her report.

In accordance with the procedure detailed in the Agenda the applicant and the interested parties present were given the opportunity to address the Sub-Committee and through the Chairman, to question one another about the detail of the application and representations. Sub-Committee members had the opportunity to question all parties.

Following summaries made by both the applicant and the interested parties, the Sub-Committee retired to consider the application.

During their deliberations the Sub-Committee was accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

Following the deliberations of the Sub-Committee the Solicitor for the Council made a statement of the material legal advice given in closed session, as follows:

“The Sub-Committee must decide if there is a real possibility that one or more of the licensing objectives will be undermined, based on the evidence presented to it. If it is concluded that any of the licensing objectives will be undermined, Section 18(4) of the Licensing Act 2003 enables the Sub-Committee to impose conditions, exclude certain parts of the application or reject the application in full.”

The Sub-Committee considered all of the submissions made to it and the written representations together with the Licensing Act 2003, statutory Guidance and Regulations and the Licensing Policy of the Council.

Resolved: To grant the application by J D Wetherspoon for the variation of the premises licence under the Licensing Act 2003 in respect of The Bridge House, Borough Parade, Chippenham SN15 3WL, subject to:

- the mandatory conditions contained in the Licensing Act 2003
- the following conditions from the transferred licence:-
 - (a) Noise generated on the premises shall be kept at such a level at the boundary of any occupied property that it shall not be a nuisance to the occupier of that property.
 - (b) Notices are to be prominently displayed at all exits from the premises requesting that patrons respect the needs of people living in the area and to leave the area quietly.
- additional conditions, consistent with the Applicant's Operating Schedule as follows:
 1. There shall be no use of the outside area immediately adjacent to the main doors of the premises for the consumption of food or drink after 21:00
 2. There shall be no use of the 'pontoon' outside area for the consumption of food or drink after 21:00

Both areas are shown for the purpose of identification marked 'A' and 'B' respectively on the application plan
 3. The premises management will endeavour to ensure that customers wishing to smoke outside the premises after 21:00 will be directed to areas away from River Parade
 4. The premises licence holder shall arrange quarterly residents meeting with the residents of River Parade unless it is agreed by all parties that such meetings are not required
 5. On closing, the premises management will actively encourage customers to quickly disperse away from the premises in order to minimize disturbance to residents
 6. The applicants shall submit a Dispersal Plan in writing to the Council for its approval within three (3) months of today's date.
 7. At all times to ensure that a contact name and number is supplied to a representative of local residents living in River Parade

REASONS:

Evidence

The Committee carefully considered all aspects of written and oral submissions at the hearing. The Committee noted that the applicant agreed to take further actions in response to submissions made by the Interested Parties.

The Committee took note of the fact that you had engaged with Responsible Authorities prior to the hearing and had agreed conditions to address their concerns. The Committee also took note that there had been no representations made by the Responsible Authorities.

The Committee carefully considered the evidence from Interested Parties, present at the hearing, whose basis of objections spanned all four licensing objectives.

They felt that to grant the Premises Licence as applied for would interfere with their peaceful enjoyment of their premises particularly late at night.

The Committee concluded that there was not sufficient evidence by the Interested Parties that the grant of the application as applied for would interfere with the licensing objectives to such an extent to justify the refusal of this licence. In making this determination the Committee also took into account its authority to impose additional conditions on the licence.

Summary of Decision

The Committee was satisfied that on the balance of probability and that in all of the circumstances, including the conditions to be imposed, that the licence be granted subject to conditions as detailed above.

The conditions attached to the premises licence are proportionate and necessary and address the Licensing Objectives

All parties are reminded that they are entitled to request a review of the license at any time if the Licensing Objectives are compromised.

There is a right of appeal to the Magistrates Court within 21 days of the hearing.

Informative

The applicant should liaise with Westlea Housing Association to address the issue of Public Nuisance e.g. urination, on behalf of the residents of River Parade.

(Duration of meeting: 10.00am – 11.50am)

The Officer who has produced these minutes is Roger Bishton,
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NORTHERN AREA LICENSING SUB-COMMITTEE

**DRAFT MINUTES OF THE NORTHERN AREA LICENSING SUB-COMMITTEE
MEETING HELD ON 12 MAY 2010 IN THE COUNCIL CHAMBER , BRADLEY
ROAD, TROWBRIDGE.**

Present:

Cllr Rod Eaton, Cllr Bill Moss and Cllr Nina Phillips

Also Present:

Mr R Hodkinson – Solicitor, Wiltshire Council
Mrs L Holland – Licensing Officer, Wiltshire Council
Miss M Gondlach – Democratic Services Officer, Wiltshire Council

Mrs K Golledge - Principal Environmental Health Officer (Licensing), Wiltshire Council
Mrs L Pullin – Democratic Services Officer (Observer), Wiltshire Council

Mr R Baylan – Applicant
Mr M Guveran – Applicant’s Representative
Councillor A Bucknell – Mr England’s (interested party) Representative

1. **Election of Chairman**

Nomination for a chairman were sought and it was

Resolved:

To elect Councillor Bill Moss Chairman for this meeting only

2. **Procedure of Meeting**

The Chairman explained the procedure to be followed at the hearing, as contained within the “Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications” (pages 1 to 5 of the agenda refer).

3. **Chairman's Announcements**

There were none.

4. **Members' Interest**

There were no declarations of Interest.

5. **Licensing Application**

Application by Mr R. Baylan for a Premises License for Lyneham Pizza and Fish Bar, 41A Calne Road, Lyneham.

The Licensing Officer introduced her report.

In accordance with the procedure detailed in the agenda the applicant and his representative and the representative for one of the interested parties were given the opportunity to address the Sub-Committee and, through the Chairman, to question one another about the detail of the application and representations. Sub-Committee members had the opportunity to question all parties.

The applicant and his representative and the representative for one of the interested parties were then given the opportunity to summarise their views. The Sub-Committee retired to consider the application.

During their deliberation the Sub-Committee members were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

Following the deliberations of the Sub-Committee the Solicitor for the Council made a statement of the material legal advice given in closed session, as follows:

“1.The Sub-Committee is required to consider the evidence before them. Licensing objectives being undermined.
2. that a license may be limited in time but limits must support licensing objectives
3. Conditions must be achievable”

The Sub-Committee considered all of the submissions made to it and the written representations together with the Licensing Act 2003, statutory Guidance and Regulations and the Licensing Policy of the Council.

Resolved:

To grant the application by Mr R. Baylan for a Premises License for Lyneham Pizza and Fish Bar, 41A Calne Road, Lyneham, subject to:

- **the mandatory conditions contained in the Licensing Act 2003**

- additional conditions, consistent with the Applicant's Operating Schedule as follows:
 1. The license is granted for the provision of late night refreshment between the hours of 23:00 and 00:00 Sunday to Thursday and between the hours of 23:00 and 02:00 on Friday and Saturday.
 2. Litter should be cleared daily from the area immediately outside the premises and from the adjoining car park and disposed of appropriately.

For the following reasons:

The Sub-Committee have considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the guidance issued under Section 182 of the Act and the licensing policy of Wiltshire Council.

The Sub-Committee have also considered the written evidence presented in the agenda, together with the oral evidence given at the hearing firstly from the applicant's representative, Mr M Guveran, and then Mr England's representative, Councillor Allison Bucknell, further to a written representation on page 41 of the agenda's documents.

The objection centres around noise and litter nuisance at night within the locality of these premises. The Sub-Committee noted that of the written objections those of Mr Houston and Ms Glass confined themselves to stating that the premises should close at the time granted but seemed to raise no objection to the specific time requested in the application.

The written representation of Mr England suggested at page 42 that the premises close at "a reasonable time i.e. 10.00 pm".

The Licensing Act 2003 requires premises to be licensed for the provision of late night refreshment between the hours of 23:00 to 05:00. Accordingly this Sub-Committee has no power to restrict these premises to a closing time of 22:00.

Finally the written representation of Ms Glass (on behalf of herself and Mr Glass) and the written representation of Mr P Ryan merely suggested that the premises should close "earlier" but made no further suggestion as to what that time should be.

The Sub-Committee noted that the applicant had dealt with those matters which were conditions upon the previous license but which were not undertaken by the previous license holder.

The Sub-Committee have considered this as an indication of the applicant's good intent and willingness to abide by the terms and conditions of a license. The Sub-Committee remained concerned about the nuisance activities in the locality but noted, in particular, that the immediately adjoining premises had a late license until 02:30. In the circumstances and on the evidence presented the Sub-Committee could

not be satisfied that such problems as may have occurred could be attributed to the premises as opposed to the kebab shop next door.

Given these circumstances the Sub-Committee was not satisfied that the granting of this license would significantly undermine the licensing objective of the prevention of public nuisance.

The Sub-Committee wished to impress upon the applicant the overriding need for him to take responsibility for the conduct of his customers whilst on the premises and immediately outside it. The Sub-Committee did not feel in a position to impose any legally binding condition but strongly urged the applicant to draw attention from his customers to the notices displayed on the premises regarding their general conduct and the requirement to show consideration to the local residents.

The Sub-Committee noted that the concern raised by Mr England about an alleged light nuisance had been addressed by the Environmental Protection Team which the Sub-Committee considered to be the appropriate body to deal with the issue.

All parties have the right to appeal to the Magistrates Court within 21 days of this decision. A Responsible Authority or interested party has the right to request the Local Authority to review the licence. Such an application may be made at any time, but it is in the discretion of the Local Authority to hold the review, and a review will not normally be held within the first twelve months of a licence, save for the most compelling reasons.

(Duration of meeting: 10.30 am - 12.35 pm)

The Officer who has produced these minutes is Marie Gondlach, of Democratic Services, direct line 01225 713 597, e-mail marie.gondlach@wiltshire.gov.uk

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EASTERN AREA LICENSING SUB-COMMITTEE

MINUTES OF THE EASTERN AREA LICENSING SUB-COMMITTEE MEETING HELD ON THURSDAY 3RD DECEMBER 2009 AT 2:00 PM AT BROWFORT, DEVIZES

Present:

Councillor D Allen (Chairman)
Councillor P Dow
Councillor R Eaton

Mr R Bishton – Democratic Services Officer, Wiltshire Council
Mrs S Colley – Licensing Team Manager (South and East), Wiltshire Council
Miss J Green – Democratic Services Officer, Wiltshire Council
Mr R Hodgkinson – Solicitor, Wiltshire Council

Mr Mehmet Nuri Bektasoglu – Applicant
Ms S Cavender – Counsel, Guildhall Chambers (on behalf of the applicant)

Miss G Salisbury – Senior Planning Officer, Wiltshire Council
Mr R Draper – Senior Environmental Health Officer, Wiltshire Council
Ms H Pinchen – Environmental Control Officer, Wiltshire Council

Apologies:

Ms Jane Cowley – Senior Licensing Officer, Wiltshire Council

PART 1

Items considered whilst the meeting was open to the public

1. ELECTION OF CHAIRMAN

It was proposed, seconded and

RESOLVED that Councillor Allen be elected Chairman of the Western Area Licensing Sub-Committee for the meeting dated 3rd December 2009.

COUNCILLOR D ALLEN IN THE CHAIR

2. PROCEDURE FOR THE MEETING

The Chairman explained the procedure to be followed at the meeting as contained within the "Wiltshire Council Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications".

3. CHAIRMAN'S ANNOUNCEMENTS

There were none.

4. MEMBERS' INTERESTS

The Solicitor for the Council made a statement to those present that Councillor Dow was a member of Marlborough Town Council and had sat on Town Council Planning Committees, however in her capacity as Mayor she had not voted on any items in the last three years and had not sat on any application with regard to these premises. It was proper that all parties present should know this and if there were objections to Councillor Dow sitting on the Licensing Sub-Committee the hearing should be adjourned.

There were no objections to this from any of the parties present.

5. LICENSING APPLICATION IN RESPECT OF CHARCOAL GRILL, 13A HUGHENDEN YARD, HIGH STREET, MARLBOROUGH, WILTSHIRE, SN8 1LT

The Policy and Licensing Manager introduced the report on behalf of the Licensing and Policy Officer.

In accordance with the procedure detailed in the Agenda the applicants representative and the interested parties were given the opportunity to address the Sub-Committee and through the Chairman, to question one another about the detail of the application and representations. Sub-Committee members had the opportunity to question all parties.

NOTE: The applicants representative requested an amendment to the application to withdraw that part of the application requesting opening until 1:00am from Sunday to Thursday.

Following summaries made by both the applicant and the interested parties, the Sub-Committee retired to consider the application.

During their deliberations the Sub-Committee were accompanied by the Solicitor for the Council and the Democratic Services Officers.

Following their deliberations the Eastern Area Licensing Sub-Committee

RESOLVED:

To GRANT the application until 1:00am on Friday and Saturday mornings for the following reasons:

The Sub-Committee considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the guidance issued under Section 182 of the Act and the licensing policy of the former Kennet District Council.

The Sub-Committee also considered the written evidence presented in the agenda, together with the oral evidence given at the hearing from Ms Cavender of Counsel, on behalf of the applicant Mr Mehmet Nuri Bektasoglu, the Planning Authority and Environmental Health.

The Sub-Committee considered firstly the issue of the existing planning restriction on the premises which restricts trading to midnight. In approaching this matter the Sub-Committee were mindful that the licensing process should not be a re-hearing of the planning process and that both were separate, although at times overlapping, regimes. Insofar as the Sub-Committee considered evidence by the Planning Authority, it confined itself to such evidence as there was that had a bearing on the licensing objectives. In this context the Sub-Committee noted that in the most recent appeal the Planning Inspector specifically noted that the proposed extension to opening hours would result in additional people congregating in a relatively quiet location which created "considerable potential" to cause unacceptable noise and disturbance through talking, shouting and car movements. However, to be set against this was the evidence provided by the applicant, which was not contradicted by Environmental Health, that there was negligible use of the car park later in the evening. Overall however, the Sub-Committee were not satisfied on this evidence that there was a real possibility of one or more of the licensing objectives being undermined. The Sub-Committee were not presented with the evidence upon which the Inspector reached his decision.

However, the Sub-Committee were mindful of the Inspectors comment that circumstances would "adversely effect their (the local residents) reasonable expectation of peace and quiet at times when trying to sleep". Looking at the remaining evidence, namely the letters from in particular N A Beach, Philip Wood and J J L George, the Sub-Committee was satisfied that there was a real possibility of noise from the premises and its immediate vicinity creating public nuisance the longer it persisted into the morning i.e. after midnight. In particular the Sub-Committee felt that this problem was likely to be exacerbated if the premises remained open closer to the time at which the nightclub closed. The Sub-Committee felt that the car park area would act as

encouragement for people to remain in the area after purchasing food rather than disperse and the Sub-Committee felt that this would contribute to noise nuisance in the early hours of the morning at a time when, to refer back to the words of the Planning Inspector, residents would have a “reasonable expectation of peace and quiet”. The Sub-Committee therefore felt that an appropriate extension would be until 1:00am on Saturday and Sunday mornings which would not therefore encroach on the more sensitive hours.

All parties have the right to appeal to the Magistrates Court within 21 days of this decision. A Responsible Authority or interested party has the right to request the Local Authority to review the licence. Such an application may be made at any time, but it is in the discretion of the Local Authority to hold the review, and a review will not normally be held within the first twelve months of a licence, save for the most compelling reasons.

PART 2

Items considered whilst the meeting was closed to the public

None.

Chairman
2010

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WESTERN AREA LICENSING SUB-COMMITTEE

MINUTES OF THE WESTERN AREA LICENSING SUB-COMMITTEE MEETING HELD ON TUESDAY 15TH DECEMBER 2009 AT 11:00 AM, AT COUNTY HALL, TROWBRIDGE

Present:

Councillor R Eaton
Councillor J Green
Councillor W Moss (Chairman)

Miss J Green – Democratic Services Officer, Wiltshire Council
Mrs K Golledge – Principal Environmental Health Officer, Wiltshire Council
Mr R Hodgkinson – Solicitor, Wiltshire Council
Mrs M Jones – Policy & Licensing Officer, Wiltshire Council
Ms Jo Quartley – Licensing Officer, Wiltshire Council

Ms J Gallimore – Divisional Licensing Officer, Wiltshire Police
Inspector D Cullop – Wiltshire Police

Ms L Baxendale – Interested party
Mrs J York – Interested party
Mr P Williams – Interested party

Ms K Adams – Press
Ms R Allen - Press

Apologies:

Councillor D Allen

PART 1

Items considered whilst the meeting was open to the public

1. ELECTION OF CHAIRMAN

It was proposed, seconded and

RESOLVED that Councillor W Moss be elected Chairman of the Western Area Licensing Sub-Committee for the meeting dated 15th December 2009.

COUNCILLOR W MOSS - IN THE CHAIR

2. MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting of the Western Area Licensing Sub-Committee, held on 8th September 2009, were confirmed as a correct record and signed by the Chairman.

3. PROCEDURE FOR THE MEETING

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications".

4. CHAIRMAN'S ANNOUNCEMENTS

There were none.

5. MEMBERS' INTERESTS

There were none.

6. REVIEW OF PREMISES LICENCE APPLICATION - THE MALTHOUSE, ROUNDSTONE STREET, TROWBRIDGE, WILTSHIRE, BA14 8DE.

The Licensing Officer presented her report.

In accordance with the procedure detailed in the Agenda the applicant and interested parties were given the opportunity to address the Sub-Committee and through the Chairman, to question one another about the detail of the application and representations. Sub-Committee members had the opportunity to question all parties.

Following summaries made by both the applicant and the interested parties, the Sub-Committee retired to consider the application.

During their deliberations the Sub-Committee was accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

Following their deliberations the Western Area Licensing Sub-Committee

RESOLVED:

- 1) To remove Mr Glynn York as the Designated Premises Supervisor for the Malthouse, 33 Roundstone Street, Trowbridge.**
- 2) The existing premises licence will now be subject to the following conditions:**
 - The Malthouse management will be active members of the Trowbridge Pubwatch scheme.**

- **The existing CCTV provision will be reviewed and updated as necessary to the satisfaction of the Wiltshire Police Crime Reduction Officer.**
 - **The CCTV images will be retained securely for a period of at least 30 days and will be available when requested by a Police Officer or Licensing Officer of the authority.**
 - **An incident book will be maintained on the premises, all incidents will be recorded by staff. The book will be available for inspection by a Police Officer or Licensing Officer of the authority.**
- 3) The premises licence, including the conditions referred to above, is hereby suspended for 3 months from today's date until the 15th March 2010.**

For the following reasons:

The Sub-Committee considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 52); the guidance issued under Section 182 of the Act and the Wiltshire Council Statement of Licensing Policy.

The Sub-Committee also considered the written evidence presented in the agenda and under Blue Sheet No.1, together with the oral evidence given at the hearing from Ms J Gallimore, Ms L Baxendale and Mr P Williams.

Firstly, Ms Gallimore referred to the consideration given by the Police to the Licensing Act 2003 and the Hearing Regulations 2005. In addition she referred the Sub-Committee to paragraphs 3.6, 3.11 and 14.1 of the Wiltshire Council Statement of Licensing Policy.

Ms Gallimore presented the evidence on behalf of the Police which was detailed and extensive. In summary this evidence alleged repeated and serious incidents of violent disorder and drunkenness occurring at the premises, in total the evidence referred to 31 incidents. Further there was evidence presented of very young children under ten years old who had been present when incidents of violence and drunkenness occurred. Item 31 at page vii recorded an incident where a male and female were arrested, both heavily intoxicated as a result of drinking at the premises whilst in the company of their two youngest children aged two weeks and eighteen months respectively.

Mr York the Designated Premises Supervisor had been arrested and is at present facing criminal charges.

In addition two letters were submitted, one from BLB Solicitors and the other from the Polebarn Hotel. The letter from BLB Solicitors supported the Police evidence of "numerous acts of violence". This letter went on to

allege general yobbish behaviour and verbal abuse of members of the public. Bullet point 4 appeared to suggest that drug dealing was going on, at or near the premises, however the allegation was vague and although supported by police intelligence, the Sub-Committee was not sufficiently satisfied on the evidence available to reach any decision on this issue which accordingly did not form part of the decision. The second letter referred to, that from the Polebarn Hotel, referred to verbal abuse and drinking starting quite early in the day and in the company of small children. This letter stated that scenes escalate into violent confrontations between drinkers and the Police are called.

The evidence provided by the Police was not challenged either by Ms Baxendale or Mr Williams. Ms Baxendale spoke of her wish to be given a chance to prove that they could turn the situation around. She stated that she would be available on her phone at any time if there was a problem and that certain people listed on the Pubwatch banned list, had been banned from the premises. However, this appeared to be the limit of her proposals to deal with what the Sub-Committee felt was an extremely serious situation.

The evidence of Mr Williams did not really bear on any of the licensing objectives. He expressed his desire to see the pub allowed to remain open. He stated that he drank at the pub approximately twice a week in the early evening. He admitted he had seen incidents of drunkenness but that he had not seen any incidents of violence.

Nevertheless the Sub-Committee accepted the evidence of the Police given that it was not challenged in any significant detail and it was broadly supported by the letter from BLB Solicitors and the Polebarn Hotel.

In summary the Sub-Committee was satisfied that there has been a history of serious and repeated drunkenness and violent incidents at the premises, some of which have been in the presence of very young children. There appeared to have been little or no effective management of these problems and the Sub-Committee noted that Mr York (the Designated Premises Supervisor) was not prepared to attend the hearing. No explanation was given for this and the only explanation of his whereabouts was that he was in his flat. The Sub-Committee considered this wholly unacceptable.

The Sub-Committee seriously considered revoking the licence entirely. However, they were persuaded on the evidence of Mr Williams that the premises were at least capable of providing a valuable social asset, however problems at the premises are consuming a disproportionate amount of public resources and the time of Police Officers and ambulance staff. Evidence was given on behalf of the Police that two other comparable premises in Trowbridge have had respectively seven and eleven serious incidents as compared to the 31 recorded against the Malthouse, over the same period. Taking account of this and the frequency and seriousness of the incidents the Sub-Committee felt that a

period of closure was justified to give local residents and businesses some immediate respite and to provide sufficient time for new management and staff at the premises to formulate suitable additional measures to deal with the problems. Additionally the Sub-Committee noted that no application had yet been made either by Ms Baxendale or Mrs York for a personal licence and until such a licence was granted neither of them could be appointed a Designated Premises Supervisor.

All parties have the right to appeal to the Magistrates Court within 21 days.

PART 2

Items considered whilst the meeting was closed to the public

None

Chairman
2010

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WILTSHIRE COUNCIL

LICENSING COMMITTEE

26TH MAY 2010

SEXUAL ENTERTAINMENT VENUES

Executive Summary

This report updates Members on the new provisions relating to the regulation of sexual entertainment venues.

It outlines the nature of the legislative changes brought in by the Policing and Crime Act 2009.

It recommends that the Licensing Committee commends the adoption of the amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to the Council for approval at its meeting on the 13th July 2010.

Recommendations

It is recommended:

That the Licensing Committee commend to full Council they adopt the amendment to the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 by Section 27 of the Policing and Crime Act 2009. This introduces a Licensing regime for “sexual entertainment venues” such as lap dancing.

Reason for Proposal

To allow Wiltshire Council to effectively control the number and location of existing and prospective sexual entertainment venues.

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Public Health and Wellbeing.

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SEXUAL ENTERTAINMENT VENUES

Purpose of Report

1. This report is to advise Members that the Policing and Crime Act 2009 has introduced provisions to reclassify lap dancing, pole dancing clubs etc. as Sex Establishments under schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. This came into force on April 6th 2010 and Members will need to decide whether to adopt the new provisions and make recommendations to full Council for approval.

Background

2. Section 27 of the Policing and Crime Act 2009 amends Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to allow the Licensing Authority to license "sexual entertainment venues", where "relevant entertainment" is provided before a live audience for financial gain of the organiser or the entertainer.
3. This brings the licensing of lap dancing and pole dancing clubs and other similar venues under the regime set out in the 1982 Act, which is currently used to regulate establishments such as sex shops and sex cinemas.
4. Currently there is only one existing establishment located in Salisbury which would be affected by the new legislation; however they will be able to continue to operate without interruption for a 12 month period before a new Sex Establishment license will be needed.
5. The new legislative controls available to the Licensing Authority will strengthen the role that local communities can play in deciding whether a lap dancing premises is appropriate in the locality.
6. The aim is to bring the licensing of lap dancing premise in line with other sex establishments such as sex shops and sex cinemas and to recognise the legitimate concerns of local people.
7. If the amendment is adopted as recommended, the Licensing Authority can apply prescribed conditions on grounds not presently covered by the Licensing Act 2003. For example location, hours, display of adverts, visibility of the interior and numbers.

Environmental Impact

8. The introduction of a new licensing regime under Schedule 3 of the 1982 Act gives the Council new powers to tackle issues of local concern to communities around crime and disorder and antisocial behaviour associated with sex establishments.

Equality and Diversity

9. One of the aims of the new legislation is to give communities the chance to comment on applications both at application and renewal stage, therefore giving the public a greater voice.

Risk Assessment

10. To not adopt the amendment and maintain the status quo would allow prospective sexual entertainment venues to take advantage of a perceived loophole in the Licensing Act 2003. Early adoption of the amended legislation would negate this risk.

Financial Implications

11. Existing fees under the Licensing Act 2003 are set by statute and may not always cover the Council's costs in determining the application. Under the new regime the Council can set more realistic fees to ensure all the Council's costs are covered.

Legal Implications

12. On 13th May 2009 Wiltshire Council resolved to adopt the provisions of Part II Section 2(1) and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. This came into force on the 29th June 2009
13. Section 27 of the Policing and Crime Act 2009 makes amendments to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
14. The Council must resolve to adopt the amendments to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

Conclusion

15. Licensing Committee is recommended to commend:-

That the Council adopt the amendment to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 by Section 27 of the Policing and Crime Act 2009, to allow the Licensing of sexual entertainment venues.

Background Papers

Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982

Licensing Act 2003

Policing and Crime Act 2009

Home Office Regulation of Lap Dancing Clubs

Appendices

Appendix 1 – Wiltshire Council Sex Establishment Policy

Wiltshire Council



Where everybody matters

APPENDIX 1

Wiltshire Council

Policy and Regulations

Licensing of Sex Establishments

May 2009

To come into effect 29 June 2009

LICENSING OF SEX ESTABLISHMENTS

Contents

1. Introduction
 2. Definitions
 3. The Application Process
 4. Consideration of the Application
 5. Determination of Applications
 6. Grant of a Licence
 7. Hearing Procedure
- Annex A – Standard Conditions

1. Introduction

Wiltshire is a predominantly rural county in the south-west of England. Covering 325534 hectares, it has a population of 433,000, nearly all of whom live in towns or villages with fewer than 5,000 people. Bigger concentrations of population can be found in the cathedral city of Salisbury, the county town of Trowbridge, and Wiltshire's many market towns. The Armed Forces have a significant presence particularly in the south of the County.

The Policy

This documents states Wiltshire Council's policy on the regulation of Sex Establishments

The Law

The Local Government (Miscellaneous Provisions) Act 1982 introduced a licensing regime to control sex establishments. Wiltshire Council has adopted schedule 3 of the Act by virtue of being as successor authority to the four district councils who adopted the Act. This means that the Council can control and regulate the operation of certain kinds of Sex Establishment within its area. No sex establishment can operate unless it has obtained a licence from the Council. Any such licence will contain conditions that will restrict how that premises may trade.

2. Definitions

In these Regulations the following expressions shall have the meanings:-

- | | |
|-----------------|---|
| “The Act” - | means the Local Government (Miscellaneous Provisions) Act 1982. |
| “The Council” - | means Wiltshire Council |

- “The licensed premises” - means any premises, vehicle, vessel or stall licensed under the Act.
- “Licence holder” - means a person who is the holder of a Sex Establishment licence.
- “Permitted hours” - means the hours during which the licensed premises are permitted under Regulations 2 and 3 hereof to be open to the public.
- “Sex Establishment licence”- means a licence granted pursuant to Schedule 3 of the Act.

In these Regulations the following expressions that is to say “Sex Establishment”, “Sex Shop”, “Sex Cinema”, “Sex Article” and “Vessel” shall have the meanings respectively assigned to them by Schedule 3 of the Act. Included below:

“Sex Establishment” means a “Sex Cinema” or a “Sex Shop”

“Sex Cinema” means any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which

(a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage –

- i) sexual activity; or
- ii) acts of force or restraint which are associated with sexual activity; or

(b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions, but does not include a dwelling-house to which the public is not admitted.

“Sex Shop” means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating –

(a) sex articles; or

(b) other things intended for use in connection with, or for the purpose of stimulating or encouraging –

- i) sexual activity; or
- ii) acts of force or restraint which are associated with sexual activity.

“Sex Article” means – anything made for use in connection with, or for the purpose of stimulating or encouraging –

- i) sexual activity; or
- ii) acts of force or restraint which are associated with sexual activity; and

(a) anything to which the sub-paragraph below applies.

This sub-paragraph applies –

a) to any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and

(b) to any recording of vision or sound, which –

i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or

ii) is concerned primarily with the portrayal of, or primarily deals with or relates to genital organs or urinary or excretory functions.

3. The Application Process

The application form and relevant documentation for the new licence, renewal or transfer must be completed and returned with the appropriate fee as set in the Council's fees and charges.

A copy of the application form and supporting documentation must be forwarded to the Chief Officer of Police within 7 days.

A notice of the application will need to be advertised both on or near the premises and in a newspaper circulating within the area of the premises. The notice must clearly identify the premises to which it relates.

The notice on or near the premises shall be displayed for 21 days beginning with the date of the application and in a place where it can be conveniently read by the public.

The notice in the newspaper shall be published no later than 7 days after the date of the application.

The Council will carry out a consultation process where views are sought from: Wiltshire Police, Wiltshire Fire and Rescue Service, Council Ward Members for the area of the premises, The Council's Planning Department

Objections to the application for the grant, renewal or transfer of a licence shall be given in writing, stating the terms of the objection no later than 28 days after the date of the application.

Where notice of objection is received by the Council they will give notice in writing to the applicant of the general nature of the objection before it is given due consideration.

4. Consideration of the Application

The Council will consider every application on its merits, following the appropriate consultation and in accordance with this policy.

The Act specifies a number of issues that should be considered:

- a) Under the legislation a Council cannot have regard to the morality of sex establishments. Its approval or disapproval of sex establishments is not a matter which can be considered.
- b) Straightforward objections on the grounds that sex establishments should not be allowed, will not be taken into account in assessing applications for such premises.
- c) That the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason.
- d) That if the licence was to be granted, renewed or transferred, the business to which it relates will be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he/she made the application himself/herself.
- e) That the grant or renewal of the licence would be inappropriate having regard to: The character of the relevant locality, **The existence of other similar businesses within the locality**, or The use to which any premises in the vicinity are put; or The layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- f) No new licensed sex shop will be permitted if it will be situated within "Inappropriate proximity" to:
 1. Near to housing.
 2. Near, or near to access routes to and from, schools, play areas, nurseries, children's centres or other similar premises.
 3. In family shopping areas.
 4. Near places of worship
 5. Near a community facility or public building, including but not limited to swimming pools, leisure centres, public parks, youth centre's/club and sheltered housing
 6. Near historic buildings or tourist attractions.

Note: "inappropriate proximity" is defined as a distance of 200m in direct line of sight between the proposed establishment and any locations list above, or 100m distance if there is no direct line of sight.

- g) Fitness of the applicant – an applicant must be a fit and proper person to hold a license. In determining suitability for a new licence or a transfer the Council will take the following into account:
 1. Previous relevant knowledge and experience of the applicant.
 2. Any evidence of the operation of any existing or previous licence held by the applicant, including any licence held in any other council

area

3. Any report about the applicant and management of the premises Received from statutory objectors.

5. Determination of Applications

Each application will be considered on its own merits following the appropriate consultation and in accordance with this policy.

Any sex establishment licence may be granted subject to conditions imposed by the Council; therefore an application should not be refused if conditions could adequately address any area of concern.

All licences will be subject to the Council's Standard Conditions for Sex Establishments as in Annex A.

In event of conflict between standard conditions and special conditions contained in a Sex Establishment licence the special conditions shall prevail.

Licences are generally issued on an annual basis but can be issued for a shorter term if deemed appropriate.

6. Grant of a Licence

All applications for the grant of a new licence will be determined by the Licensing Committee or a Licensing Sub Committee, irrespective of whether objections are received.

Renewal or Transfer of an Existing Licence

Where no valid objections or observations have been received, the application will be considered under officer delegated powers.

If the officer is minded to refuse such an application it will be referred to the Licensing Committee or a Licensing Sub Committee.

Where valid objections or observations are received the application will be determined by a Licensing Committee or a Licensing Sub Committee.

At a Licensing Committee or Licensing Sub Committee hearing the applicants and any objectors/observers will be given an opportunity to address the committee.

7. Hearing Procedure

Where the Council is required to determine an application by reference to a Licensing Committee or a Licensing Sub Committee, the Applicant and objectors/observers will be advised of the date, time and venue of the hearing.

In preparation for the hearing, all parties will receive a copy of the Licensing Officer's report prior to the hearing. The report will contain a summary of the application, representations and any other relevant information.

At the hearing, all parties will have the opportunity to address the Licensing Committee or a Licensing Sub Committee and ask factual questions of other parties. The Licensing Committee or a Licensing Sub Committee may also ask questions of all parties that they feel relevant to determine the application.

The Licensing Committee or a Licensing Sub Committee will communicate their decision at the end of the hearing and all parties will receive written confirmation within 7 days.

Annex A

Standard Conditions Regulations

These regulations are made under the conferred powers of paragraph 13 of the Third Schedule of the Miscellaneous Provisions Act 1982.

- 1) The grant of a licence for a Sex Establishment shall not be deemed to convey any approval or consent which may be required under any enactment bye-law order or regulation other than the Third Schedule of the Miscellaneous Provisions Act 1982 as amended.
- 2) The licensed premises shall be closed throughout Good Friday, Christmas Day and every Sunday, except from 10am – 4pm on the two Sundays preceding Christmas Day. The premises may be open only during the permitted hours prescribed in these regulations.
- 3) The permitted hours of opening, unless varied by special condition, shall be as follows:-

Mondays	9:00 am to 9:00 pm
Tuesdays	9:00 am to 9:00 pm
Wednesdays	9:00 am to 9:00 pm
Thursdays	9:00 am to 9:00 pm
Fridays	9:00 am to 9:00 pm
Saturdays	9:00 am to 9:00 pm

- 4) The licensed premises shall not be used for any purpose other than the business of a sex establishment.
- 5) The licensed premises shall not be open for the purposes for which a sex establishment licence is granted on any occasion when the Council may signify in

writing to the licence holder, occupier or other person having at the time the care and management of the premises, that the same should not be open.

- 6) No person who is or appears to be under the age of 18 or is known by the licence holder or any servant or agent of his/her present on the licensed premises to be under that age shall be admitted to or shall be permitted to remain on the licensed premises.
- 7) The licence holder:-
 - a) shall display on the licensed premises in a conspicuous position, conveniently read, his/her sex establishment licence;
 - b) shall exhibit on those premises such notices in such form and in such position as may be prescribed;
 - c) shall comply with any prescribed restriction with respect to the exhibiting of other written matter or of signs of any description on the licensed premises.
- 8) No facilities shall be provided in a sex shop for:
 - a) seeing any television broadcast or the replaying of any video tape, DVD, film or other like matter, other than a television set for the simultaneous reception and exhibition of television programmes broadcast by the British Broadcasting Corporation or non subscription channels.
 - b) hearing any sound broadcast, record, tape or other like matter e.g. mini-disc, other than facilities for the reception of any radio programmes broadcast by the British Broadcasting Corporation or the Independent Broadcasting Authority.
- 9) No music, dancing or other entertainment whether of a like kind or not shall be provided or permitted, other than as permitted by these Regulations and no refreshment of any kind shall be served on nor shall any facilities for the taking of such refreshment be provided upon the licensed premises, except to staff.
- 10) The licence holder shall exhibit on the exterior of the licensed premises in a position visible to persons outside the premises a notice, in addition to his/her name, in not more than one place, in characters not exceeding three inches in height and consisting only of the words "licensed sex shop" or "licensed sex cinema" (as the case may be) and such indication, if any, as he/she thinks fit to give of the times at which the licensed premises are open. No other notices, unless pursuant to these Regulations, may be exhibited.
- 11) The licence holder shall exhibit in a conspicuous manner and in some conspicuous place inside the licensed premises and at the point of access to the licensed premises a notice stating that persons under the age of eighteen years are not admitted on the premises.

- 12) The licence holder shall not display in any position visible to persons outside the premises any matter which does not comply with the Indecent Displays (Control) Act 1981.
- 13) The licence holder shall not permit any person other than persons employed by him, his servant or agent, statutory undertakers or, if applicable, his landlord to enter upon any part of the premises which are not available to the public in connection with the display, sale, hire, exchange, loan or demonstration of sex articles.
- 14) The licence holder shall not display any advertisement which is visible to persons outside the premises except as permitted by these Regulations or under the Act and no advertisements shall be displayed wherever visible which depict any sex article as defined.
- 15) The licence holder shall ensure that the interior of the sex establishment shall not be visible to persons outside the premises.
- 16) The exterior of the licensed premises shall be of a design and materials approved by the Council. The exterior of the premises shall consist of material and colours of a discreet nature appropriate to the character of the locality and shall be in keeping with the appearance of other premises in the vicinity. Detailed proposals for the external appearance of the premises shall be agreed with the Council's Delegated Officer within 14 days of the notification of the determination of the grant of an application for a new premises licence; the approval shall be subject to ratification by the Council's Licensing Committee or Sub Committee. The interior and exterior of the licensed premises shall be kept in good repair and condition.
- 17) No illuminated signs or exterior lights shall be affixed to the licensed premises unless approved by the Council's Delegated Officer and shall be subject to ratification by the Council's Licensing Committee or Sub Committee.
- 18) The holder of a sex cinema licence shall observe such regulations and conditions as may be approved by the Council from time to time for cinemas having a licence under the Licensing Act 2003.

No Fastenings of any description shall be fitted upon booths set aside for the display of films.

- 19) The licence holder shall not knowingly allow the licensed premises to be the habitual resort or meeting place of a reputed prostitutes, whether the object of their so resorting or meeting is or is not prostitution.
- 20) If the Council notifies the licence holder, occupier or other person having at the time the care and management of the premises in writing by delivering notice at the licensed premises that any particular sex article, advertisement or matter shall not be displayed, sold or supplied the same shall be withdrawn from display, sale or supply forthwith.

- 21) No film, video or DVD material shall be kept, sold or supplied at the sex establishment except such film, video or DVD material that bears a reproduction of the Certificate of the British Board of Film Censors/Certification.
- 22) The external doors of the licensed premises shall be fitted with self-closing mechanisms and such mechanisms shall be maintained in good order. Doors and openings, other than exits, which lead to parts of the premises to which the public are not permitted to have access shall be clearly marked "Private".

No access shall be permitted through the premises to any other premises adjoining or adjacent.

No external door shall be fixed in the open position at any time during the permitted hours.
- 23) A police officer or an authorised officer of the Council or the Police may at any reasonable time enter and inspect any premises in respect of which a sex establishment licence is for the time being in force or an application for the grant of a new licence has been served.
- 24) The licence holder or some responsible person, being 21 years of age or over, nominated by him/her in writing shall be in attendance at the premises at all such times as the premises are open to the public and any nomination shall be produced to any police officer or authorised officer of the Council or the police and give the name and address of the person nominated.
- 25) A closed circuit television system shall be installed in the place licensed to the satisfaction of the Council's Licensing Officer. The system shall efficiently record the operation of the place licensed and shall automatically indicate the date and time of the events recorded to a standard that would be acceptable as evidence in the Courts. All closed circuit television recordings shall be securely retained for a minimum of 28 days and shall be made available at the place licensed for inspection by a police officer or an authorised officer of the Council or the police.
- 26) The licensee shall produce and maintain a list of all stock carried at the place licensed and shall make it available to a police officer or authorised officer of the Council or the police on demand.
- 27) All merchandise shall be clearly marked so as to show persons inside the premises the purchase price of each item.

WILTSHIRE COUNCIL

LICENSING COMMITTEE

26TH MAY 2010

Harmonisation of Hackney Carriage and Private Hire Licensing

Executive Summary

This report considers a proposed set of harmonised conditions, administrative and enforcement arrangements for licensing hackney carriages (taxis), private hire vehicles, drivers and operators throughout Wiltshire.

The four former district councils which now form Wiltshire Council have operated four separate and different licensing regimes for the purposes of issuing the relevant licences.

The report considers each element of the proposed harmonised conditions, administrative and enforcement arrangements separately and enables the Licensing Committee to endorse the proposals separately.

It should be noted that the approval of one particular proposal may in some cases be linked to or affect the endorsement of another proposal. The report highlights this issue where it is relevant.

The report also considers the proposals in conjunction with the results of the 'taxi' consultation survey questionnaire which includes responses from the public, trade and groups representing disabled users.

Proposal

The Licensing Committee is recommended to approve the following harmonised conditions, administrative and enforcement arrangements:

1. The Enforcement Arrangements:- The Licensing Committee is recommended to extend the penalty points scheme throughout Wiltshire from the date of implementation.
2. Conditions:- The Licensing Committee is recommended to adopt the condition that vehicles should be no older than five years old when first licensed as a hackney carriage or private hire vehicle from the date of implementation.
3. Conditions:- The Licensing Committee is recommended:

- to introduce and extend the proposed scheme (1 in 5 wheelchair accessible vehicles) already in existence in the North hub, to the West and East hubs on the date of implementation
- to phase out the existing grand father rights which prevail in South hub with regard to the pre1989 saloon plated vehicles and phase in the proposed scheme (1 in 5 wheelchair accessible vehicles) over a three year period starting from the date of implementation.

This will be achieved in accordance with the Council's proposed age restriction policy. It is recommended that the detail of the phasing in process is delegated to officers in consultation with the Chair of the Licensing Committee and Portfolio Holder.

4. Enforcement Arrangements:- The Licensing Committee is recommended to implement the proposal to ensure all licensed vehicles are subject to a six monthly MOT or a compliance check and a conditions check to be carried out by a licensing officer from the date of implementation.

5. Administrative Arrangements:- The Licensing Committee is recommended to retain four zones.

6. Administrative Arrangements:- The Licensing Committee is recommended to retain the four different existing tariffs (fares) within the harmonised conditions, enforcement and administrative arrangements.

7. Administrative Arrangements:- The Licensing Committee is recommended to agree an implementation date of 1st October 2010 with the exception of tariffs and wheelchair accessible vehicles.

Reason for Proposal

Provide a harmonised service with the introduction of consistent conditions, enforcement and administrative arrangements to be applied throughout Wiltshire.

Mandy Bradley, Director of Public Protection.

WILTSHIRE COUNCIL

LICENSING COMMITTEE

26TH MAY 2010

Harmonisation of Hackney Carriage and Private Hire Licensing

1.0 Purpose of Report

- 1.1 To determine the future provision of a harmonised hackney carriage and private hire licensing service.

2.0 Background

- 2.1 At present the four former district councils (North Wiltshire District Council, Kennet District Council, Salisbury District Council and West Wiltshire District Council) have four separate and different sets of licensing conditions which are applied to the relevant licences.
- 2.2 The legacy authorities, North Wiltshire District Council, Salisbury District Council and West Wiltshire District Council also regulate hackney carriage licence holders through a set of model byelaws which were adopted in 1975 under the Town Police Clauses Act 1847 and have since been updated.
- 2.3 The model byelaws, produced by the Department for Transport (DfT) are weak in relation to the control of hackney carriage drivers. We are legally obliged to use the model byelaws. The DfT has indicated that it is not intending to issue revised byelaws in the near future.
- 2.4 Caselaw in 2001 has determined that conditions cannot be attached to hackney carriage driver's licences under the legislation. However the legislation does permit licensing authorities to attach conditions to all the other private hire and hackney carriage licences. The DfT opposes the case law and takes the view that the Town Police Clauses Act 1847 implies a power to attach conditions to a licence. The DfT states it is a matter for each licensing authority in conjunction with its legal advisors to determine whether it is proper to attach conditions to a drivers licence. Legal advice has been sought on this matter.
- 2.5 The advice from Wiltshire Council's legal department (see appendix 1) is that the 'conditions' under consideration by Wiltshire Council might be more legitimately described as 'guidance' and should be used to inform a possible assessment of whether a licence holder remains a 'fit and proper' person to hold a licence. This is consistent with the three existing schemes and the scheme which is proposed and the conditions can be rebranded as 'guidelines'.
- 2.6 The Licensing team has drawn up a new set of harmonised guidelines to cover all the Wiltshire Council area and propose to extend an enforcement regime

known as the penalty points scheme, which currently operates in three of the hubs, to the East hub.

- 2.7 The three existing schemes are broadly similar and operate on the basis that a transgression attracts a number of points. The scheme is analogous to the concept of points on a DVLA driving licence. An accumulation of points can trigger a sanction being applied which could include suspension or revocation of the licence. However, this must be considered within the legislative test of whether a person is 'fit and proper' to hold a licence.
- 2.8 CONSULTATION: All current licence holders (1290) in the taxi and private hire licensing trade in Wiltshire, were sent a survey questionnaire and a full set of the proposed conditions as part of the consultation process (see appendix 2 for details of the questionnaire and full set of conditions).

The consultation also included a cross section of 600 members of the public (randomly selected from Peoples' Voice). A number of bodies representing disabled users were also sent the survey questionnaire and signposted to a full set of the proposed conditions via the Council's website. These included Wiltshire and Swindon Users Network, Carer's Association, Wiltshire People First, Age Concern Wiltshire and Wiltshire Passenger Transport Unit.

The consultation period commenced on the 14th January 2010 and respondents were given 8 weeks within which to complete the questionnaire and add any comments.

As part of the consultation process all licence holders were also invited to a trade meeting held at one of the four hubs. The two following tables summarise the trade meetings and number of completed survey questionnaires received:

2.9 Trade Meetings.

Trade Meeting	Date	No. of Attendees
South	8 th March 2010	45
East	3 rd March 2010	20
North	9 th December 2009	35
West	2 nd February 2010	56

2.10 Survey Questionnaires.

	Total No. of Surveys Sent	Returned	%
Four Hub TOTAL	1290	352	27%
Public	600	199	35%
South	370	134	36%
East	195	70	36%
North	320	80	25%
West	405	67	17%

2.11 Numbers of Licence Holders in Wiltshire

	Total No. of Licence Holders	
Four Hub TOTAL	1290	
		Percentage of Overall Trade
South	370	29%
East	195	15%
North	320	25%
West	405	31%

2.12 Appendix 3 gives the results, implications, conclusions and recommendations for each question in the survey questionnaire.

2.13 All the comments provided by the trade and the public have been collated and summarised. They are available for inspection in the Members' room.

2.14 Officers attending the trade meetings made notes of the significant issues concerning the trade and these have been included in the background information, results and conclusions where appropriate.

3.0 Main Considerations for the Council

3.1 Appendix 3 details the main considerations for the Council in conjunction with the results. It also gives the implications, conclusions and recommendations for each proposal.

3.2 Members' attention is drawn to the potential complications which arise as a result of the proposed changes, namely the provision of wheelchair accessible vehicles and a common tariff. This is because of the diversity of the current conditions which prevail in each of the four former district councils or hubs.

The following table provides a summary of Appendix 3.

SURVEY QUESTION/ PROPOSAL	CONSULTATION RESULTS and MAIN CONSIDERATIONS	RECOMMENDATION
1.0 PENALTY POINTS SCHEME	Strong support from trade and public in support of the scheme	Endorse proposed scheme
2.0 VEHICLE AGE (under 5 years)	Strong support from public and 50% support from trade overall	Endorse proposed age restriction
3.0 WHEELCHAIR ACCESSIBLE VEHICLES (1 in 5 vehicles)	Strong support from public. Reasonable support from trade. There are specific concerns in South hub which currently provide 100% wheelchair accessible vehicles	Endorse in three hubs (West, North and East). Phase in proposal in South hub over 3 years and delegate arrangements to officers in consultation with Chair of licensing Committee and portfolio holder.
4.0 VEHICLE CHECKS (6 monthly)	Strong support from public and trade	Endorse 6 monthly MOTs or compliance test
5.0 ZONING (Four zones or one zone)	Strong support from trade to retain 4 zones. The public response was evenly split. There are potential legal and administrative problems with creating one zone	Endorse four zones
6.0 Tariffs (One tariff scheme)	Strong support from public. Support from some hubs. Negative responses at all trade meetings regarding the proposed tariff. Existing tariffs are very different. Trade meetings in favour of retaining existing tariffs. One zone necessitates one tariff.	Endorse retaining four different tariffs and undertake further consultation with the trade to introduce a harmonised tariff.
7.0 Proposed Implementation date (1 st October 2010 or 1 st April 2011)	Most support from the public for 1 st October 2010. The trade responses were evenly split	Endorse an implementation date of the 1 st October 2010

In summary, in order to achieve a consistent level of service across Wiltshire Council it is necessary to implement a harmonised set of conditions, underpinned by a single transparent scheme for enforcement.

4.0 Environmental Impact of the Proposal

- 4.1 The proposed age restriction (less than 5 years old) for vehicles licensed for the first time will contribute to the national air quality targets by mitigating carbon and nitrogen emissions at a local level. It is not anticipated the proposed changes will encourage additional licence applications for vehicles.

5.0 Equalities Impact of the Proposal

- 5.1 The current hackney carriage and private hire licensing scheme discriminates between existing license holders working in different hubs because they are required to adhere to different conditions, some of which are enforced through a penalty points scheme. A harmonised set of conditions which are applied through a consistent scheme of enforcement throughout the County provides a fair, consistent and transparent service.

6.0 Risk Assessment

- 6.1 There are a number of risks relating to this report which have been highlighted in detail in the background information and addressed separately in relation to each proposal. These are addressed in the Risk Assessment and Legal Implications sections of this report:
- 6.2 Wheelchair Accessible Vehicles

If the Council does not introduce a standard for wheelchair accessible vehicles, it may risk legal challenge from those licence holders in the South hub who are required to ensure all new hackney carriages are wheel chair accessible and therefore buy more expensive vehicles to meet this requirement. It could be construed as unreasonable for the Council to expect the standard of wheelchair provision to be different in different parts of the County. Nevertheless there is a need to phase in the requirement of 1 in 5 wheelchair accessible vehicles in the South hub to protect the current licence holders from an influx of cheaper non wheelchair accessible vehicles.

Similarly licence holders in the North hub where the requirement is to provide one in five wheelchair accessible vehicles could object to the fact there is no requirement to provide wheelchair accessible vehicles in either the West or East hubs.

7.0 Financial Implications

It is not anticipated that the proposed harmonisation of the four hackney carriage and private hire licensing services which existed in the four former district councils will require additional resources to implement. The harmonisation of the service as outlined in the proposals may lead to future efficiency savings by simplifying administrative systems.

8.0 Legal Implications

8.1 Driver Conditions

Case law has determined that conditions cannot be attached to drivers' licences as proposed and the Council's legal opinion has been sought. Whilst that advice concludes that it is possible for those conditions to be challenged through Judicial Review the advice concludes that the matter can be addressed through more legitimately describing the conditions as guidance and in effect the guidance will inform the assessment of whether the licence holder remains a fit and proper person to hold such a licence. This is consistent with the penalty points scheme proposed.

8.2 Zones and Tariffs

Advice was sought from the Council's legal department regarding the creation of one zone. The risk of creating one zone is that one tariff must apply throughout the zone. The Council is not recommended to endorse the creation of one zone and if it does so it must endorse application of a single tariff which is also not recommended.

9.0 Conclusions

Licensing Committee is recommended to endorse the proposal as outlined in the Executive Summary.

Mandy Bradley, Director of Public Protection.

Report Author: Samantha Colley, Licensing Manager (South and East), 01380 734883

Background Papers

Button on Taxis Licensing Law and Practice 3rd edition James. T.H. Button.

Department for Transport. Taxi and Private Hire Vehicle Licensing Best Practice Guidance March 2010

Appendices

APPENDIX 1

Legal Advice Roger Hodgkinson Senior Solicitor Wiltshire Council .20th April 2010.

APPENDIX 2

'Taxi' consultation survey questionnaire. Wiltshire Council. Public Protection. Licensing Department. 2010

Proposed set of conditions for hackney carriage and private hire licences. Wiltshire Council. Public Protection. Licensing Department. 2010

APPENDIX 3

Report detailing results of the consultation survey questionnaire and main considerations for Council.

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APPENDIX 1

ADVICE

I am asked to advise on the question of attaching conditions to a hackney carriage driver's licence and issues relating to zoning.

I will deal firstly with the question of conditions.

Following the *Wathan* case it is clear that s57(1) LGMP Act 1976 does not provide a power to attach conditions to a hackney carriage driver's licence. It merely provides for the right of a licensing authority to require information from an applicant for the purpose of deciding if conditions should be applied where a power exists to do so. The power must be derived from somewhere other than s57.

The DfT argue (correctly) that the *Wathan* case does not decide the issue as to whether or not s46 TPC Act 1847 "implies" a power to impose conditions; ultimately this point would have to be decided by a court. However, I think that the reasoning of the DfT is speculative and weak: it tends to assume what it sets out to prove. In their note to local authorities of July 2005 they say at para. 5:-

"However this was [ie the fact that s57 does not confer a power to impose conditions], in our view, because s57 impliedly assumes that there was already such a power presumably deriving from section 46 of the 1847 Act"

This amounts to the assertion that s57 "impliedly assumes" a power which is itself "implied" by s46. There is however no evidence cited to support this assumption which must in my opinion be treated as unreliable.

If conditions are imposed then the question arises as to how they might be challenged. This would most likely be by way of Judicial Review. Such an application would have to be made within 3 months of the decision being formally made. However future a new applicant for a licence may also be able to challenge the issuing of a licence with conditions attached. Also if a licence were revoked or suspended as a result of a breach of a condition, the lack of a power to impose conditions could be raised by a licence holder on appeal to the magistrates.

However what are under consideration by Wiltshire might legitimately be described more as "guidance" than "conditions", the breach of which would lead immediately to a sanction. As I understand it the way the scheme will work is that "points" will be imposed on a licence holder for breach of any of the guidelines. Once a certain number have been accumulated then consideration will be given to whether or not to impose a sanction. In effect the guidance would inform the assessment of whether or not the licence holder remains a "fit and proper person" to hold a licence or whether there are other substantial reasons for imposing a sanction. As such the guidance acts more as a background policy against which conduct is considered rather than inflexible conditions imposed on a licence.

On the question of tariffs and zones the situation is, I think, more clear cut. The only options available to a new authority is to leave the old zones as they are or impose one zone. If the option is for one zone then the tariff must apply throughout that zone. To do otherwise would effectively create a new zone which the authority does not have the power to do.

Finally, bye-laws have to be formally revoked by applying to the original confirming authority. A local authority cannot simply chose not to enforce its own bye-laws.

B.R. Hodkinson
Senior Solicitor
Prosecutions and Licensing.

20th April 2010

APPENDIX 2

Taxi Consultation Survey Questionnaire

and

**Proposed Conditions for Wiltshire Council Private Hire and
Hackney Carriages**

Consultation on proposed changes to hackney carriage and private hire licensing in the Wiltshire Council area

The purpose of this consultation is to seek the views of the taxi trade, interested parties and the general public regarding driver and vehicle conditions, zoning options, tariffs and implementation date of changes. If you wish to read the full consultation document it is available at the website given at the end of this form, or a copy can be obtained by calling 01225 776655 or by visiting reception at Wiltshire Council's Bradley Road Offices, Trowbridge. If you are currently licensed by Wiltshire Council your copies of the consultation document are enclosed.

Before we proceed, please provide us with your details – all will be treated in confidence and stored securely in accordance with the Market Research Society's code of conduct. We need these details in order to compare responses. Please note we cannot accept anonymous responses.

Are you:-	Please tick
1. A hackney carriage or private hire owner or driver	<input type="checkbox"/>
2. A taxi or private hire user – ie a member of the public	<input type="checkbox"/>
3. A representative of an organisation eg a disabled users' group, charity etc	<input type="checkbox"/>

Your full name:

Postal address:

Postcode

Phone numberEmail address

Section 1 – Drivers

- It is proposed to extend a harmonised penalty points scheme for all drivers throughout the Wiltshire Council area. Do you agree with extending the scheme throughout Wiltshire?

A. Yes	<input type="checkbox"/>
B. No	<input type="checkbox"/>

Section 2 - Vehicle conditions

- It is proposed that vehicles should be no older than five years old when first licensed as a taxi or private hire vehicle. This does not include those vehicles that are already licensed. What is your opinion? (Please tick one box only.)

A. Strongly agree	<input type="checkbox"/>
B. Agree	<input type="checkbox"/>
C. Neither agree nor disagree	<input type="checkbox"/>
D. Disagree	<input type="checkbox"/>
E. Strongly disagree	<input type="checkbox"/>

- It is proposed that one in five taxis and private hire vehicles should be wheelchair accessible. Often these specialist vehicles are expensive and so it is thought that provision of such should apply only to multiple vehicle fleets. What is your opinion? (Please tick one box only)

A. Strongly agree	<input type="checkbox"/>
B. Agree	<input type="checkbox"/>

C. Neither agree nor disagree	
D. Disagree	
E. Strongly disagree	

4. It is proposed that all licensed vehicles will be subject to a six monthly MOT, or a compliance certificate and a conditions check carried out by a licensing officer. What is your opinion? (Please tick one box only.)

A. Strongly agree	
B. Agree	
C. Neither agree nor disagree	
D. Disagree	
E. Strongly disagree	

Section 3 - Zoning

5. Currently there are four taxi zones in the Wiltshire Council area. Would you prefer one zone covering the whole of the Wiltshire Council area or to keep the four zones covering north, south, east and west? (Please tick one box only.)

A. There should be one zone for all of Wiltshire	
B. The four existing zones should be kept as they are.	

Section 4 - Tariffs

6. Currently there are different tariffs operating in each of the four zones in the Wiltshire Council area. It is proposed that there should be only one tariff scheme adopted which would operate across the whole of the Wiltshire Council area. If you are currently licensed the proposed tariffs are enclosed with this consultation and are a broad average of all the existing tariffs. Do you agree with the proposed tariffs? (Please tick one box.)

A. Yes	
B. No	

Section 5 - Proposed implementation date

7. Currently there are numerous different terms and conditions across the Wiltshire Council area. When would you want the new conditions to be implemented? (Please tick one box only.)

A. The changes should be implemented from April 2010	
B. There should be no changes for six months so that change starts from October 2010	
C. There should be no change until April 2011	

Section 6 - Fees

8. A copy of all the private hire/hackney carriage drivers, vehicles and operators fees that Wiltshire Council intends to charge from April 2010 is enclosed for your information if you are currently licensed.

Section 7 – Other comments

If you have any comments to make, please add them here.

.....

Please return this completed form to:

Wiltshire Council, Licensing Team, Churchfields Depot, Stephenson Road, PO Box 2126 SP2 2DJ

Return by 12 March 2010

Website Address:- www.wiltshire.gov.uk

DRIVER CONDITIONS

Irrespective of whether taxi licensing continues to operate as four independent zones or merge to become a single zone, the council intends to adopt a single set of conditions relating to drivers licensed to drive private hire vehicles, hackney carriage vehicles or both private hire vehicles and hackney carriages.

Proposal

The council proposes the following conditions for all private hire and hackney carriage drivers licences:

Hackney Carriage / Private Hire Drivers

In these conditions, unless otherwise indicated

- “The council” means “Wiltshire Council”.
- “The Driver” means the holder of a licence granted by the council under Section 46 Town Police Clauses Act 1847 or Section 51 Local Government (Miscellaneous Provisions) Act 1976.
- “Licensed Vehicle” means a vehicle granted a licence by the council under Section 37 Town Police Clauses Act 1847 or Section 48 Local Government (Miscellaneous Provisions) Act 1976.
- “Proprietor” means the person to whom a vehicle licence is issued.

Conditions of Licence

D1 Control of Licensed Vehicles and Drivers

Local Authorities have a statutory obligation to licence and regulate hackney carriage and private hire, vehicles, drivers and operators. The most important reason for this is to provide a service to the general public that is both accessible and safe. In order to achieve this all applicants are vetted with the Criminal Records Bureau with an Enhanced check and vehicles are tested on a regular basis.

Once licensed a taxi or private hire vehicle remains a licensed vehicle 24 hours a day, irrespective of the use to which the vehicle is being put. Consequently the **only** persons allowed to drive a licensed taxi or private hire vehicle are those who have been issued with a driver licence by the same local authority who licensed the vehicle.

There are exemptions to this rule, but only in respect of licensed taxis. Persons who are allowed to drive a licensed taxi, without firstly obtaining the appropriate driver

licence, are:

- An applicant taking a driving test in order to obtain their taxi driver licence
- A mechanic road testing a licensed taxi.

These exemptions do not apply to private hire vehicles.

D2 Accident Reporting

The driver/proprietor of a licensed vehicle shall report to the council as soon as is reasonably practicable and within 72 hours of the occurrence of any accident:

- Damage materially affecting the safety, performance or appearance of the vehicle; or
- Damage affecting the comfort or convenience of persons using the vehicle; or
- Damage rendering the vehicle in contravention of the licensed vehicle conditions.

D3 Animals

Any animal belonging to or in the possession of the driver must not be carried in any licensed vehicle when the vehicle is plying for hire, during a hiring or prior to any booking.

Any animal belonging to or in the custody of any passenger may be conveyed in a licensed vehicle at the discretion of the driver. The animal must be carried in a suitable cage, or safely restrained on a lead, whilst in the vehicle.

D4 Assistance Dogs – including Guide Dogs and Hearing Dogs

Under the Disability Discrimination Act 1995, the driver of a licensed vehicle must carry guide dogs, hearing and certain other assistant dogs free of charge. Medical exemption certificates may be issued to drivers which must be clearly displayed in the vehicle, (these can be obtained from the licensing office for drivers who have a proven medical condition that would exclude them from carrying any type of dog).

D5 Canvassing or Touting

A driver/proprietor of a taxi when standing or plying for hire shall not, by calling out or otherwise, persistently request any person to hire such vehicle and shall not make use of the services of any other person for that purpose.

D6 Complaints from the public

The driver of a licensed vehicle must report any complaint made by a member of the public as soon as possible to the Vehicle Proprietor/Operator, who must inform the council's Licensing Officer. The driver will also be responsible for informing the complainant that he may complain to the Licensing Authority, if he so wishes, and afford him every assistance to do so.

D7 Conduct of Driver and Providing Assistance

A driver of a licensed vehicle shall, when standing, plying or driving for hire:

- (a) Conduct themselves in a civil and orderly manner.
- (b) Be respectably dressed and clean and tidy in appearance.
- (c) Take all reasonable precautions to ensure the safety of persons conveyed in, entering or alighting the vehicle.

(d) Provide sufficient assistance to open doors and aid passengers walking to and from, as well as exiting and alighting from the vehicle. In particular, offer assistance to:

- Blind and partially sighted passengers.
- Disabled passengers whether in a wheelchair or not.
- Elderly or infirm passengers.
- Passengers who appear to require assistance or who request it.

For further information see advice sheet.

D8 Deposit of licence

Before commencing to drive for your employer you are required to provide a copy of your paper Hackney Carriage / Private Hire Driver Licence, which they are required to retain until such time that you leave their employ.

If you are an independent driver who is operating your own vehicle under your own insurance, this does not apply to you.

D9 Driver and Vehicle Documentation

The driver of a licensed vehicle shall produce their council driver's badge, current personal driving licence and the certificate of insurance to any authorised officer of the council or police officer on request.

D10 Driver – Dress Code

Drivers should be suitably dressed not to cause offence.

D11 Driver – Notification of information

The driver of any licensed vehicle shall as soon as possible and within seven days notify the council in writing of any:

- Change of address.
- Change of employment with a taxi/private hire company.
- Conviction or formal caution (including traffic offences) being recorded against them.
- *IMMEDIATELY IF BANNED FROM DRIVING* – it is accepted that this can only be done in office hours.
- Medical or other circumstances where they have been advised to stop driving.

D12 Driver Identification

A driver of a licensed vehicle shall:

- (a) When standing, plying or driving for hire, wear the drivers badge provided by the council in such a position and manner on the upper part of the body so as to be plainly visible.
- (b) Not lend the badge to any other person or cause or permit any other person to wear it.

D13 Driver – Refusal of a fare

Under Section 53 Town Police Clauses Act 1847 any driver who refuses or neglects, without reasonable excuse, to take a fare commits an offence. The council will, in the first instance, determine whether the refusal or neglect was a reasonable excuse. Any sanction for this offence will be either to apply penalty points, which could lead to suspension or revocation of licence, or prosecution in the Magistrates Court.

D14 Driver to take Direct Route

The driver of a licensed vehicle when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route and for this purpose shall comply with any Road Traffic Regulation Orders in force.

D15 Fare to be Demanded – (Private Hire Only)

The driver of a licensed Private Hire vehicle must not demand from any hirer a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a fare meter, the fare shown on the face of the meter. The fare is for the hire of the vehicle and not per passenger.

D16 Items not obligated to carry

A licensed driver shall not be obliged to carry any of the following:

- (a) Any article or animal which is of such bulk or amount or character that the carrying would be likely to cause damage to the vehicle or its fittings.
- (b) Any substance which is or could be flammable, explosive, dangerous, noxious, odorous, foul or offensive.

D17 Lost and Found Property

A licensed driver shall immediately after the termination of any hiring carefully search the vehicle for any property which may have been accidentally left therein. If any property is accidentally left in the vehicle the driver shall, if it is not claimed within 48 hours by or on behalf of the owner, hand the property into the council's licensing officer who will issue a receipt.

D18 Luggage

A licensed driver shall assist passengers with loading and unloading luggage and convey a reasonable amount of luggage if requested.

D19 Luggage on the roof

A driver shall not carry luggage on the roof of any licensed vehicle without ensuring that it is adequately fixed on a secure luggage rack.

D20 Medical Condition / Fitness of Driver

A licensed driver shall not drive the vehicle if they know or have reasonable grounds for knowing that they suffer from any illness or disability, which could cause them not to be in full control of the vehicle.

Drivers of licensed vehicle are required to have higher standards of fitness and must undertake a medical examination to Group 2 Standards, *Group C1 in the case of insulin or byetta (exenatide) treated diabetes.*

- On initial application.
- On their 45th birthday, then
- Every 5 years up to the age of 65 years, then
- Annually thereafter.

Conditions such as epilepsy, diabetes (insulin treated) and eyesight problems may be a ban to holding a licence, but full details can be found in the council's Medical Examination form, which will be supplied to all applicants.

All examinations should be undertaken by the drivers own GP or a doctor from the same practice who has access to their medical records.

If this advice is ignored and the applicant produces a medical certificate from another doctor the council can exercise its power under Section 57(2) of the Local Government (Miscellaneous Provisions) Act 1976 and request an applicant to submit to a further examination by a doctor selected by the council.

This power can also be exercised at any time, whether or not any such certificate has been produced, requesting any driver to undergo a medical examination.

Drivers are asked to cease driving a licensed vehicle and notify the council immediately if they know of any medical condition which may affect their driving ability and the health and safety of themselves and any passengers.

D21 Mobile Phones

A mobile phone must not be used whilst driving unless it is designed for hands free operation, (Department for Transport advice is that driving includes times when stopped at traffic lights or other hold-ups that may occur during a typical journey when a vehicle can be expected to move off after a short while).

D22 No Smoking Policy

The driver of a licensed vehicle should not smoke in the vehicle at any time, including when being used for social, domestic and pleasure purposes.

The driver of a licensed vehicle shall not permit any other person or fare-paying passenger to smoke in a licensed vehicle. (Note. This is a requirement of the Health Act 2006 and relevant regulations).

D23 Number of passengers to be conveyed

A licensed driver shall not cause or permit to be conveyed in the vehicle a greater number of passengers than the licence issued by the council indicates as being the maximum number of passengers that the vehicle can carry, irrespective of the age of the passenger.

D24 Obstruction of Authorised Officer

Under Section 73 local Government (Miscellaneous provisions) Act 1976 a licensed driver must not:

- Wilfully obstruct an authorised officer or constable.
- Without reasonable excuse fail to comply with any requirement made to them by such officer or constable.
- Without reasonable cause fail to give assistance or information which may reasonably be required by such officer or constable.
- Give any such information which he knows to be false.

D25 Permitting Persons to ride without the consent of the Hirer.

A licensed driver must not permit any other person to be carried without the express consent of the hirer.

D26 Punctual Attendance

A licensed driver shall, if they are aware that the vehicle has been hired, punctually attend at the appointed time and place.

D27 Radio Communications

A licensed driver shall at the request of passengers refrain from operating a radio or similar equipment whilst carrying passengers for hire.

D28 Seat Belts

Passengers – Drivers should advise all passengers of the need to wear a seatbelt. Any passenger who fails to wear a seatbelt commits an offence. If the passenger is over 14 years of age the passenger commits the offence, but any passenger under 14 years old is the responsibility of the driver and the driver commits the offence.

Drivers – Under the requirements of the Motor Vehicles (Wearing of Seatbelts) Regulations 1993 the driver of a licensed vehicle is not required to wear a seatbelt in the following circumstances:

- Taxis – whilst the vehicle is being used for seeking hire, or answering a call for hire, or carrying a passenger for hire.
- Private Hire – whilst the vehicle is being used to carry a passenger for hire.

The following diagram outlines the responsibilities of individuals riding in vehicles and exemptions for taxis. The exemptions mentioned for taxis do not apply to private hire vehicles.

	Front Seat	Rear Seat	Who is Responsible?
Driver	Seat belt must be worn if fitted		Driver
Child under 3 years of age	Correct child restraint must be used	Correct child restraint must be used. If one is not available in a taxi, may travel unrestrained	Driver
Child from 3rd birthday up to 135 cms in height (12th birthday, whichever they reach first)	Correct child restraint must be used	Correct child restraint must be used where seat belts are fitted. Must use adult belt in a rear seat if correct child restraint is not available – <ul style="list-style-type: none"> • in a taxi; • for a short distance in an unexpected necessity; • if two occupied child restraints prevent fitting a third. 	Driver
Child 12 or 13, or over 135 cms in height	Seat belt must be worn if fitted	Seat belt must be worn if fitted	Driver
Adult passengers	Seat belt must be worn if fitted	Seat belt must be worn if fitted	Passenger

D29 Vehicle Condition

The driver of a licensed vehicle shall ensure that the licence plate issued by the council is fixed to the rear exterior of the vehicle so as to be clearly visible at all times when the vehicle is operating.

They shall also ensure that the vehicle is in a tidy and clean condition, that the fixtures and fittings are in good working order and repair and that the vehicle is in a fit and roadworthy condition at all times.

D30 Wheelchair Accessible Vehicles

(a) All licensed drivers that drive wheelchair accessible vehicles must be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraining mechanisms fitted to the vehicles and be able to provide evidence of suitable training. (Note 'suitable training' will be defined by the licensing authority).

(b) Before any movement of the vehicle takes place the driver must ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and the brakes of the wheelchair have been applied and electric motor switched off. A separate approved occupant restraint system must also be used.

All drivers must ensure that:

- Any wheelchairs, equipment and passengers are carried in such a manner that no danger is likely to be caused to those passengers or to anyone else, in accordance with regulations, S. 100 of the Road Vehicles Construction and use Regulations 1986.
- Should take the passenger without discriminating against a passenger who is disabled.
- If their vehicle is not wheelchair accessible and they are approached or hailed by a passenger requiring to be carried seated in a wheelchair either:
 - Divert the passenger to a wheelchair accessible vehicle on the rank if one is available or,
 - Use their phone or radio to contact an operator of a wheelchair accessible hackney carriage vehicle to arrange to collect the passenger as soon as possible.

It is the drivers responsibility to ensure that disabled passengers are not left unattended during access or egress to or from the licensed vehicle.

D31 Private Hire Vehicle Operation

A licensed driver shall not cause their vehicle to stand in a road or public place in such a manner as to suggest that the vehicle is plying for hire or that it is a hackney carriage.

D32 Rank Use

A licensed driver while parked on a taxi rank shall:-

- Not leave their Hackney Carriage Vehicle unattended for any reason.
- Move down the rank immediately when a space becomes free.
- Not park on a taxi rank in a Private Hire Vehicle.

A licensed driver who holds a blue badge: -

- When requiring a break park away from the taxi rank so as not to invite customers for hiring.
- Not use their blue badge to gain an unfair advantage in accessing a rank or to secure a position on a rank.

D33 Driving Ability

Should an officer of the council have cause to be concerned about the driving ability of any driver, they reserve the right to request the driver to undertake a driving assessment by a driving assessor. The cost of this assessment will be paid for by the driver.

D34 Termination or Surrender of Licence

All badges, signs and licence plates issued remain the property of the council at all times. On surrender, expiry, suspension or revocation of the licence, the licence holder must return the driver badge to the council without delay.

Advice for Taxi drivers – when dealing with disabled persons

Taxis are an invaluable means of door-to-door transport for many people. For a large and growing number of elderly and disabled people, they are quite literally a lifeline. Often taxis provide the only means of accessible local transport, or the only accessible link to long distance transport, for example, by rail or air. In fact, they are the most flexible form of public transport there is.

You may have a vehicle which has been designed to make travelling easier for many elderly and disabled people including those who use wheelchairs. But the vehicle design is only part of the answer. Your attitude and understanding are vital. If you are not sure how to help or if you are not willing to help elderly or disabled passengers you may lose a significant potential market and they will have lost an invaluable source of independent mobility.

Here is some basic advice to help you give the best service to your passenger and get the best from your vehicle. Disability comes in many forms - some visible, some invisible. Never make assumptions. Always ask what help (if any) a passenger may need from you. Make sure you are familiar with the access and safety equipment in your vehicle. Carrying ramps in a purpose built vehicle may be a condition of your licence. You have a responsibility to know how to use them safely and correctly.

If the passenger is a wheelchair user and you drive a wheelchair accessible vehicle you should always:

- pull up as close as possible to the kerb;
- ask if they would like to use the ramps;
- if necessary, tip up the back seat to give more space to manoeuvre the wheelchair;
- insist that the passenger travels in the correct position as recommended by the vehicle manufacturer, or conversion team. In the case of Fairway or Metro-cab models this position will be facing to the rear of the vehicle. In the case of wheelchair accessible vehicles, which have been specially converted for the purpose of conveying wheelchairs, you should follow the converter's recommendations. Any other travelling position is unsafe;
- always make sure that the brakes of the wheelchair are on;
- be polite and ask before touching or moving your customer;
- secure the wheelchair and suggest that the passenger also uses the seat belt provided (they may need your help with this);
- avoid sudden braking or acceleration;
- if it has been raised, lower the back seat, if the passenger would prefer it;
- bring the wheelchair out of the vehicle backwards down the ramp and ask if the passenger would like the brakes on once it is unloaded;
- leave the passenger in a safe and convenient place which enables them to move away independently.

If you drive a saloon car, you may still be able to take wheelchair users provided that the passenger is able to transfer. In those circumstances, you should ask the passenger what help they require, listen to their response, and act only as advised.

Take care when loading the wheelchair into the boot. Wheelchairs can be expensive to repair or replace and without it the passenger may be totally immobile.

Remember, many disabled people who have mobility difficulties will not use a stick or crutches. People, with arthritis in particular, may be unable to walk using a stick or crutches due to painful upper limbs. If the passenger appears to have walking difficulties, or is frail or elderly, always:

- Offer to fit the additional step if there is one - this reduces the first step and makes it easier to get into the vehicles;
- Ask whether pulling up as close as possible to the kerb would be helpful. For saloon cars this may not be useful because it increases the height the passenger has to drop down to the seat and may make it more difficult for them to get out of the seat at the end of the journey;
- Offer the use of the swivel seat (if you have one);
- Be ready to help but do not insist on helping. If you are asked to help, listen carefully to the information given, or ask what is the best way to assist;
- If you have used the swivel seat, make sure it is locked back in position once inside the vehicle.

If the passenger is blind or partially sighted, ask what assistance they require and always:

- Look out for the "TAXI" sign which is held out by some blind and partially sighted people to hail a cab;
- If you are collecting a blind or partially sighted passenger from a pre-booked location, knock at the door on arrival - do not remain in the cab and hoot your horn;
- Tell your passenger whether they are entering a saloon car or purpose built cab;
- Demonstrate which way the doors open;
- If possible, place the blind person's hand on the open door and indicate the position of the roof;
- Make sure they know which way the vehicle is facing;
- Make sure they are seated and have secured the seat belt (where applicable) before you move off. They may like help with the belt;
- Tell them if you are taking a different route from that which they might expect, or if there is a hold-up or diversion;
- Tell them the fare and count out the change;
- Set them down in a safe place and make sure they know where they are going. If they would like to be accompanied to an entrance of a building, offer them your arm; gripping just above your elbow will enable them to be guided more easily;
- Remember guide dogs are trained to remain on the floor of a vehicle and will not abuse your vehicle. Refusal to carry a guide dog, may also be in contravention of the conditions attached to your licence. In saloon cars, there is more room for the dog on the floor in front of the vehicle.

If the passenger is deaf or hard of hearing, always:

- Look at them when you are speaking. Speak clearly - but don't shout!
- Always have a pad of paper and pen handy as it is sometimes easier to communicate in writing;
- Make sure that they are aware that you have understood their instructions and that you know where you are going;

HACKNEY CARRIAGE VEHICLES

Proposal

The council proposes the following conditions for all hackney carriage vehicles:

Where any grandfather rights are proposed to protect existing licence holders these are specified within the proposals.

Hackney Carriage Vehicles

In these conditions, unless otherwise indicated:

- “The council” means “Wiltshire Council”.
- “Vehicle” means Hackney Carriage and is a vehicle granted a licence by the council under Section 37 Town Police Clauses Act 1847.
- “Taxi” means Hackney Carriage.
- “The Driver” means the holder of a licence granted by the council under Section 46 Town Police Clauses Act 1847 or Section 51 Local Government (Miscellaneous Provisions) Act 1976.
- “Proprietor” means the person to whom the vehicle licence is issued.

No vehicle will be licensed as a Hackney Carriage unless it has first been inspected by an officer of the council and found to comply with these conditions. Although council Officers will offer guidance and assistance to applicants for a vehicle licence, no approval can be issued until the vehicle has been inspected. Applicants are advised to discuss any proposed acquisition of a vehicle for use as a Hackney Carriage with council Licensing Officers prior to any such acquisition.

Once licensed the vehicle must meet all the conditions at all times.

Conditions of licence

The holder of the licence shall comply with the provisions of the Town Police Clauses Act 1847, Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the conditions detailed below:-

T1 Single Licensing of Vehicle

This licence is issued on the condition that the vehicle to which it relates is not licensed as either a Hackney Carriage or Private Hire Vehicle by another council. If Wiltshire Council becomes aware of other vehicle licences (hackney carriage or private hire) running concurrently with this licence then this licence will be revoked.

T2 Passengers

The number of passengers conveyed in the vehicle should not be more than the number prescribed in the licence, regardless of the age or size of the passenger.

T3 Inspection Frequency and Age Policy

On first application for a licence only vehicles under 5 years old from the date of first registration will be considered.

Prior to first application a conditions check will be carried out by a licensing Officer before referral for a new MOT or Compliance Certificate, irrespective of the vehicles age.

From the date of the first licence being issued a conditions check, carried out by a Licensing Officer, and an MOT or Compliance Certificate will be required on a 6-monthly basis, irrespective of the vehicles age.

All existing licensed vehicles will be required to have a 6-monthly conditions check, carried out by a Licensing Officer and an MOT or Compliance Certificate, irrespective of the vehicles age.

(NOTE: should a vehicle not be presented for inspection in accordance with the above then the licence may be suspended. Where a vehicle fails the inspection then the licence may be suspended or the licence not renewed.)

T4 Production of Vehicle Documentation

The owner of a hackney carriage vehicle shall, at the request of any authorised officer of the council, produce for inspection:

- The vehicle licence.
- The certificate of insurance covering its use for hire and reward.
- MOT certificate or Compliance Certificate.

T5 Vehicle type

Owners with more than four hackney carriages and/or private hire vehicles must ensure the next plated vehicle licensed for the first time on or after 1 April 2010 is:

- Wheelchair accessible from the nearside or rear, including a ramp or lift to enable loading.
- Have space to carry at least one passenger while using a wheelchair.

Example:

If you own 2 hackney carriages and 2 private hire vehicles and wish to purchase a 5th vehicle for use as a hackney carriage or private hire vehicle, this vehicle must be wheelchair accessible.

(NOTE: this means that purchases of wheelchair accessible vehicles are required for the 5th, 10th, 15th, 20th vehicle and so on. See T22 for further information.)

Vehicles must be either:

- Four door saloons, hatchbacks, MPVs or estate cars.

In addition vehicles must have:

- Between 4 and 8 seats for passengers excluding the driver and
- Been manufactured or modified for the primary purpose of carrying passengers.

All vehicles must be right-hand drive.

Vehicles must have a hard top roof that cannot be removed. (**NOTE:** *open top vehicles, convertibles or vehicles with removable hard tops will not be licensed*).

The vehicle must have at least two doors for the use of passengers, in addition to the driver's door. Where passenger doors are on only one side of the vehicle they must be on the near (left) side.

T6 Engine Type

All vehicles must be powered by an internal combustion engine, or a hybrid arrangement of internal combustion engine and electrical motor.

(**NOTE:** *vehicles that are human powered will not be licensed.*)

Where a vehicle has been converted to run on LPG a certificate must be produced, prior to a licence being issued, from a member of the LPG Association confirming that the LPG installation conforms to the Association's Code of Practice and is therefore considered safe. If an LPG conversion involves installation of the LPG tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage, and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of the vehicle. These vehicles will be subject to any additional testing required by the compliance testing garage.

In the case of the conversion of a vehicle that is already licensed the above certificate must be produced before the vehicle is operated on LPG.

T7 Luggage compartment

The luggage compartment must be completely separate from the passenger carrying area. In the case of estate cars this means that there must be a secure guard fitted between the luggage and passenger compartments.

All luggage must be suitably restrained where it is likely to cause injury to the occupant of the vehicle in the event of an accident.

T8 Wheels and tyres

All vehicles must have at least 4 road wheels. A spare tyre, space saver tyre or repair kit must be carried in the vehicle as supplied by the manufacturer when new, together with any necessary jack and tools. Any spare or space saver wheel should be carried in the vehicle in the place allocated by the manufacturer.

(**NOTE:** *Space saver tyres and puncture repair kits will only be acceptable in vehicles that are manufactured without full size spare tyres and vehicles that are adapted in a way to prevent them carrying a full size spare tyre.*)

Re-moulded or re-cut tyres must not be fitted to the vehicle and all tyres must be kept at the correct pressure and meet legal requirements.

T9 Bull bars

Vehicles must not be fitted with 'bull bars' or other modification that increases the risk to passengers, pedestrians or other road users in the event of impact. Tow-bars are accepted at initial licence. Any material changes to the vehicle (in addition of a tow-bar) must be provided in writing to the relevant Licensing Area Office.

T10 Passenger access

All internal door handles must be clearly visible to passengers and, if necessary, marked with signs or identification tape and must be fully operational at all times.

Any steps at passenger door entrances must have clearly marked edges and be lit when the passenger door is open.

T11 Seats and seat belts

All passenger seats must be easily accessible to passengers without the need for more than one passenger to move. If access to one or more of the passenger seats requires the folding or moving of the other seats, the release mechanism for the adjustable seat must be clearly marked and visible to passengers.

All passenger seats must face forward or rearward to the direction of travel.

All swivel seats must be fitted in accordance with manufacturer's recommendations.

All seats in the vehicle must be fitted with either a 3 point inertia belt, 2 point lap belt or 3 point disabled persons belt. They must comply with current seatbelt standards and be fully functional at all times.

Passenger seats must be at least 400mm wide per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle. There must be a minimum of 860mm headroom for all passenger seats, measured from the rear of the seat cushion to the roof lining.

T12 Windows

Vehicles must meet the legal standards for light transmission through the front windscreen and front side windows. Rear windows and rear side windows must have a light transmission of at least 70%, irrespective of whether the vehicle was manufactured contrary to this standard. Documents must be provided for proof of light transmission when requested by the council. Limousines are excluded from the condition relating to rear and rear side windows.

(**NOTE:** This standard is the same as the legal requirement for front side windows).

Grandfather rights

The part of the above condition that relates to rear and rear side windows will not apply until 1 April 2015 in relation to a vehicle that:

- **has been licensed continuously prior to 31 March 2010, and**
- **the owner at 31 March 2010 continues to have at least 50% ownership of the vehicle**

No temporary glass or other material will be accepted as a temporary measure i.e., plastic sheeting until windows are replaced due to damage.

All passengers must have access to an openable window or other form of natural ventilation whilst being carried in the vehicle.

T13 No smoking signs

All vehicles must display no-smoking signs in a place visible to all passengers.

T14 Communication with the driver

A proprietor of a hackney carriage shall provide sufficient means by which any person in the vehicle may communicate with the driver.

T15 Use of Trailers

A vehicle may tow a trailer only when one is required in order to convey a hirer's luggage. If a trailer is towed it shall:

- Be roadworthy at all times, comply with all requirements of the current Road Traffic legislation and the towing weights specified by the vehicles' manufacturer.
- The vehicle insurance must include cover for towing a trailer.
- Comply with the speed restrictions applicable to trailers at all times.
- Provide secure and weather proof stowage for the luggage.
- Trailers must not be towed whilst standing on a hackney carriage rank or left unattended on the highway.
- The driver will hold the appropriate licence category on their DVLA driving licence to tow a trailer.

T16 Fire extinguisher

Each vehicle must carry either one 2 kg or two 1 kg dry powder fire extinguishers. The extinguishers must:

- Comply with and be marked as complying with either EN3 or BS 5306 and be so marked.
- Be stored in a readily accessible position in the vehicle.
- Be full and, where a gauge is fitted, this must show that this is the case.

All wheelchair accessible vehicles with a lift **MUST** carry a 1 or 2kg fire extinguisher at the front and the rear of the vehicle.

(NOTE: no other extinguisher type is permitted.)

T17 First aid kit

A First Aid Kit must be carried that contains the following items:

- 6 individually wrapped sterile adhesive dressings.
- 1 large sterile unmedicated dressing, approximately 18 cm x 18 cm.
- 2 triangular bandages.
- 2 safety pins.
- Individually wrapped moist cleansing wipes.
- One pair of disposable gloves.

All first aid kit contents must be within any specified expiry date.

All first aid materials must be carried in a suitable container clearly marked as containing first aid and of a design and construction that protects the contents. The container should be stored in a readily accessible position in the vehicle.

(NOTE: the First Aid Kit is for use by the driver to administer first aid to themselves and is required under the Health and Safety (First Aid) Regulations 1981).

T18 Written off vehicles

The vehicle must not have been written off for insurance purposes at any time.

T19 Temporary Replacement of Licensed Vehicles

Any licensed vehicle suffering (major) accident damage or requiring mechanical repair may be replaced by a hire vehicle provided:

- The accident damage has been reported by the licence holder in accordance with the requirements of these conditions, or the defect to the licensed vehicle has been similarly reported.
- Application is made by the licence holder for a temporary plate/transfer and the appropriate fee paid.
- The replacement vehicle is properly taxed, insured and tested to the requirements of the normal licence vehicle.
- The replacement vehicle is of suitable size (like for like) to be used for hire purposes.

Providing the foregoing conditions are met:

- The council will issue a temporary licence plate(s) to cover the existing period of the licence.
- Any temporary licence plate(s) must be returned to the council at the end of the temporary replacement.
- The inspection costs will be borne by the licence holder.
- Any hackney replacement vehicle must be fitted with a meter, which must be tested and calibrated to the council's current tariff.

T20 Vehicle condition

The vehicle must be kept in good condition and in particular meet the following criteria at all times:

- Vehicles should have no damage affecting the structural safety of the vehicle.
- The body of the vehicle must be watertight and draught proof.
- Vehicles should be free of significant areas of visible rusting. Minor blemishes are acceptable, but should be regularly treated and painted to match existing paintwork.
- Vehicles should not have any major dents or similar damage to the bodywork.
- Vehicles should have no scratches down to the metal of more than 5 cm in length and no scratches down to base coat longer than 20cm.
- All panels on all vehicles shall be painted in a uniform colour and all original panels and trim shall be in place.
- All seats, including the drivers, must be fully intact, free from cuts, holes, stains or burns, except of a very minor nature. Any repairs must have been carried out in a professional manner. Seat covers are acceptable provided that they meet the above standard.

- All carpets and floor coverings shall be complete and free from all major cuts, tears or obvious stains.
- All interior trim, including headlining, shall be clean, complete, properly fitted and free from serious cuts, tears or staining.
- The luggage compartment must be clean and tidy.

Maintenance

The vehicle must be serviced and maintained in accordance with the manufacturer's instructions and suitable records must be available for inspection.

T21 Licence Plates

The external licence plate must be securely fixed externally to the rear of the vehicle in a position specified by the council, which is clearly visible, and remain in that position for the duration of the licence.

The internal licence plate must be securely fixed on the inside of the vehicle windscreen or clearly visible in the passenger compartment as specified by the council.

T22 Wheelchair Accessible Vehicles

Vehicle Type

Any vehicle that has been purpose built, or any vehicle that has been modified or converted to carry a disabled person confined to a wheelchair, will be considered for licensing provided the vehicle complies with the requirements and conditions laid down by Wiltshire Council.

Vehicles will have a maximum seating capacity of up to eight passenger seats and only forward or rearward facing seats shall be fitted. When carrying a wheelchair this must be included and not in addition to the maximum number of seats. When the wheelchair facility is not required the vehicle will operate as a normal hackney carriage or private hire vehicle with seating for the number of passengers the vehicle is licensed to carry.

Prior to licensing all new vehicles and equipment must undergo an independent initial inspection by a qualified and competent vehicle examiner to ascertain the suitability of the vehicle, and to confirm the vehicle is fit for purpose. This will include the seating, the system and devices used to secure the wheelchair and occupant and the wheelchair access equipment. The applicant must provide the licensing authority with written confirmation from the examiner that the vehicle meets the required standard. A licensing officer may require the vehicle to be referred to the council's designated vehicle examiner. This inspection will be carried out at the owners cost. Existing vehicle licence holders will be required to adhere to this condition within six months of these conditions coming into force.

Access

All wheelchair accessible vehicles must be able to load a wheelchair using the access equipment by the side or rear access doors. The side access door would be the door situated on the nearside of the vehicle, i.e. kerbside when stopped in a normal road.

The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 48 inches (1.220mm). The

measurement shall be taken from the upper centre of the aperture to a point directly below on either the upper face of the fully raised platform or the upper face of the ramp fully deployed on level ground.

A locking mechanism shall be fitted that holds the access door in the open position whilst in use.

Equipment

A wheelchair accessible vehicle shall be fitted with either of the following forms of wheelchair access equipment:

Ramps

Any purpose designed access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to a safe working load of 250 kgs and certified BS6109.

Wheelchair Lift

A purpose designed wheelchair lift shall conform to the LOLER 98 Regulations. Vehicles presented for inspection with a wheelchair lift will require a valid LOLER certificate.

The wheelchair access equipment shall be fitted such that it terminates at the interior floor level so as to allow smooth entry/exit of the wheelchair.

Anchorage

The wheelchair must always be carried in a secure and stable position as recommended by the vehicle manufacturer or conversion team. In the case of purpose built vehicles i.e. London style taxis, this position will be facing the rear of the vehicle. In the case of vehicles, which have been specially converted for the purpose of conveying wheelchairs, the converter's recommendations should be followed. **Please note this will always be either facing the front or rear of the vehicle. Wheelchairs should never be carried facing sideways in a vehicle.**

A system for the effective anchoring and securing of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces. The system and the devices used to secure a wheelchair to the vehicle shall comply with the relevant standards laid down in European Directive 76/115 EEC (as amended by 90/629 EEC).

All wheelchair tracking must comply with European Standard UNECE Regulation 14 (EC Directive 76/115 EEC).

Each wheelchair user shall be provided with a disabled person seatbelt, which fastens to the structure of the vehicle either permanently or temporarily by use of approved fixings appropriate to the position of the wheelchair. European Directive 76/115 EEC and Regulations 46 & 47 Road Vehicles (Construction and Use) Regulations 1986).

T23 Notification of changes

Once a licence has been issued the following criteria will apply to the owner of a hackney carriage:

The licence holder must within 72 hours supply the council with details of any:

- Change of the owners business or home address.
- Change of premises where the vehicle is normally kept.
- Accident causing damage or materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein.
- Alteration in the construction, specification, design and condition of the vehicle.

This notification may be by oral report in the first instance, but must be followed up in writing.

The licence holder must give within 7 days written notification to the council of the following:

- The name and address of every additional owner or part owner of the vehicle.
- The name and address of anyone concerned either solely or in partnership with any other person in keeping, employing or letting the vehicle for hire.
- Details of any conviction(s) being recorded against:
 - The owner of the vehicle.
 - Any company of which he/she is a director or secretary.
 - Any person with whom he/she is in partnership or who has any interest in the vehicle.

T24 Roof signs

The vehicle must be fitted with an illuminated roof sign ('top sign') on which the word 'TAXI' must appear and be clearly visible from in front of the vehicle. The roof sign must:

- Be securely fixed to the vehicle roof at all times.
- Illuminate automatically when the vehicle taximeter is set to 'for hire'.

(NOTE: there is no restriction or requirement for any wording on the rear of the sign).

T25 Fare meters

Vehicles must be fitted with a Hackney Carriage fare meter ('taximeter') which shall be so constructed, installed and maintained so as to comply with the following conditions:

- The taximeter shall be installed by a competent person.
- The taximeter shall be calibrated to the vehicle and the current table of tariffs, set by the licensing authority, applied by a person approved by the manufacturer of the taximeter.
- The taximeter shall be maintained in proper working order and condition.
- The fare meter shall be fitted with a key, flag or other device which will bring the machinery of the fare meter into action and cause the word "HIRED" to appear on the face of the meter.
 - Such key, flag or other device shall be capable of being locked in such a position that the machinery of the fare meter is not in action and that no fare is recorded on the face of the fare meter.
- When the machinery of the fare meter is in action there shall be recorded on the face of the meter in clearly legible figures the fare equal to the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the vehicle by distance and time in accordance with the current Table of Fares.

- The hackney carriage meter shall be positioned so that all letters and figures on its face are at all times plainly visible to any person being conveyed in the vehicle, even during darkness.
- Prior to being licensed, or once licensed and prior to every fare increase, it is the responsibility of the proprietor of a licensed hackney carriage to have the meter calibrated/recalibrated to the current approved council tariff. This is usually done through the meter manufacturer or supplier.
- Any seal applied to the meter or associated components by the council should not be removed or otherwise tampered with.

(NOTE: under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 an authorised officer of the council can inspect and test, at any reasonable time, any taximeter in a licensed hackney carriage or private hire vehicle. If they are not satisfied as to the accuracy of the meter they may by a notice in writing suspend the vehicle licence until he is satisfied that the meter is working correctly.

T26 Fare cards

A copy of the current table of fares (the Fare Card), as supplied by the council, must be displayed on the inside of the vehicle in a conspicuous position so as to be readily visible to any person carried in the vehicle. This table of fares must not have been altered in any way.

T27 Advertising on Vehicles

Advertising may only be displayed on a vehicle when it has been approved by the council after adoption of these conditions.

Advertising will only be approved which:

- Provides information about the services provided by the vehicle proprietor and contact details for that operator or relates to goods or services not provided by the vehicle proprietor.
- Does not obliterate or confuse any council licence plate or number plates of the vehicle.
- Is unlikely to cause offence.
- Complies with the latest British Code of Advertising, Sales Promotion and Direct Marketing (The “CAP code”) published by the Advertising Standards Authority.

All advertisements must be submitted in writing to the council for approval, clearly indicating the size, design and location on the vehicle.

T28 Bus Lanes – Salisbury Area

Licensed hackney carriages are allowed the use of bus lanes in Milford Street and Castle Road provided certain ‘conditions of use’ are followed.

- **Milford Street** – never travel at more than 10mph and always have the vehicle’s headlights switched on.
- **Castle Road** – no additional conditions of use, but vehicles are allowed the use of the ‘bus gate’ at the end of the bus lane.
- All Wiltshire licensed hackney carriages will be able to use any future bus lanes.

T29 Taxi Ranks and Plying for Hire

Drivers can ply for hire in a licensed hackney carriage from:

- A designated taxi rank.
- Private land – at the landowners consent.

Drivers must stay with their vehicle at all times when using designated taxi ranks.

T30 Termination or Surrender of Licence

All badges, signs and licence plates issued remain the property of the council at all times. On surrender, expiry, suspension or revocation of the vehicle licence, the licence holder must return the external and internal plates to the council without delay.

PRIVATE HIRE VEHICLES

Proposal

The council proposes the following conditions for all private hire vehicles.

Where any grandfather rights are proposed to protect existing licence holders these are specified within the proposals

Private Hire Vehicles

In these conditions, unless otherwise indicated:

- “The council” means “Wiltshire Council”.
- “Vehicle” means Private Hire Vehicle and is a vehicle granted a licence by the council under Section 48 Local Government (Miscellaneous Provisions) Act 1976
- “PHV” means Private Hire Vehicle.
- “The Driver” means the holder of a licence granted by the council under Section 46 Town Police Clauses Act 1847 or Section 51 Local Government (Miscellaneous Provisions) Act 1976.
- “Proprietor” means the person to whom the vehicle licence is issued
- “The Operator” means the holder of the Private Hire Operator Licence.

No vehicle will be licensed as a Private Hire Vehicle unless it has first been inspected by an officer of the council and found to comply with these conditions. Although council Officers will offer guidance and assistance to applicants for a vehicle licence, no approval can be issued until the vehicle is inspected. Applicants are advised to discuss any proposed acquisition of a vehicle for use as a Private Hire Vehicle with council Licensing Officers prior to any such acquisition.

Once licensed the vehicle must meet all the conditions at all times.

Conditions of licence

The holder of the licence shall comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the conditions detailed below:-

P1 Single Licensing of Vehicle

This licence is issued on the condition that the vehicle to which it relates is not licensed as either a Hackney Carriage or Private Hire Vehicle by another council. If Wiltshire Council becomes aware of other vehicle licences (hackney carriage or private hire) running concurrently with this licence then this licence will be revoked.

P2 Passengers

The number of passengers conveyed in the vehicle should not be more than the number prescribed in the licence, regardless of the age or size of the passenger.

P3 Inspections

On first application for a licence only vehicles under 5 years old from the date of first registration will be considered.

Prior to first application a conditions check will be carried out by a licensing Officer before referral for a new MOT or Compliance Certificate, irrespective of the vehicles age.

From the date of the first licence being issued a conditions check, carried out by a Licensing Officer, and an MOT or Compliance Certificate will be required on a 6-monthly basis, irrespective of the vehicles age.

All existing licensed vehicles will be required to have a 6-monthly conditions check, carried out by a Licensing Officer, and an MOT or Compliance Certificate, irrespective of the vehicles age.

(NOTE: should a vehicle not be presented for inspection in accordance with the above then the licence may be suspended. Where a vehicle fails the inspection then the licence may be suspended or the licence not renewed).

P4 Production of Vehicle Documentation

The owner of a hackney carriage or private hire vehicle shall, at the request of any authorised officer of the council, produce for inspection:

- The vehicle licence.
- The Certificate of insurance covering its use for hire and reward.
- MOT Certificate or Compliance Certificate.

P5 Vehicle type

Owners with more than four hackney carriages and/or private hire vehicles must ensure the next plated vehicle, licensed for the first time on or after 1 April 2010, is:

- Wheelchair accessible from the nearside or rear, including a ramp or lift to enable loading.
- Have space to carry at least one passenger while using a wheelchair.

Example:

If you own 2 hackney carriages and 2 private hire vehicles and wish to purchase a 5th vehicle for use as a hackney carriage or private hire vehicle, this vehicle must be wheelchair accessible.

(NOTE: this means that purchases of wheelchair accessible vehicles are required for the 5th, 10th, 15th, 20th vehicle and so on. See P22 for further information).

Vehicles must be either:

- Four door saloons or hatchbacks.
- MPVs.
- Estate cars.
- Limousines.

In addition vehicles must have:

- Between 4 and 8 seats for passengers excluding the driver.
- Been manufactured or modified for the primary purpose of carrying passengers.

If a vehicle design appears to be that of a hackney carriage it will not be licensed.

(NOTE: this includes traditional London taxis such as the FX and TX ranges as well as the Peugeot E7).

The vehicle must not carry any roof sign or any markings which may give the impression it is a hackney carriage.

All vehicles must be right-hand drive. The only vehicles permitted to be left-hand drive are limousines.

Vehicles must have a hard top roof that cannot be removed. **(NOTE: open top vehicles, convertibles or vehicles with removable hard tops will not be licensed).**

In addition to the drivers door, the vehicle must have at least two doors for the use of passengers. Where passenger doors are on only one side of the vehicle they must be on the near (left) side.

P6 Engine Type

All vehicles must be powered by an internal combustion engine, or a hybrid arrangement of internal combustion engine and electrical motor.

(NOTE: vehicles that are human powered will not be licensed).

Where a vehicle has been converted to run on LPG a certificate must be produced, prior to a licence being issued, from a member of the LPG Association confirming that the LPG installation conforms to the Association's Code of Practice and is, therefore, considered safe. If an LPG conversion involves installation of the LPG tank in a vehicle's boot space, and possible relocation of the spare wheel, it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage. Any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of the vehicle. These vehicles will be subject to any additional testing required by the compliance testing garage.

In the case of the conversion of a vehicle that is already licensed the above certificate must be produced before the vehicle is operated on LPG.

P7 Luggage compartment

The luggage compartment must be completely separate from the passenger carrying area. In the case of estate cars this means that there must be a secure guard fitted between the luggage and passenger compartments.

All luggage must be suitably restrained where, in the event of an accident, it is likely to cause injury to the occupant of the vehicle.

P8 Wheels and tyres

All vehicles must have at least 4 road wheels. A spare tyre, space saver tyre or repair kit must be carried in the vehicle as supplied by the manufacturer when new, together with any necessary jack and tools. Any spare or space saver wheel should be carried in the vehicle in the place allocated by the manufacturer.

(NOTE: Space saver tyres and puncture repair kits will only be acceptable in vehicles that are manufactured without full size spare tyres and vehicles that are adapted in a way to prevent them carrying a full size spare tyre).

Re-moulded or re-cut tyres must not be fitted to the vehicle and all tyres must be kept at the correct pressure and meet legal requirements.

P9 Bull bars

Vehicles must not be fitted with 'bull bars' or other modification that increases the risk to passengers, pedestrians or other road users in the event of impact. Tow-bars are accepted at initial licence. Any material changes to the vehicle, in addition of a tow-bar, must be provided in writing to the relevant Licensing Area Office.

P10 Passenger access

All internal door handles must be clearly visible to passengers and, if necessary, marked with signs or identification tape and must be fully operational at all times.

Any steps at passenger door entrances must have clearly marked edges and be lit when the passenger door is open.

P11 Seats and seat belts

All passenger seats must be easily accessible to passengers without the need for more than one passenger to move. If access to one or more of the passenger seats requires the folding or moving of the other seats, the release mechanism for the adjustable seat must be clearly marked and visible to passengers.

All passenger seats must face forward or rearward to the direction of travel, except in the case of vehicles that fall within the council's definition of limousine.

All swivel seats must be fitted in accordance with manufacturer's recommendations.

All seats in the vehicle must be fitted with either a 3 point inertia belt, 2 point lap belt or 3 point disabled persons belt. They must comply with current seatbelt standards and be fully functional at all times.

Passenger seats must be at least 400mm wide per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle. There must be a minimum of 860mm headroom for all passenger seats measured from the rear of the seat cushion to the roof lining.

P12 Windows

Vehicles must meet the legal standards for light transmission through the front windscreen and front side windows. Rear windows and rear side windows must have a light transmission of at least 70%, irrespective of whether the vehicle was manufactured contrary to this standard. Documents must be provided for proof of light transmission when requested by the council. Limousines are excluded from the condition relating to rear and rear side windows.

(NOTE: This standard is the same as the legal requirement for front side windows).

Grandfather rights

The part of the above condition that relates to rear and rear side windows will not apply until 1 April 2015 in relation to a vehicle that:

- **Has been licensed continuously prior to 30 March 2010, and**
- **The owner at 31 March 2010 continues to have at least 50% ownership of the vehicle.**

No temporary glass or other material will be accepted as a temporary measure i.e., plastic sheeting, until windows are replaced due to damage.

All passengers must have access to an openable window or other form of natural ventilation whilst being carried in the vehicle.

P13 No smoking signs

All vehicles must display no-smoking signs in a place visible to all passengers.

P14 Communication with the driver

A proprietor of a private hire vehicle shall provide sufficient means by which any person in the vehicle may communicate with the driver.

P15 Use of Trailers

A vehicle may tow a trailer only when one is required in order to convey a hirer's luggage. If a trailer is towed it shall:

- Be roadworthy at all times, comply with all requirements of the current Road Traffic legislation and the towing weights specified by the vehicles' manufacturer.
- The vehicle insurance must include cover for towing a trailer.
- Comply with the speed restrictions applicable to trailers at all times.
- Provide secure and weather proof stowage for the luggage.
- Trailers must not be towed whilst standing on a hackney carriage rank or left unattended on the highway.
- The driver will hold the appropriate licence category on their DVLA driving licence to tow a trailer.

P16 Fire extinguisher

Each vehicle must carry either one 2 kg or two 1 kg dry powder fire extinguishers. These extinguishers must:

- Comply with and be marked as complying with either EN3 or BS 5306 and be so marked.
- Be stored in a readily accessible position in the vehicle.
- Be full and, where a gauge is fitted, this must show that this is the case.

All wheelchair accessible vehicles with a lift **MUST** carry a 1 or 2kg fire extinguisher at the front and the rear of the vehicle.

(NOTE: no other extinguisher type is permitted).

P17 First aid kit

A First Aid Kit must be carried that contains the following items:

- 6 individually wrapped sterile adhesive dressings.
- 1 large sterile unmedicated dressing – approximately 18 cm x 18 cm.
- 2 triangular bandages.
- 2 safety pins.
- Individually wrapped moist cleansing wipes.
- One pair of disposable gloves.

All first aid kit contents must be within any specified expiry date.

All first aid materials must be carried in a suitable container of a design and construction that protects the contents, and be clearly marked as containing first-aid. The container should be stored in a readily accessible position in the vehicle.

(NOTE: The First Aid Kit is for use by the driver to administer first aid to themselves and is required under the Health and Safety (First Aid) Regulations 1981).

P18 Written off vehicles

The vehicle must not have been written off for insurance purposes at any time.

P19 Temporary Replacement of Licensed Vehicles

Any licensed vehicle suffering (major) accident damage or requiring mechanical repair, may be replaced by a hire vehicle provided:

- The accident damage has been reported by the licence holder in accordance with the requirements of these conditions, or the defect to the licensed vehicle has been similarly reported.
- Application is made by the licence holder for a temporary plate/transfer and the appropriate fee paid.
- The replacement vehicle is properly taxed, insured and tested to the requirements of the normal licence vehicle.
- The replacement vehicle is of suitable size (like for like) to be used for hire purposes.

Providing the foregoing conditions are met:

- The council will issue a temporary licence plate(s) to cover the existing period of the licence.
- Any temporary licence plate(s) must be returned to the council at the end of the temporary replacement.
- The inspection costs will be borne by the licence holder.

P20 Vehicle condition

The vehicle must be kept in good condition and, in particular, meet the following criteria at all times:

- Vehicles should have no damage affecting the structural safety of the vehicle.
- The body of the vehicle must be watertight and draught proof.
- Vehicles should be free of significant areas of visible rusting. Minor blemishes are acceptable, but should be regularly treated and painted to match existing paintwork.
- Vehicles should not have any major dents or similar damage to the bodywork.
- Vehicles should have no scratches down to the metal of more than 5 cm in length and no scratches down to base coat longer than 20cm.
- All panels on all vehicles shall be painted in a uniform colour and all original panels and trim shall be in place.
- All seats, including the drivers, must be fully intact, free from cuts, holes, stains or burns, except of a very minor nature. Any repairs must have been

carried out in a professional manner. Seat covers are acceptable provided that they meet the above standard.

- All carpets and floor coverings shall be complete and free from all major cuts, tears or obvious stains.
- All interior trim, including headlining, shall be clean, complete, properly fitted and free from serious cuts, tears or staining.
- The luggage compartment must be clean and tidy.

P21 Licence Plates

The external licence plate must be securely affixed externally to the rear of the vehicle in a position specified by the council, which is clearly visible and remain in that position for the duration of the licence.

The internal licence plate must be securely affixed on the inside of the windscreen within the vehicle, or clearly visible in the passenger compartment as specified by the council.

P22 Wheelchair Accessible Vehicles

Vehicle Type

Any vehicle that has been purpose built, or any vehicle that has been modified or converted to carry a disabled person confined to a wheelchair, will be considered for licensing provided the vehicle complies with the requirements and conditions laid down by Wiltshire Council.

Vehicles will have a maximum seating capacity of up to eight passenger seats and only forward or rearward facing seats shall be fitted. When carrying a wheelchair this must be included and not in addition to the maximum number of seats. When the wheelchair facility is not required the vehicle will operate as a normal hackney carriage or private hire vehicle with seating for the number of passengers the vehicle is licensed to carry.

Prior to licensing all new vehicles and equipment must undergo an independent initial inspection by a qualified and competent vehicle examiner to ascertain the suitability of the vehicle and to confirm the vehicle is fit for purpose. This will include the seating, the system and devices used to secure the wheelchair and occupant and the wheelchair access equipment. The applicant must provide the licensing authority with written confirmation from the examiner that the vehicle meets the required standard. A licensing officer may require the vehicle to be referred to the council's designated vehicle examiner. This inspection will be carried out at the owners cost. Existing vehicle licence holders will be required to adhere to this condition within six months of these conditions coming into force.

Access

All wheelchair accessible vehicles must be able to load a wheelchair using the access equipment by the side or rear access doors. The side access door would be the door situated on the nearside of the vehicle, i.e. kerbside when stopped in a normal road.

The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 48 inches (1.220m). The measurement shall be taken from the upper centre of the aperture to a point directly

below, on either the upper face of the fully raised platform or the upper face of the ramp fully deployed on level ground.

A locking mechanism shall be fitted that holds the access door in the open position whilst in use.

Equipment

A wheelchair accessible vehicle shall be fitted with either of the following forms of wheelchair access equipment:

Ramps

Any purpose designed access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to a safe working load of 250 kgs. and certified BS6109.

Wheelchair Lift

A purpose designed wheelchair lift shall conform to the LOLER 98 Regulations. Vehicles presented for inspection with a wheelchair lift will require a valid LOLER certificate.

The wheelchair access equipment shall be fitted such that it terminates at the interior floor level so as to allow smooth entry/exit of the wheelchair.

Anchorage

The wheelchair must always be carried in a secure and stable position as recommended by the vehicle manufacturer or conversion team. In the case of purpose built vehicles, i.e. London style taxis, this position will be facing the rear of the vehicle. In the case of vehicles, which have been specially converted for the purpose of conveying wheelchairs, the converter's recommendations should be followed. **Please note this will always be either facing the front or rear of the vehicle, wheelchairs should never be carried facing sideways in a vehicle.**

A system for the effective anchoring and securing of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces. The system and the devices used to secure a wheelchair to the vehicle shall comply with the relevant standards laid down in European Directive 76/115 EEC (as amended by 90/629 EEC).

All wheelchair tracking must comply with European Standard UNECE Regulation 14 (EC Directive 76/115 EEC).

Each wheelchair user shall be provided with a disabled person seatbelt, which fastens to the structure of the vehicle either permanently or temporarily by use of approved fixings appropriate to the position of the wheelchair. (European Directive 76/115 EEC and Regulations 46 & 47 Road Vehicles (Construction and Use) Regulations 1986).

P23 Notification of changes

Once a licence has been issued the following criteria will apply to the owner of a private hire vehicle:

The licence holder must within 72 hours supply the council with details of any:

- Change of the owners business or home address.
- Change of premises where the vehicle is normally kept.
- Accident causing damage or materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein.
- Alteration in the construction, specification, design and condition of the vehicle.

This notification may be by oral report in the first instance, but must be followed up in writing.

The licence holder must give within 7 days written notification to the council of the following:

- The name and address of every additional owner or part owner of the vehicle.
- The name and address of anyone concerned either solely or in partnership with any other person in keeping, employing or letting the vehicle for hire.
- Details of any conviction(s) being recorded against:
 - The owner of the vehicle.
 - Any company of which he/she is a director or secretary.
 - Any person with whom he/she is in partnership or who has any interest in the vehicle.

P24 Roof signs

The vehicle must not be fitted with a roof sign ('top sign') of any description.

P25 Fare meters

While there is no requirement to do so the vehicle may be fitted with a fare meter (taximeter). If the vehicle is fitted with a taximeter then it must be constructed, installed and maintained so as to comply with the following conditions:

- The taximeter shall be installed by a competent person.
- The taximeter shall be calibrated to the vehicle and the table of tariffs applied by a person approved by the manufacturer of the taximeter.
- The taximeter shall be maintained in proper working order and condition.
- The fare meter shall be fitted with a key, flag or other device which will bring the machinery of the fare meter into action and cause the word "HIRED" to appear on the face of the meter.
 - Such key, flag or other device shall be capable of being locked in such position that the machinery of the fare meter is not in action and that no fare is recorded on the face of the fare meter.
- When the machinery of the fare meter is in action there shall be recorded on the face of the meter, in clearly legible figures, the fare or rate of fare which the proprietor or driver is entitled to demand and take for the hire of the vehicle by distance and time in accordance with the Table of Fares charged by the operator.
- The meter shall be positioned so that all letters and figures on its face are at all times plainly visible to any person being conveyed in the vehicle even during darkness.
- Any seal applied to the meter or associated components by the council should not be removed or otherwise tampered with.
- If a taximeter is installed in the vehicle when licensed, it must not be removed without the prior consent of the Licensing Officer.

(NOTE: Under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 an authorised officer of the council can inspect and test, at any reasonable time, any taximeter in a licensed Hackney Carriage or private hire vehicle. If he is not satisfied as to the accuracy of the meter he may by a notice in writing suspend the vehicle licence until he is satisfied that the meter is working correctly).

P26 Fares and fare cards

If a fare meter is fitted in the vehicle a copy of the current table of fares, the Fare Card, as supplied by the operator, must be displayed on the inside of the vehicle in a conspicuous position so as to be readily visible to any person carried in the vehicle. This table of fares must not have been altered in any way.

P27 Advertising on Vehicles

Advertising will not be permitted on private hire vehicles unless it relates specifically to the private hire operator.

P28 Bus Lanes – Salisbury Area

Licensed private hire vehicles are allowed the use of bus lanes in Milford Street and Castle Road provided certain 'conditions of use' are followed.

- **Private hire vehicles only** – when using the bus lanes they must always display a front vehicle identification marker in addition to the normal plate displayed on the rear of the vehicle. These are issued by the council and are required as a means of identifying a licensed vehicle from the front. A fee is payable.
- **Milford Street** – never travel at more than 10mph and always have the vehicle's headlights switched on.
- **Castle Road** – no additional conditions of use but vehicles are allowed the use of the 'bus gate' at the end of the bus lane.
- All Wiltshire licensed private hire vehicles will be able to use any future bus lanes.

P29 Taxi Ranks

Private Hire Vehicles must not be used to ply for hire from a taxi rank or in any other such manner which may give members of the public the impression it is a taxi.

P30 Door Signs

Vehicles are required to display signs provided by the council on the front nearside and offside doors.

P31 Exemption from displaying vehicle plate/door signs

If a written exemption notice has been issued it must be carried in the vehicle at all times. Failure to do so will invalidate the exemption.

If, after an exemption notice is issued, the circumstances of the exemption change, such as a change of use for the vehicle, the licence holder must inform the council in order that the exemption can be reconsidered.

(NOTE: Under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 the council, which issues the licence, may exempt a licensed private hire vehicle from the need to display a plate and the driver from wearing his identity badge. Owners who wish to apply for this exemption should contact their local licensing office).

The vehicle licence holder will be required to make a written application for an exemption to include:

- The plate and index number of the licensed vehicle.
- The nature of the work/business the vehicle will be engaged in.
- The reasons why the exemption is requested.

The main consideration will always be the safety of the general public, but consideration will also be given to the nature of the work the vehicle will be used for and whether it needs to be identifiable to the public or not.

P32 Stretched limousines

These conditions and relaxations apply only to stretched limousines which are constructed or adapted to seat up to 8 passengers. These vehicles are defined as:

- A saloon type vehicle that has undergone an increase in length by extending the wheelbase after manufacture and modified to contain luxury facilities and fixtures.

These are typically imported from the USA and manufactured originally by Lincoln (Ford) or Cadillac.

These conditions made under the Local Government (Miscellaneous Provisions) Act 1976 are specific to a vehicle adapted by lengthening the wheelbase of a standard, factory built vehicle. The purpose of these conditions is to protect public safety. They apply in addition to the Authorities standard conditions for private hire vehicles and take account of the fact that stretched limousines will:

- Be used mainly for special events/occasions and not for normal private hire work.
- Travel generally at slower speeds than normal private hire vehicles.
- Not normally overtake other vehicles.
- Be easily recognisable by the hirer.
- Be heavier and considerably longer than standard cars.
- Be often adapted or converted by someone other than the original manufacturer.

P33 Pre licensing conditions for limousines

The council will require originals of the following documentation to be produced before an initial application for a vehicle licence can be considered:

- Completed importation document where applicable.
- Single Vehicle Approval (SVA) certificate issued by VOSA.
- Proof that the 'stretch' was performed by the manufacturer or by a coachbuilder approved by the manufacturer by producing a Vehicle Modifier Certificate (VMC) or a Cadillac Master Coachbuilder Certificate (CMC) for Cadillac vehicles.
- DVLA registration document specifying the number of seats as being no more than 9 seats inclusive of the driver.
- Documentation to show the overall weight of the vehicle, as displayed on the vehicle.

- Valid Vehicle Excise Licence disc.
- Where applicable vehicles converted to run on LPG must produce an installation certificate from a Liquefied Petroleum Gas Association (LPGA) Approved UK Vehicle Conversion Company.

This documentation must be available at all times otherwise the licence will be revoked.

P34 Maximum length of stretch conditions for limousines

The maximum length of the vehicle 'stretch' shall not exceed 3048 millimetres (120 inches) with the exception of the Cadillac, which shall not exceed 3302 millimetres (130 inches). This is the measurement between the rear edge of the front door and the front edge of the rear door.

P35 Limousine Tyres

The vehicle should be equipped with a minimum of four road wheels and one full size spare wheel. The tyres shall be of an approved rating as specified by the tyre manufacturer for weight and speed of the vehicle.

P36 Limousine seats and seat belts

Seats may be forward, rearward or sideways facing.

All seats shall be fitted with appropriate seat belts, which must be fitted in accordance with the current Road Vehicle (Construction & Use) Regulations.

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

P37 Limousine Glass

Tinted glass shall conform to the legal requirements of the current Road Vehicle (Construction & Use) regulations.

P38 Limousine doors and interior

The vehicle must have at least 2 doors for use of persons conveyed in the limousine and a separate means of ingress and egress for the driver. Doors must be capable of being readily opened from inside and outside the vehicle by one operation.

There must be adequate internal light to enable passengers to enter and leave the vehicle safely.

The internal fittings and furniture of the limousine must be kept in a clean, well-maintained condition and in every way fit and safe for public use.

Facilities must be provided for the safe conveyance of luggage.

Facilities must be provided to ensure that any person travelling in the limousine can communicate with the driver.

P39 Passengers in limousines

All passengers must remain seated and wear a seat belt when the vehicle is in motion.

Passengers must not be carried in the front of the vehicle.

Passengers under the age of 15 years shall not be carried in a stretched limousine unless accompanied by a responsible adult who is over the age of 18 years, or the parent or guardian of at least one of the children.

No person under the age of 18 years being conveyed in a stretched limousine shall be allowed to consume alcohol.

PRIVATE HIRE OPERATORS

Proposal

The council proposes the following conditions for all private hire operators.

Private Hire Operator

In these conditions, unless otherwise indicated

- “The council” means Wiltshire Council.
- “The Driver” means the holder of a licence granted by the council under Section 46 Town Police Clauses Act 1847 or Section 51 Local Government (Miscellaneous Provisions) Act 1976.

- “Licensed Vehicle” means a vehicle granted a licence by the council under or Section 48 Local Government (Miscellaneous Provisions) Act 1976.
- “The Operator” means the holder of the Private Hire Operator Licence.

Conditions of Licence

O1 Criminal Records Bureau Check (CRB)

A basic CRB disclosure will be required for operators who do not hold a current hackney carriage/private hire drivers licence with the council. This can be obtained via Disclosure Scotland at www.disclosurescotland.co.uk

O2 Definition of an Operator

An operator is a person who in the course of business makes provision for the invitation or acceptance of bookings for a private hire vehicle.

Sub-contracting may only take place from one operator to another as long as the operator being subcontracted to is licensed by the same local authority.

O3 Standards of Service

The proprietor / operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall:

- Ensure that all conditions under the provisions for vehicles and drivers are complied with.
- Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access whether for the purpose of booking or waiting.
- Ensure that any waiting area provided by the operator has adequate seating facilities.
- Ensure that any telephone facilities and any radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- Ensure that any radio equipment provided by the operator is licensed and produce the licence to the council at any time required.
- Not conduct the business to which this licence relates in a manner which will cause a nuisance or annoyance to the owners or occupiers of nearby premises.

O4 Records

The records required to be kept by the operator under section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept on a suitable form or forms and the operator shall enter, before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by the operator:

- The time and date of booking.
- The name and address of the hirer.
- Number of persons to be carried.
- How the booking was made, i.e. by telephone, personal call, etc.)
- The time of pick up.
- The point of pick up.
- The destination.
- Name and licence number of driver.

- Vehicle to be used, registration and plate number.
- Remarks, including details of any sub-contract.

The operator shall also keep records of the particulars of all private hire vehicles operated by him, which shall include details of the owners, registration numbers and drivers of such vehicles, together with any radio signal used.

All records kept by the operator shall be preserved for a period of not less than six months following the day of the last entry.

O5 Advertising

The proprietor shall not exhibit or permit the exhibition of advertising material, any sign or distinguishing mark upon the vehicle (other than the licence plate identifying the vehicle) without first obtaining the council's consent.

The proprietor shall not include in any sign, advertisement, printed material (including for the avoidance of doubt any telephone directory, photograph or film) or broadcast whether by way of radio, cinema or television the words "TAXI", "CAB", "HACKNEY" or "CARRIAGE", whether in the singular, plural or combination of words which would suggest that the vehicle is a hackney carriage (taxi).

O6 Notifiable Information

The operator/proprietor shall within three days supply the council with written details of any:

- Change of address.
- Change of address from which they operate or otherwise conducts the business of an operator.
- Change in premises where the vehicle is kept.
- Change in the vehicles and/or drivers operated.
- Accident causing damage materially affecting the safety, actual performance or appearance of the vehicle or the comfort or convenience of persons carried therein (alteration in the design or construction of the vehicle).
- Complaint relating to or arising from the business and the action, if any, which is proposed to be taken in respect thereof.

The operator/proprietor shall give written notification to the council within seven days of any conviction being recorded:

- Against him/her personally.
- Any driver of that vehicle.
- Any company of which he/she is a director.
- Any person with whom he/she is in partnership.

The operator/proprietor shall within 14 days of the vehicle being transferred to any other person, which includes both companies and partnerships, notify the Council of the name and address of the person to whom the vehicle has been transferred.

PENALTY POINTS SCHEME

Penalty points schemes were operated by the previous North Wiltshire District Council, Salisbury District Council and West Wiltshire District Council.

A penalty points scheme allows the licensing authority to deal with contraventions of conditions or legislation without undue bureaucracy or involvement of the Magistrates Court by issuing points in a similar way to those applied to DVLA driving licences for offences such as speeding. Unlike the DVLA scheme there is no requirement to pay any fine.

Penalty points are removed after a period of 12 months, but an accumulation of points could then trigger a sanction being applied that could include suspension or revocation of the licence and / or prosecution in the magistrates court.

Proposal

The council proposes that a penalty points scheme be introduced as follows.

PENALTY POINTS SCHEME

Enforcement

As a licence holder you have accepted the legal responsibilities that come with the benefit of holding a licence. There are regulations and disciplinary policies adopted by the council as part of the licensing process. Enforcement is viewed as part of the overall licensing control process exercised by the council and is seen as an important way of maintaining and improving the standards within the trade and the quality of service delivered to the general public.

Usually enforcement action will be taken to:

- Protect the public interests.
- Support the policies of the council.
- Respond to individual public and trade complaints.
- Support partnerships with other agencies like the Police and Vehicle Inspectorate.
- Compliment the council's Corporate Enforcement Policy.

Authorised Officers of the council are empowered to give and recommend any of the following disciplinary measures:

- Verbal warning.
- Written warning.
- Penalty Points.
- Appearance before Committee/Delegated Officer.
- Prosecution.

Licence holders have a clear legal duty to offer assistance and information to any authorised officer and must not wilfully obstruct or give false information.

Penalty Points Scheme

The Penalty Points Scheme is a 'fast track' disciplinary code whereby points are issued to licence holders for breaches of licensing conditions, non-compliance of the law or because of unsatisfactory conduct.

The main features of the scheme are as follows:

- Points are issued to licence holders for breaches of licensing conditions, legislation or byelaws.
- A total of 12 points credited to an individual licence in any 12 month period will result in a review of the licence at Committee/by Delegated Officer.
- In the case of a Private Hire Operator Licence the total number of points credited in any 12 month period is extended to 30 points.
- Any outstanding points against a licence holder will be automatically removed after 12 months have elapsed from the date the points were issued.
- Licence holders have a written right of appeal within 7 days of the points being issued.

There is no financial penalty associated with this scheme and you may continue to work even if points are awarded.

A list of offences covered by the scheme, together with the points that can be awarded for each offence, is shown on the grid overleaf.

Defined Breaches in Relation to Conditions	<i>Condition No</i>	Driver	Vehicle	Operator
Failure to display drivers ID badge in the correct manner	D12	3		
Unsatisfactory appearance of the driver	D10	2		
Failure to notify change of address/any convictions received /medical grounds not to drive	D11, T23, P23, O6	3	3	3
Failure to behave in a civil and orderly manner towards customers and other members of the public at all times	D7	1-5		
Obstruction of an authorised officer	D24	3-6		3-6
Failure to produce licence/insurance when requested by authorised officer	D9 T4, P4	4		4
Failure to report accident damage within 72 hours	D2, T23, P23	3		3
Overdue medical examination	D20	2		
Carrying more passengers than permitted by the vehicle licence	D23 T2, P2	5		
Refusal to carry passengers without a reasonable excuse	D13	5		
Failure to convey or assist with carrying luggage	D7	2		
Failure to display current tariff of fares correctly	T26, P26	2	2	2
Failure to recalibrate meter to the current tariff	T25, P25		2	2

Failure to display interior and/or exterior identity plate correctly	T21, P21	2	2	2
PH Exempt Vehicles only – Failure to: Display Interior plate, carry exemption certificate, and carry exterior plate	P31	2	2	2
Unreasonable prolongation of a journey or any other misconduct regarding the charging of fares.	D14	5		
Failure to be with taxi on rank	D32	2		
Failure to comply with the conditions/use of bus lanes	T28, P28	3		
Failure to display door signs on Private Hire vehicle	P30	2	2	2
Failure to have operational fire extinguisher fitted	T16, P16	2	2	2
Failure to carry adequate first aid kit	T17, P17	2	2	2
Failure to display vehicle licence plate correctly	T21, P21	3	3	3
Failing to display approved roof sign	T24, P24	3	3	3
Unsatisfactory condition of vehicle interior/external	D29,T20, P20	3	3	3
Failure to deal appropriately with items of property accidentally left in vehicle	D17	2		2
Using/permitting licensed vehicle with no insurance	D9, T4, P4	9-12	9-12	9-12
Using licensed vehicle without current certificate of compliance/MOT	D9, T4, P4	3	6	6
Unauthorised advertising on licensed vehicle	T27, P27, O5		3	3
Standing or plying for hire in a private hire vehicle	D31, P29	5		3
Failure to attend a hiring punctually	D26	3		3
Touting	D5	6		
Defective taxi meter	T25, P25	3	3	3
Failure to keep or produce records of private hire bookings/documents required to be kept or produced.	O4			4-6
Any other breach or unsatisfactory behaviour	Will be specified	1-6	1-6	1-6

TARIFFS

There is currently a wide variation in the tariff structure that regulates the fares charged by taxis both in relation to the number of bands, the time of day that they operate and arrangements for Bank Holidays and other special days as well as any extra charges for larger vehicles. Two of the previous district councils operate with two tariff bands while the other two, the old West Wiltshire and North Wiltshire has three bands.

It is recognised that any changes to the four existing tariffs will have an impact on the income of the taxi trade. The aim of this consultation is to establish a tariff banding structure and the times the bands will operate.

The council recognises that a single charging band does not reflect the additional labour costs of operating through the night and during Bank Holidays and other special days. It is therefore consulting on two or three tariff bands that would regulate fares on all days at all times.

The old tariff bands for all four previous district councils are attached and the proposed tariff card is shown below:

TABLE OF MAXIMUM TAXI FARES

	TARIFF ONE 6am to 10pm		TARIFF TWO 10pm to 6am and on Easter Sunday and all Public Holidays with the exception of those covered by Tariff 3		TARIFF THREE Christmas Day, Boxing Day and New Years Day	
Vehicles up to 4 seats	First 528 yards (3/10ths mile or 483m) or part thereof £2.50	Each subsequent 176yds. (1/10 th mile or 161m) or part thereof 20p	First 660 yards (3/8ths mile or 603m) or part thereof £3.50	Each subsequent 220 yards (1/8 th mile or 201m) or part thereof 30p	First 440 yards (2/8ths mile or 402m) or part thereof £5.00	Each subsequent 220 yards (1/8 th mile or 201m) or part thereof 40p
Waiting Time	For each 48 seconds 20p (= £15 per hour)		For each 60 seconds 30p (= £18 per hour)		For each 60 seconds 40p (= £24 per hour)	
	TARIFF FOUR 6am to 10pm		TARIFF FIVE 10pm to 6am and on Easter Sunday and all Public Holidays with the exception of those covered by 6		TARIFF SIX Christmas Day, Boxing Day and New Years Day	
Vehicles over 4 seats carrying more than 4 passengers	First 528 yards (3/10ths mile or 483m) or part thereof £2.50	Each subsequent 176 yds. (1/10 th mile or 161m) or part thereof 30p	First 660 yards (3/8ths mile or 603m) or part thereof £3.50	Each subsequent 220 yards (1/8 th mile or 201m) or part thereof 40p	First 440 yards (2/8ths mile or 402m) or part thereof £5.00	Each subsequent 220 yards (1/8 th mile or 201m) or part thereof 50p
Waiting Time	For each 72 seconds 30p (= £15 per hour)		For each 80 seconds 40p (=£18 per hour)		For each 75 seconds 50p (=£24 per hour)	

Fare for the first mile and each subsequent mile is as follows:

TARIFF ONE £2.50 + 7x20p = £3.90 1 st mile Each sub. mile = 10x20p = £2.00	TARIFF TWO £3.50 + 5x30p = £5.00 1 st mile Each sub. mile = 8x30p = £2.40	TARIFF THREE £5.00 + + 6x40p = £7.40 1 st mile Each sub. mile = 8x40p = £3.20
TARIFF FOUR £2.50 + 7x30p = £4.60 1 st mile Each sub. mile = 10x30p = £3.00	TARIFF FIVE £3.50 + 5x40p = £5.50 1 st mile Each sub. mile = 8x40p = £3.20	TARIFF SIX £5.00 + 6x50p = £8.00 1 st mile Each sub. mile = 8x50p = £4.00

EXTRAS: Fuel Surcharge, Booking Fee, Soiling Charge, Bridge Tolls, Congestion Charges.

FARECARD WITH EFFECT FROM 1ST MARCH 2008

UNDER s.65 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, North Wiltshire District Council has fixed the fares (**being the maximum that can be charged**) for the hiring of Hackney Carriages by time or distance.

*North
Wiltshire
District
Council*

TARIFF	APPLICABLE	COST PER 6/10 MILE	WAITING TIME
1	7.00am to 9.00pm	£2.30 for the first 6/10 of a mile or part thereof. Thereafter 10 pence per 1/18th mile or part thereof - £1.80 per mile	<i>30 pence</i> per minute
2	9.00pm to 7.00am Also Sundays and Bank Holidays. Excluding Christmas Day, Boxing Day and New Years Day	£3.20 for the first 6/10 of a mile or part thereof. Thereafter 10 pence per 1/22nd mile or part thereof - £2.20 per mile	<i>30 pence</i> per minute
An additional charge of £1.00 will be made during the following hours: - 2.00am to 5.30am Monday to Thursday 3.00am to 5.30am Friday to Sunday			
3	From 8.00pm on Christmas Eve and New Years Eve. All Day Christmas Day, Boxing Day and New Years Day	£5.50 for the first 6/10 of a mile or part thereof. Thereafter 10 pence per 1/25th mile or part thereof - £2.50 per mile	<i>30 pence</i> per minute
4	In Carriages licensed to carry more than 4 passengers and whilst carrying more than 4 passengers	The appropriate Tariff plus 50%	
ADDITIONAL CHARGES	May be made by the Operator to cover any additional costs included in the journey i.e., Bridge Tolls, Congestion Charges . A Booking Charge may be made where the passenger has pre-booked a pick-up at a location other than a rank.		
VAT	The above charges are inclusive of VAT where the taxi operator is VAT registered.		
SOILING CHARGE	£100		
COMPLAINTS	Please contact the Licensing Officer at: Community and Environment, North Wiltshire District Council, Monkton Park, Chippenham, Wilts. SN15 1ER. Telephone: 01249 706438		

**MAXIMUM TABLE OF TAXI FARES
13th AUGUST 2008**

TARIFF ONE <u>7am to 11pm</u>	First 390 yards (2/9 th of a mile or 356m) or part thereof <u>£2.50</u>	Each subsequent 195 yards (1/9 th of a mile or 178m) or part thereof <u>20p</u>	Waiting time for each 48 seconds (= £15 per hour) 20p
TARIFF TWO <u>11pm to 7am and on all Public Holidays with the exception of those covered by Tariff 3</u>	First 660 yards (3/8 th of a mile or 603m) or part thereof <u>£3.40</u>	Each subsequent 220 yards (1/8th of a mile or 201m) or part thereof <u>30p</u>	Waiting time for each 60 seconds (= £18 per hour) 30p
TARIFF THREE <u>Christmas Day</u> and <u>New Years Day</u>	First 390 yards (2/9 th of a mile or 356m) or part thereof <u>£5.00</u>	Each subsequent 195 yards (1/9th of a mile or 178m) or part thereof <u>40p</u>	Waiting time for each 60 seconds (=£24 per hour) 40p

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Hackney Carriage and Private Hire Licensing, Wiltshire Council,
Churchfields Depot, PO Box 2126, Salisbury Wiltshire SP2 2DJ
direct line: 01722 434243, fax : 01722 434643
email: johnp.webb@wiltshire.gov.uk www.wiltshire.gov.uk



EXTRAS/MILEAGE CHARGES

EXTRAS

- **“Fuel Surcharge” per journey 20p**
- **For use of the boot 40p**
- **For each dog or other animal carried at the discretion of the driver (no charge for guide dogs/hearing and certain other assistance dogs under DDA 1995) 40p**
- **For each person carried in excess of one 40p**
- Soiling charge – where the taxi or seating is soiled or defecated by any passenger or animal, which necessitates cleaning before the vehicle can be used again for public hire £75

	1st Mile	2nd Mile	Each sub mile
<u>MILEAGE CHARGES</u>			
<u>Tariff 1</u> (7am to 11pm) £2.50 + £1.40	£3.90	£5.70	£1.80
<u>Tariff 2</u> (11pm to 7am) £3.40 + £1.50	£4.90	£7.30	£2.40
<u>Tariff 3</u> (Xmas day & New Years Day) £5.00 + £2.80	£7.80	£11.40	£3.60

For journeys starting	Vehicles up to 4 seats		Vehicles with more than 4 seats carrying more than 4 passengers		
0600 hours – 2359 hours	Tariff 1		Tariff 2		
Midnight - 0159 hours and Bank Holidays, Public Holidays and Easter Sunday	Tariff 2		Tariff 4		
0200 - 0559 hours and 25 December, 26 December and 1 January	Tariff 3		Tariff 5		
	Tariff 1	Tariff 2	Tariff 3	Tariff 4	Tariff 5
Journeys up to 160 yards	£2.10	£3.15	£4.20	£4.73	£6.30
Subsequent 160.9 yards	16p	24p	32p	36p	48p
Waiting time per 38.4 seconds	16p	24p	32p	36p	48p
Fouling charge (minimum)	£50	£50	£50	£50	£50

Hackney Carriages are regulated by West Wiltshire District Council

Tel: 01225 776655

HC072

18 September 2008

HACKNEY CARRIAGE FARES & CHARGES
TABLE OF FARES

E

From **1st October 2008**, the following are the **maximum charges** permitted by Wiltshire Council (E Area) for any journey inclusive of VAT (if applicable)

Page 98

Tariff applicable at time of commencement of journey	<u>Tariff 1</u> 06.00 am - 11.00 pm	<u>Tariff 2</u> (i) 11.00 pm - 06.00 am (daily) (ii) all day on Public Holidays (iii) 6 pm - Midnight Christmas Eve & New Years Eve	<u>Tariff 3</u> Christmas Day, Boxing Day & New Years Day (all day)
(i) For a distance of 1 mile or 1610 metres <i>or part thereof</i> (ii) for a waiting time not exceeding 10 minutes (or a combination of (i) and (ii))	3.00	4.50	6.00
For subsequent 185.2 yds or 169.3 metres <i>(£1.90 per mile) or part thereof</i>	0.20	0.30	0.40
For each additional 1 minute of waiting time <i>or part thereof</i>	0.20	0.30	0.40
In case of a complaint regarding this vehicle or its driver, please contact : The Licensing Officer, Environmental Protection & Licensing, Wiltshire Council, Browfort, Bath Road, Devizes SN10 2AT – e-mail : licensingeast@wiltshire.gov.uk . Telephone No 01380 724911 ext 4618/4809	Additional Charges: (i) Plus 50% Tariff for 5 or 6 passengers in an MPV (ii) Plus £2 per person for each additional person in excess of 6 passengers in MPV (iii) Soiling Charge - £100		

ZONES

Although the councils have merged, taxis and private hire licensing continues to operate as four separate zones based on the old district council areas. The legislation however allows the council to merge these existing zones into one large zone that would cover the whole of the new Wiltshire Council area. This means that all hackney carriages and private hire driver and vehicle licences would be valid throughout the new council area and covered by a single fee. This merge would not include the Swindon area, which is unaffected by the formation of the new Wiltshire Council.

If the council merges the zones it cannot recreate the four separate zones.

The DFT document 'Taxis and Private Hire Licensing: Best Practice Guidance', dated October 2006, advises that a single zone is more appropriate than retaining historic multiple zones. The relevant part of the guidance is reproduced below:

60. The areas of some licensing authorities are divided into two or more zones for taxi licensing purposes. Drivers may be licensed to ply for hire in one zone only. Zones may exist for historical reasons, perhaps because of local authority boundary changes.

61. The Department recommends the abolition of zones. That is chiefly for the benefit of the travelling public. Zoning tends to diminish the supply of taxis and the scope for customer choice – for example, fifty taxis were licensed overall by a local authority, but with only twenty five of them entitled to ply for hire in each of the two zones. It can be confusing and frustrating for people wishing to hire a taxi to find that a vehicle licensed by the relevant local authority is nonetheless unable to pick them up (unless pre-booked) because they are in the wrong part of the local authority area. Abolition of zones can also reduce costs for the local authority, for example through simpler administration and enforcement. It can also promote fuel efficiency, because taxis can pick up a passenger anywhere in the local authority area, rather than having to return empty to their licensed zone after dropping off a passenger in another zone.

Revision to this guidance is currently undergoing consultation, but there are no proposals to change the guidance that relates to taxi zones.

As well as allowing hackney carriages to ply for hire in a larger area, the proposal will also have a minor impact on private hire operators and vehicles. Private hire operators and hackney carriage proprietors must receive the calls at an office within the area where the vehicle is licensed. If this proposal is adopted then this area will be larger.

Proposal 1

The council proposes to remain with the four zoned areas.

Proposal 2

The council proposes to make a single zone comprising of the council's area where all licensed hackney carriages can operate and ply for hire.

NEW LICENCES FEES FROM 1ST APRIL 2010

Licence / Item	Fee
Hackney Carriage Vehicle Licence	£150.00
Private Hire Vehicle Licence	£150.00
Private Hire Operator Licence	£85.00
Vehicle Transfer – Ownership / Vehicle	£36.00
Vehicle Transfer – HCV-PHV or PHV-HCV	£30.00
Private Plate Transfer to Vehicle	£25.00
Dual Driver Badge – Initial	£90.00
Dual Driver Badge – Renewal	£70.00
PH Driver Badge – Initial	£90.00
PH Driver Badge – Renewal	£70.00
HC Driver Badge – Initial	£90.00
HC Driver Badge – Renewal	£70.00
CRB check	£36.00
Replacement Badge	£10.00
Replacement Exterior Plate	£17.00
Replacement Interior Plate	£8.00
PH Door Signs per pair	£6.00
Bus Lane Stickers x1	£5.00

APPENDIX 3
(to be reproduced in colour)

Taxi Consultation Survey
Results and Main Considerations for the Council

CONSULTATION - SURVEY QUESTIONNAIRE

1.0 SURVEY QUESTION – PENALTY POINTS SCHEME

- 1.0.1 *It is proposed to extend a harmonised penalty points scheme for all drivers throughout the Wiltshire Council area. Do you agree with extending the scheme throughout Wiltshire?*

1.1 BACKGROUND

- 1.1.1 In Wiltshire three of the legacy authorities (North Wiltshire, Salisbury District Council and West Wiltshire district Council) operated a ‘points system’ more commonly known as a penalty points scheme for regulating the conduct of hackney carriage drivers, private hire drivers, private hire operators and the condition and operation of private hire vehicles and hackney carriages. Kennet District Council did not operate such a scheme.
- 1.1.2 The schemes are broadly similar and work on the basis that a transgression attracts a number of points and once a specific number has been amassed on an operator’s driver’s or proprietor’s licence a suspension for a period of time takes place. The system is analogous to the concept of points on a DVLA driving licence. These are introduced under a set of conditions. On application to Wiltshire Council for a licence, the applicant would be required to sign a declaration to abide by the provisions of the penalty points scheme.
- 1.1.3 Previous experience in the three legacy authorities demonstrates that it is rare for licence holders to accrue sufficient points to incur a period of suspension. The scheme is popular with drivers who regard it as a fair and transparent approach to enforcement.
- 1.1.4 There is separate legislation and criteria which an applicant must fulfil in order to meet the requirement as being a fit and proper person to hold such a licence. The legislation also makes separate provision to suspend or revoke an existing licence in the event of serious transgression of any relevant statute.

1.2 RESULTS

- 1.2.1 See figure 1. It is clear from the survey results that 86% of the trade responses are in favour of the introduction of the harmonised penalty points scheme. This is supported by 92% of the public responses who are in favour of the introducing the scheme.

1.3 IMPLICATIONS and CONCLUSIONS

- 1.3.1 The extension of a penalty point scheme throughout the district will provide a harmonised service across Wiltshire and a fair and transparent approach to enforcement. In principle the scheme is supported by the trade and members of the public.

1.4 RECOMMENDATIONS

- 1.4.1 The Licensing Committee is recommended to extend the penalty points scheme throughout Wiltshire from the date of implementation.

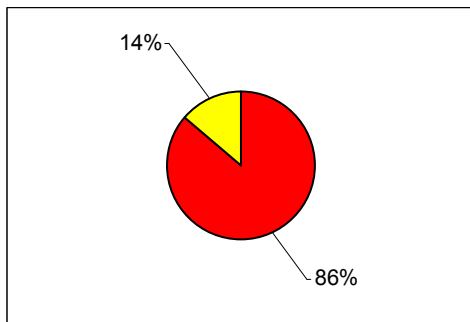
SURVEY QUESTIONNAIRE

Figure 1

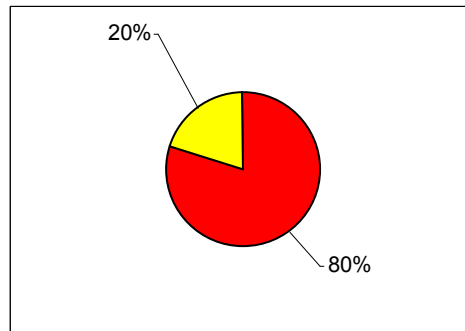
Penalty Points Scheme

It is proposed to extend a harmonised penalty points scheme for all drivers throughout the Wiltshire Council area. Do you agree with extending the scheme throughout Wiltshire?

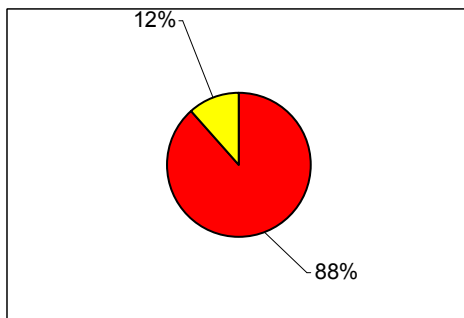
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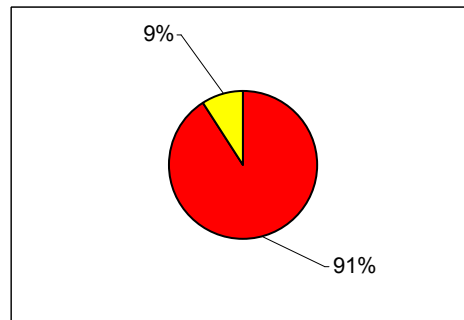
East Hub



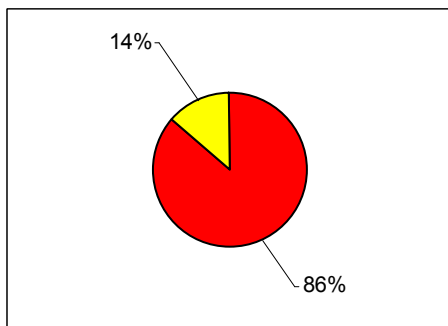
North Hub



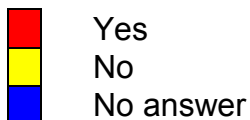
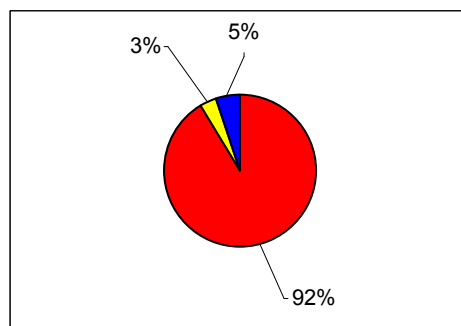
West Hub



Total (Four Hubs)



Members of Public



CONSULTATION - SURVEY QUESTIONNAIRE

2.0 SURVEY QUESTION – CONDITIONS: VEHICLE AGE

- 2.0.1 *It is proposed that vehicles should be no older than five years old when first licensed as a taxi or private hire vehicle. This does not include vehicles that are already licensed. What is your opinion?*

2.1 BACKGROUND

- 2.1.1 In Wiltshire the legacy authorities (North Wiltshire District Council, Kennet District Council, Salisbury District Council and West Wiltshire District Council) implemented four different age policies within their four separate sets of conditions.

2.1.2 Kennet District Council

Initial Licence- No vehicle over 4 years old will be granted an initial license unless it is in exceptionally well maintained condition both with regard to bodywork and mechanical condition.

Renewal Licence – No vehicle over 7 years old will be relicensed unless it is in exceptionally well maintained condition both with regard to the body work and mechanical condition.

2.1.3 Salisbury District Council

Initial Licence – No vehicle over 3 years old shall be granted an initial licence unless in the opinion of the vehicle inspector authorised by the council and the Council's Licensing officer, it is in an extremely well maintained condition, both with regard to the mechanics, bodywork, interior and all ancillary equipment.

Renewal Licence – No vehicle over 5 years old to be re-licensed unless in the opinion of the vehicle inspector authorised by the council and the Council's Licensing officer, it is in an extremely well maintained condition, both with regard to the mechanics, bodywork, interior and all ancillary equipment

2.1.4 West Wiltshire District Council

No age restriction

2.1.5 North Wiltshire District Council

No age restriction

Licensing authorities throughout the country impose a wide range of age restrictions on initial licensing and five years was chosen as a mid range value.

- 2.1.6 An initial absolute age restriction also removes any inconsistencies which may arise in initially assessing the vehicle condition.
- 2.1.7 The Department for Transport produces best practice guidance for taxi and private hire vehicle licensing (March 2010) which states the following with regard to age limits:
It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles maybe arbitrary and inappropriate. But a greater frequency of testing maybe appropriate for older vehicles-for example, twice-yearly tests for vehicles more than five years old.
- 2.1.8 An upper vehicle age has not been proposed and the proposed conditions include provision to ensure all vehicles are checked every six months. An age restriction of less than five years old will contribute to the national air quality targets by mitigating carbon and nitrogen dioxide emissions at a local level.

2.2 RESULTS

- 2.2.1 See figure 2. It is clear from the survey results that 50% of the collective trade responses overall (all four hubs) are in favour of the age limit proposed as opposed to 41% who oppose the proposal.

- 2.2.2 It should be noted that:

South -66% *agree* or *strongly agree* with the proposed age limit.

North -63% *agree* or *strongly agree* with the proposed age limit.

whilst

East -61% *disagree* or *strongly disagree* with the proposed age limit.

West -55% *disagree* or *strongly disagree* with the proposed age limit.

80% of the public are in favour of the proposed age policy.

2.3 IMPLICATIONS and CONCLUSIONS

- 2.3.1 The proposal to ensure all vehicles are below five years old when first licensed will ensure a harmonised approach across Wiltshire and remove any discretion regarding the initial inspection.
- 2.3.2 Two of the legacy authorities had an age policy. The trade will not be penalised because an upper age limit is not proposed and existing vehicles will continue to be licensed. The age scheme is supported by members of the public.

2.4 RECOMMENDATIONS

- 2.4.1 The Licensing Committee is recommended to adopt the condition that vehicles should be no older than five years old when first licensed as a hackney carriage or private hire vehicle from the date of implementation.

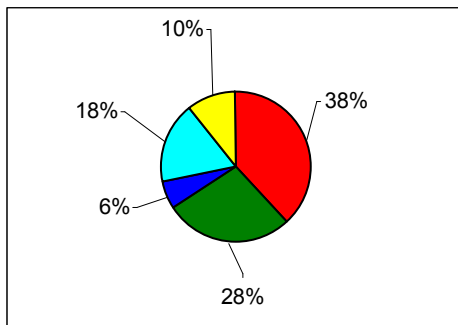
SURVEY QUESTIONNAIRE

Figure 2

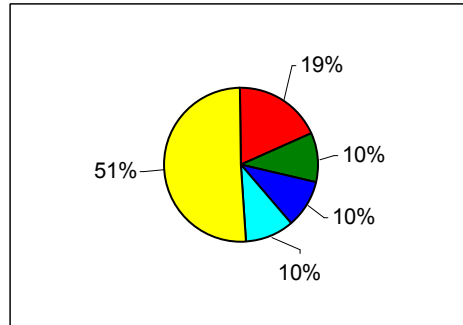
Vehicle Age Limit

It is proposed that vehicles should be no older than five years old when first licensed as a taxi or private hire vehicle. This does not include those vehicles that are already licensed. What is your opinion?

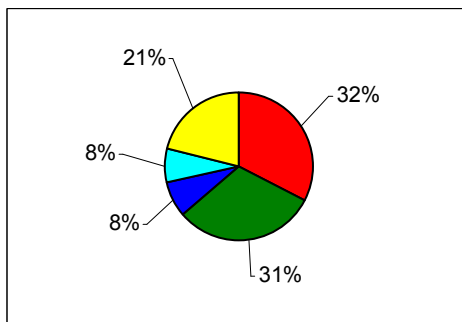
South Hub



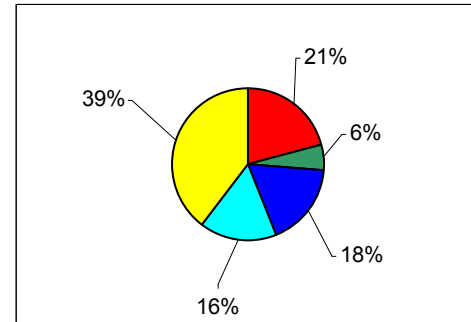
East Hub



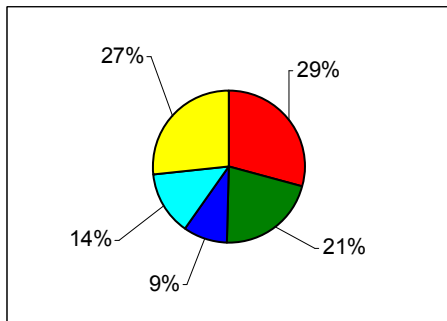
North Hub



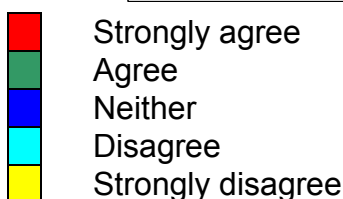
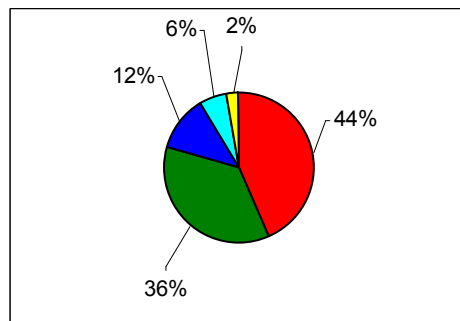
West Hub



Total (Four Hubs)



Members of Public



CONSULTATION - SURVEY QUESTIONNAIRE

3.0 SURVEY QUESTION – CONDITIONS: Wheelchair Accessible Vehicles

- 3.0.1 *It is proposed that one in five taxis and private hire vehicles should be wheelchair accessible. Often these specialist vehicles are expensive and so it is thought that provision of such should only apply to multiple vehicle fleets. What is your opinion?*

3.1 BACKGROUND

- 3.1.1 In Wiltshire the four legacy authorities (North Wiltshire, Salisbury District Council, Kennet District Council and West Wiltshire District Council) had four separate policies with regard to wheelchair accessible vehicles (WAVs) which can be summarised as follows:
1. East - No policy
 2. West - No policy
 3. North - One in five taxis, operated by owners of more than five taxis, licensed for the first time on or after 1/10/2005 must be capable of carrying a minimum of one wheelchair. After the tenth vehicle, the requirement would be one in ten, thus purchases for wheelchair accessible vehicles being at 5, 10, 20, 30 and so on.
 4. South - In 1989 a policy was introduced to ensure all new licensed hackney carriages are wheelchair accessible.
- 3.1.2 The situation in the South hub is complicated further by the following:
In the South existing plate holders with non wheelchair accessible vehicles in 1989 have been allowed to retain non wheelchair accessible vehicles (saloon cars) creating a split in the fleet of 55:45% WAVs:saloon (approximately 80 current vehicles in total have retained the grandfather rights to be saloon vehicles). The consequence of this is that the pre 1989 saloon plates have a considerable market value in terms of rental and the formation of business partnerships, both of which are deemed to be legal within the legislative framework. It will be noted existing licence holders in the South have been required to purchase larger/ purpose built vehicles, which are more expensive in order to fulfil the wheelchair accessibility mandate. To a lesser extent this has prevailed in North where one in five hackney carriage vehicles is required to be a WAV. In addition if the proposal is implemented in the South, there is the possibility that all licensed private hire vehicles which at present do not have to be wheel chair accessible, will opt to be re-plated as hackney carriages.
- 3.1.3 WAVs provision in the other hubs has largely been linked to contract work with Wiltshire Council and other private suppliers where it may be a condition of the contract to provide a WAV.

- 3.1.4 The Department of Trade (DfT) Best Practice Guidance (March 2010) states the following with regard to accessibility for taxis and private hire vehicles. *'The Minister of State for transport has now announced the way forward on accessibility for taxis and private hire vehicles. His statement can be viewed on the Department's website....The Department will be taking forward demonstration schemes in three local authority areas to research the needs of people with disabilities in order to produce guidance about the most appropriate provision. In the meantime, the Department recognises that some local licensing authorities will want to make progress on enhancing accessible taxi provision.'*
- 3.1.5 The DfT have produced some guidance relating to ergonomic requirements, training for drivers and duties under the Disability Discrimination Act but the guidance does not address the provision of wheelchair disabled accessible vehicles, in advance of the proposed comprehensive guidance which will arise from the aforementioned demonstration schemes.
- 3.1.6 The Equality Act 2010 which received Royal Assent on the 8th April introduces a new equality duty on public bodies to consider how they can eliminate discrimination. The Act allows the Secretary of State to make regulations to ensure a proportion of the hackney carriage fleet are wheel chair accessible although this only applies to regulated fleets at present.

3.2 RESULTS

3.2.1 Survey Questionnaire

North - 61% *strongly agree or agree* with the provision of one in 5 WAVs.
East - 44% *strongly agree or agree* with the provision of one in 5 WAVs
South - 61% *strongly agree or agree* with the provision of one in 5 WAVs
West - 21% *strongly agree or agree* with the provision of one in 5 WAVs

Over all 50% of the trade responses are in favour of the proposal whilst 35% are not.

74% of the public are in favour of the proposal.

3.2.2 Trade Meetings

Trade Meeting responses regarding Wheelchair Accessible Vehicle (1 in 5)	
South 45 attendees	<ol style="list-style-type: none"> 1. Is provision being made to compensate drivers who have purchased saloon plates? 2. Is there a period of phasing in new licences to allow financial consideration of the investment in vehicles to work through and allow people to plan their business commitments? 3. Proposed that the first car in five should be a Wheelchair Accessible Vehicle. 4. Why is a change proposed to the licensing arrangements of wheelchair accessible taxis, moving away from the policy introduced in 1988? 5. Worried that all PHV will change to Hackney Carriage
East 20 attendees	<ol style="list-style-type: none"> 1. There was no demand on the ranks for WAVs. 2. All attendees were opposed to the 1 in 5 ratio.
North 35 attendees	<ol style="list-style-type: none"> 1. Private hire vehicles should be included.
West 56 attendees	<ol style="list-style-type: none"> 1. There was no demand on the ranks for WAVs

3.2.3 Survey Questionnaire Comments

No. of adverse comments regarding the proposed Wheelchair Accessible Vehicle (1 in 5)	
South	11
East	1
North	5
West	3

The individual responses and comments to the consultation questionnaire can be viewed in Members' room.

3.3 IMPLICATIONS and CONCLUSIONS

3.3.1 There was a mixed response from the trade in the survey questionnaire, albeit the public are in favour of increasing the provision of WAVs

3.3.2 Direct consultation with the trade through trade meetings has revealed that there are a number of potential problems associated with introducing the proposal in Salisbury because of the pre - 1989 saloon plate licence holders and the fact all hackney carriage licence holders have had to provide WAVs since then.

- 3.3.3 There is a considerable difference in the four hubs' current policies regarding the provision of WAVs and the immediate introduction of one single policy for all four hubs will penalise one or more of the trade sector or hubs trade. For example in the South, where the provision of a WAV has been mandatory, any immediate reduction in the policy would immediately disadvantage an existing licence holder who has hitherto had to purchase a more expensive WAV vehicle.
- 3.3.4 The trade were not given a choice of options for the provision of WAVs and during the trade meetings alternative options for WAVs were suggested by the trade.
- 3.3.5 The DfT has not produced any guidance for the provision of WAVs although it is expected in the future.
- 3.3.6 In the South hub the survey includes responses from private hire vehicle licence holders who are not directly affected by the WAV provisions but who potentially benefit from the introduction of the proposal in the future. This is because existing saloon private hire vehicles could apply to become hackney carriage vehicles if the policy is reduced to 1 in 5 in the South.

3.4 RECOMMENDATIONS

- 3.4.1 The Licensing Committee is recommended:
- to introduce and extend the proposed scheme (1 in 5 WAV) already in existence in the North hub, to the West and East hubs on the date of implementation
 - to phase out the existing grand father rights which prevail in South hub with regard to the pre1989 saloon plated vehicles and phase in the proposed scheme (1 in 5 WAV) within a three year period starting from the date of implementation.

This will be achieved in accordance with the Council's proposed age restriction policy. The detail of the phasing in process should be delegated to officers in consultation with the Chair of the Licensing Committee and Portfolio Holder.

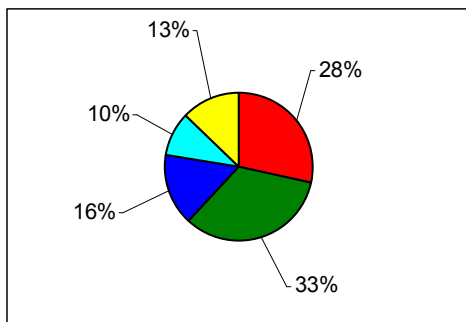
SURVEY QUESTIONNAIRE

Figure 3

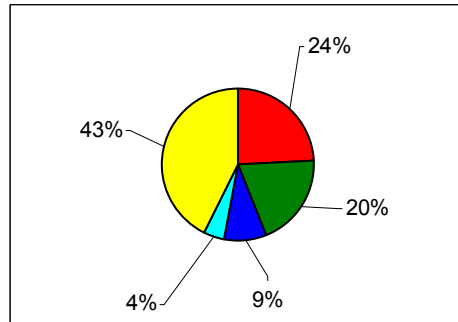
Wheelchair Accessible

It is proposed that one in five taxis and private hire vehicles should be wheelchair accessible. Often these specialist vehicles are expensive and so it is thought that provision of such should apply to multiple vehicle fleets. What is your opinion?

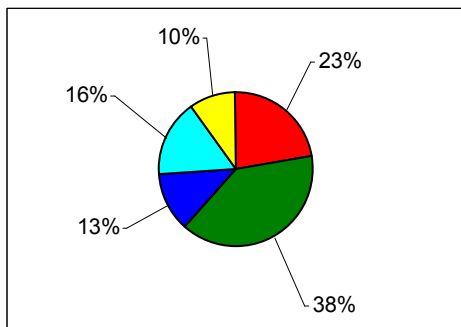
South Hub



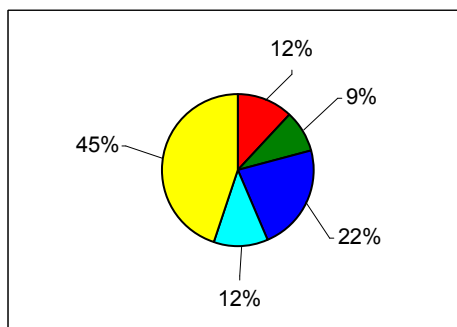
East Hub



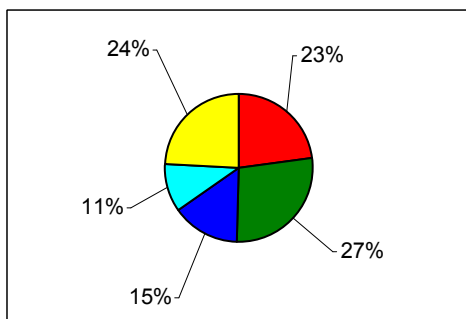
North Hub



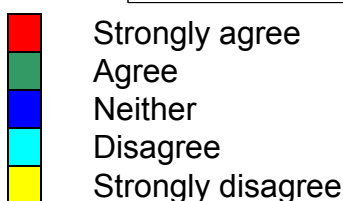
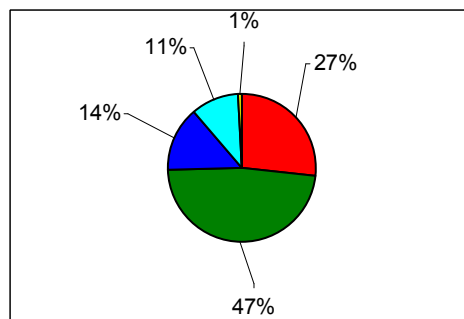
West Hub



Total (Four Hubs)



Members of Public



CONSULTATION - SURVEY QUESTIONNAIRE

4.0 SURVEY QUESTION – VEHICLE CHECKS

- 4.0.1 *It is proposed that all licensed vehicles will be subject to a six monthly MOT, or a compliance certificate and a conditions check carried out by a licensing officer. What is your opinion?*

4.1 BACKGROUND

- 4.1.1 In Wiltshire the legacy authorities (North Wiltshire District Council, Kennet District Council, Salisbury District Council and West Wiltshire District Council) have implemented a range of different vehicle checks under their respective licensing conditions and or bylaws which are as follows:

Kennet District Council – annual MOT and vehicle check by MOT centre.

North Wiltshire District Council – six monthly MOT and annual vehicle check by licensing officer.

West Wiltshire District Council - six monthly MOT and annual vehicle check by licensing officer.

Salisbury District Council – six monthly compliance test (vehicles under five years)

four monthly compliance test (vehicles over five years).

New vehicle application - vehicle inspection check by licensing officer.

- 4.1.2 The Department for Transport Best Practice notes the considerable variation between licensing authorities on vehicle testing and states all taxis should be subject to the legal minimum of an annual test unless local conditions suggest more frequent tests are necessary. The guidance also notes that greater frequency testing of older vehicles (vehicles over five years old) may be appropriate, with particular reference to emission standards.

4.2 RESULTS

- 4.2.1 See figure 4. The survey results show that 61% of the trade returns *strongly agree* or *agree* with the proposal and 78% of members of the public returns either *strongly agree* or *agree* with the proposal.

4.3 IMPLICATIONS and CONCLUSIONS

4.3.1 It is noted that the response from the East hub is not in favour of an increase from annual to six monthly vehicle checks.

The three other legacy authorities checked vehicles on a six monthly basis and the Council would not wish to support a retrograde step to reduce the frequency of inspection.

The proposal is clearly supported by the public.

4.4 RECOMMENDATIONS

4.4.1 The Licensing Committee is recommended to implement the proposal to ensure all licensed vehicles are subject to six monthly MOT or a compliance check and a conditions check to be carried out by a licensing officer from the date of implementation.

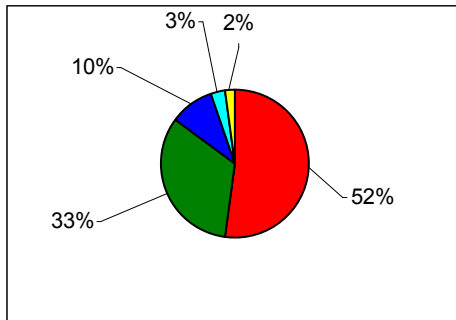
SURVEY QUESTIONNAIRE

Figure 4

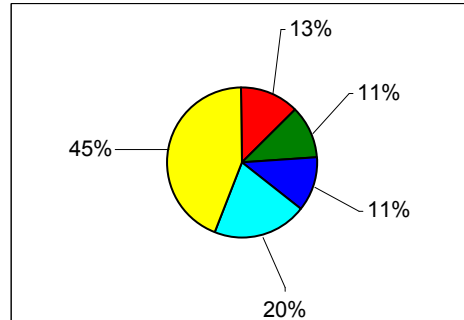
Vehicle Checks

It is proposed that all licensed vehicles will be subject to a six monthly MOT, or a compliance certificate and a conditions check carried out by a licensing officer. What is your opinion?

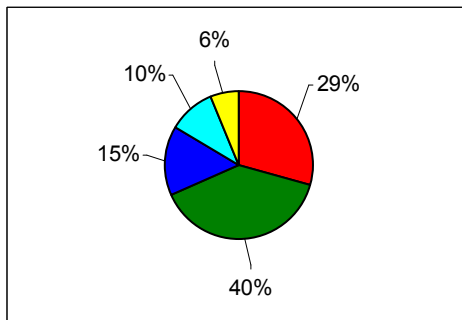
South Hub



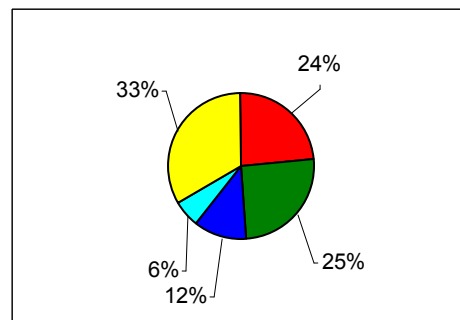
East Hub



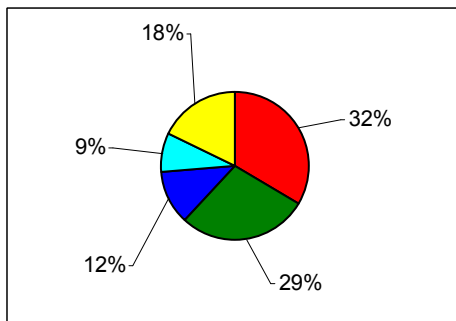
North Hub



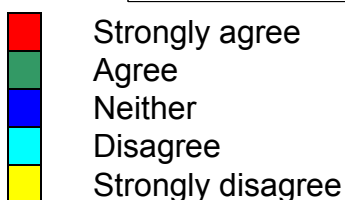
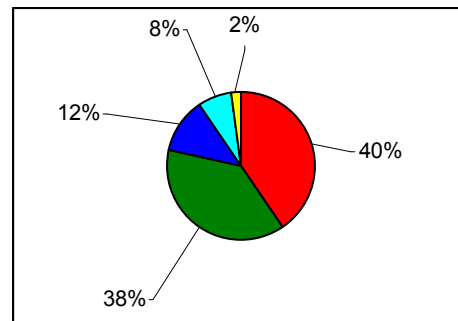
West Hub



Total (Four Hub)



Members of Public



CONSULTATION - SURVEY QUESTIONNAIRE

5.0 SURVEY QUESTION – ZONING

- 5.0.1 *Currently there are four taxi zones in the Wiltshire Council area. Would you prefer one zone covering the whole of the Wiltshire Council area or to keep the four zones covering North, South, East and West?*

5.1 BACKGROUND

- 5.1.1 In Wiltshire the legacy authorities (North Wiltshire District Council, Kennet District Council, Salisbury District Council and West Wiltshire District Council) were responsible for the administration, licensing and enforcement of the particular conditions and or byelaws within the former district council boundaries for the purposes of hackney carriage and private hire licences.
- 5.1.2 Following the abolition of the old Councils, four hackney carriage zones now exist based upon the existing boundaries at the date of abolition. The licensing regime for each hub is administered by four licensing teams based at Salisbury, Chippenham, Trowbridge and Devizes. Each hub employs the use of a separate database and software application. At present two hubs (South and East) use the computer software programme- *Lalpac*, whilst the North hub uses *Northgate* and the West hub uses *Uniform*.
- 5.1.3 The Department for Trade considers zones in its 'Best Practice Guide' (March 2010). The department recommends the abolition of zones on the basis it is chiefly for the benefit of the travelling public. The department takes the view that zoning may diminish the supply of taxis and scope for customer choice. The process for passing an extension resolution to abolish the four existing zones is a relatively straight forward process but it is not reversible. It should be emphasised this fact does not herald the abolition of zones. There is no power available to a local authority to merge some zones to create a smaller number or, alternatively, to create new zones.

5.2 RESULTS

- 5.2.1 See figure 5. The survey results show that 68% of the trade returns wish to retain four separate zones. 48% of members of the public returns wish to retain four separate zones whilst 7% did not respond to the question.

5.3 IMPLICATIONS and CONCLUSIONS

- 5.3.1 The creation of one zone is not necessary for the application of one set of conditions. A harmonised hackney carriage and private hire licensing scheme can be created with four zones which will also accommodate the transitional arrangements.
- 5.3.2 The current legislation allows the licensing authority to grant multiple licences to a hackney carriage to enable it to ply for hire in all the zones within its district. Since 1st April 2009 there is no evidence to suggest the trade have sought 'multiple' licences to ply for hire in additional zones in Wiltshire. The Licensing authority will introduce a discounted scheme for the transfer and or acquisition of additional licences throughout Wiltshire
- 5.3.3 The current structure of the licensing department and relative geographical locations is distributed throughout Wiltshire thereby allowing relatively easy access to each licensing team for the purposes of vehicle inspections, knowledge tests and submission of applications.
- 5.3.4 The creation of one zone would potentially place more pressure on rank space at peak times, which is already considered to be inadequate in certain areas.
- 5.3.5 The creation of one zone would make the knowledge tests more difficult.
- 5.3.6 The creation of one zone would necessitate a single wheelchair accessible vehicle policy for all licence holders throughout Wiltshire. It is intended to phase in the provision of 1 in 5 WAVs which would be in conflict with the implementation of one zone and one policy for WAVs on a set date. The issue of wheelchair accessible vehicles is addressed in section 3.0.

5.4 RECOMMENDATIONS

- 5.4.1 The Licensing Committee is recommended to retain four zones.

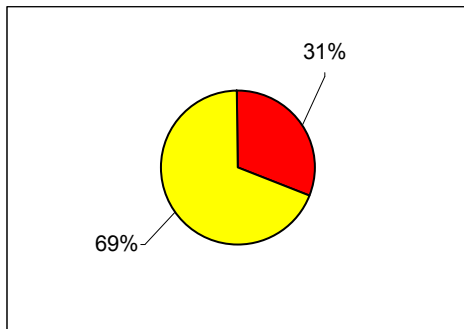
SURVEY QUESTIONNAIRE

Figure 5

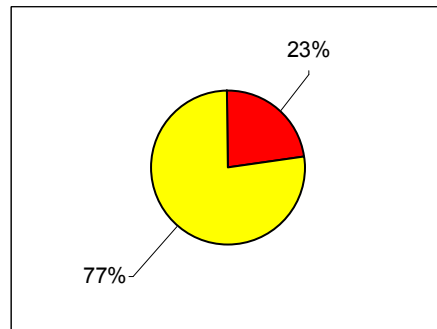
Zoning

Currently there are four taxi zones in the Wiltshire Council area. Would you prefer one zone covering the whole of the Wiltshire Council area or to keep the four zones covering north, south, east and west?

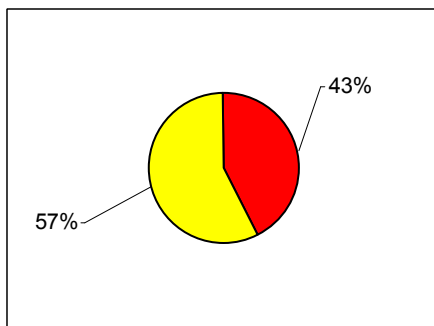
South Hub



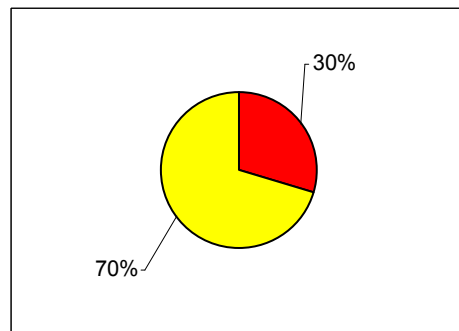
East Hub



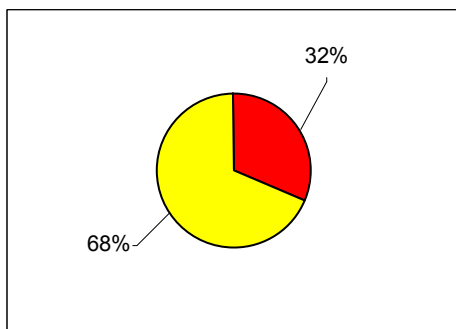
North Hub



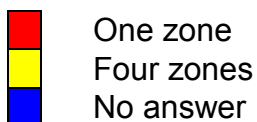
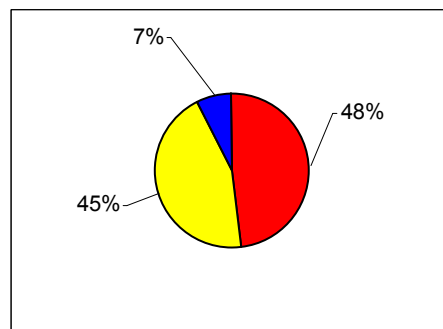
West Hub



Total (Four Hubs)



Members of Public



CONSULTATION - SURVEY QUESTIONNAIRE

6.0 SURVEY QUESTION – TARIFFS

- 6.0.1 *Currently there are different tariffs operating in each of the four zones in the Wiltshire Council area. It is proposed that there should only be one tariff scheme adopted which would operate across the whole of the Wiltshire council area? Do you agree with the proposed tariffs?*

6.1 BACKGROUND

- 6.1.1 Local Authorities have the power to set and vary fares (tariffs) for hackney carriages subject to certain advertising requirements. In Wiltshire the four legacy authorities (North Wiltshire, Salisbury District Council, Kennet District Council and West Wiltshire District Council) imposed four different tables of fares. The table is a maximum fare and this means the maximum fare for each journey must be displayed on the meter and the driver can charge any fare up to the maximum fare displayed but not exceed it.
- 6.1.2 Private Hire and Taxi Monthly is the official publication for the National Private Hire Association and contains the national league of taxi tariffs for 380 local authorities. This is based on the first and second tariff charged by each local authority.

The four legacy authorities, (four zones) occupy the following positions in the league table:

South 49th
West 89th
East 210th
North 236th

Nb. the lowest number reflects the more expensive tariff

It has been estimated that the proposed tariff will occupy a position of 32nd in the national league table.

6.2 RESULTS

6.2.1 Survey Questionnaire

See figure 6. Two of the zones responses, namely East (53%) and West (57%) are not in favour of the tariff proposed. Over all 59% of the trade responses are in favour of the tariff whilst 41% are not. The public responses (71%) are in favour of the proposed tariff.

6.2.2 Trade Meetings

With regard to the proposed tariff the direct face to face response from the trade at the meetings can be summarised as follows

Trade Meeting responses regarding Tariffs	
South 45 attendees	<ol style="list-style-type: none"> 1. The trade did not want 6 tariffs (a multi tariff) and wished to retain 3 tariffs with the “extras” facility 2. The trade felt the new multiple tariff would confuse existing customers 3. The majority of the attendees were Hackney Carriage holders.
East 20 attendees	<ol style="list-style-type: none"> 1. The trade felt there should be different rates for different hubs
North 35 attendees	<ol style="list-style-type: none"> 1. Requested 50% fare increase for more than 4 passengers 2. Requested an extra tariff for unsocial hours ie Bank holidays
West 56 attendees	<ol style="list-style-type: none"> 1. Requested 50% fare increase for more than 4 passengers 2. Requested an extra tariff for unsocial hours ie bank holidays

6.2.3 Survey Questionnaire Comments

No. of adverse comments regarding the proposed tariff	
South	15
East	0
North	11
West	7

The specific comments to the consultation questionnaire can be viewed in the Members’ room.

6.3 IMPLICATIONS and CONCLUSIONS

6.3.1 Although the total number of responses from both taxi and private hire drivers appear to support the tariff proposed, further analysis and direct consultation with the taxi trade has revealed that this is not the case for a number of reasons:

- a. The responses from the hackney carriage licence holders cannot be separated from the private hire or dual badge licence holders who are not bound by the maximum table of fares and therefore whose responses may skew the results.
- b. Legal position- The local authority cannot legally impose a district-wide fare structure in different zones and any fare increases must be treated on a zone basis
- c. There is clearly a considerable difference in the range of the four hubs' tariffs in the national league, which reflect the variation in locality and demand (ie rural/city/tourism/night time economy)
- d. The trade were not given a choice of tariff structures.
- e. During all four meetings with the trade it became apparent the trade representees are opposed to the proposed tariff for a number of different reasons.

6.4 RECOMMENDATIONS

6.4.1 The Licensing Committee is recommended to retain the four different existing tariffs for the time being with the harmonised conditions, enforcement and administrative arrangements. Further consultation is required to develop a way forward on the tariffs.

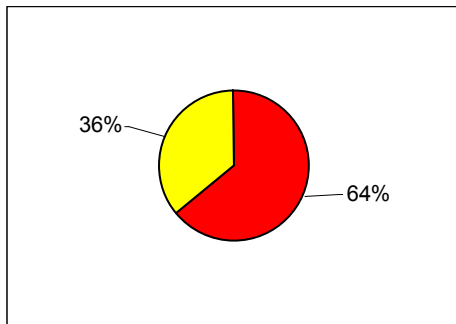
SURVEY QUESTIONNAIRE

Figure 6

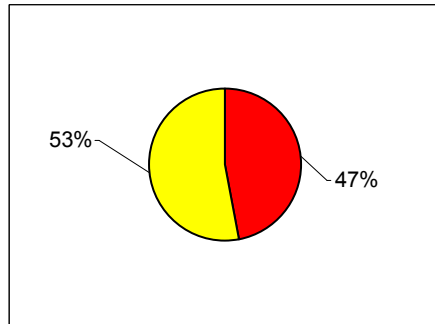
Tariffs

Currently there are different tariffs operating in each of the four zones in the Wiltshire Council area. It is proposed that there should be only one tariff scheme adopted which would operate across the whole of the Wiltshire Council area.

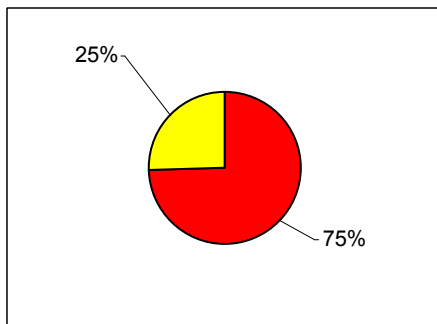
South Hub



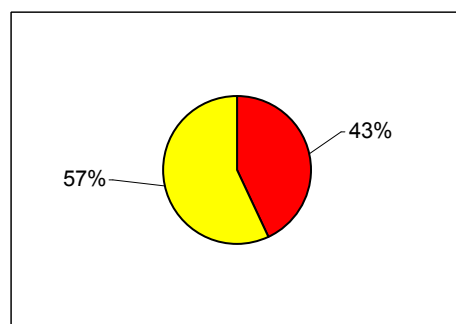
East Hub



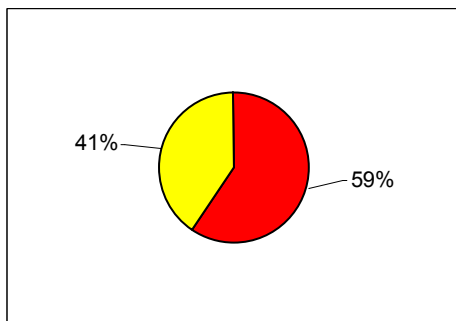
North Hub



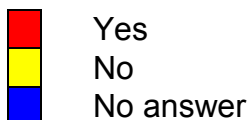
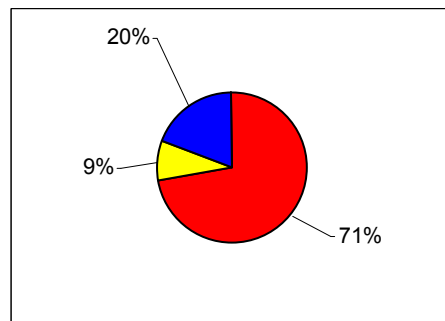
West Hub



Total (Four Hubs)



Members of Public



CONSULTATION - SURVEY QUESTIONNAIRE

7.0 SURVEY QUESTION – PROPOSED IMPLEMENTATION DATE

- 7.0.1 *Currently there are a numerous different terms and conditions across the Wiltshire Council area. When would you want the new conditions to be implemented?*

7.1 BACKGROUND

- 7.1.1 The survey included three options for introducing the proposed changes, 1st April 2010, 1st October 2010 and the 1st April 2011. Due to staffing shortages intrinsically linked to the process of harmonisation it was not possible to finalise the proposed conditions in time to meet the implementation date of the 1st April 2010.

7.2 RESULTS

- 7.2.1 See figure 7. There is no overwhelming response from the trade as a whole in favour of any particular date of three dates proposed. However it is noted that East and West hubs, 61% and 53%, respectively, are in favour of implementing the changes on the 1st April 2011.

47% of responses from the public are in favour of implementing the changes by the 1st October 2010.

7.3 CONCLUSIONS

- 7.3.1 It is difficult to fully interpret the statistical data obtained since the initial proposed date of the 1st April 2009 has now lapsed. The proposed date of implementation should be considered in conjunction with the actual details of the conditions to be adopted and their likely impact on the trade.

7.4 RECOMMENDATIONS

- 7.4.1 The Licensing Committee is recommended to agree an implementation date of 1st October 2010 with the exception of tariffs and wheelchair accessible vehicles.

SURVEY QUESTIONNAIRE

Figure 7

Proposed implementation date

Currently there are numerous different terms and conditions across the Wiltshire Council area. When would you want the new conditions to be implemented?

