Public Document Pack

TO:	**LICENSING AND REGULATORY COMMITTEE**
DATE:	**FRIDAY, 15 OCTOBER 2021 2.00 PM**
VENUE:	**KING EDMUND CHAMBER, ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH**

Members		
Conservative Sue Ayres Peter Beer Siân Dawson Mark Newman	Independent Trevor Cresswell Kathryn Grandon Margaret Maybury (Chair) John Nunn Liberal Democrat Sue Carpendale (Vice-Chair)	Labour Green Jane Gould

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A G E N D A

PART 1
MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT

Page(s)

1 **APOLOGIES FOR ABSENCE**

2 **DECLARATION OF INTERESTS BY COUNCILLORS**

3 **BLR/21/7 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 16 AUGUST 2021** 5 - 8

4 **TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME**

5 **QUESTIONS BY COUNCILLORS**

6	**BLR/21/8 GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES STATUTORY THREE-YEARLY REVISION**	9 - 66
	Report from the Licensing Team attached.	
7	**BLR/21/9 NEW HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENSING POLICY**	67 - 186
	Report from the Licensing Team attached.	

Date and Time of next meeting

Please note that the next meeting is scheduled for Friday, 10 December 2021 at 9.30 am.

Webcasting/ Live Streaming

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BABERGH DISTRICT COUNCIL

Minutes of the meeting of the **LICENSING AND REGULATORY COMMITTEE** held in the King Edmund Chamber, Endeavour House, 8 Russell Road, Ipswich on Monday, 16 August 2021 at 2.30pm

PRESENT:

Councillor: Sue Carpendale (Vice-Chair in the Chair)

Councillors: Peter Beer, Siân Dawson, Margaret Maybury, John Nunn

Officers:
Katherine Green– Licensing Officer
Kay Sanders – Licensing Officer
David Price – Licensing Officer
Emma Richbell – Assistant Manager, Food, Safety and Licensing
Nigel Dulieu – Legal Advisor
Jan Robinson – Deputy Monitoring Officer

Apologies:

Sue Ayres
Trevor Cresswell
Jane Gould
Kathryn Grandon
Mark Newman (Chair)

7 DECLARATION OF INTERESTS

7.1 There were no declarations of interests.

8 BLR/21/3 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 11 JUNE 2021

It was RESOLVED:

That the minutes of the meeting held on 11 June 2021 be confirmed and signed as a true record.

9 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME

9.1 None received.

10 QUESTIONS BY COUNCILLORS

10.1 None received.

11 BLR/21/4 NEW HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENSING POLICY

11.1 Katherine Green, Licensing Officer presented Paper BLR/21/4 to the Committee. The report referred to the review of the current Hackney Carriage and Private Hire Vehicle Licensing Policy for the controlled zone of Babergh District Council.

11.2 Officers had undertaken a root and branch review of the current Hackney Carriage (Taxi) and Private Hire Policy in accordance with the new Statutory Standards for Taxi and Private Hire Vehicles. Having reviewed the current policy, officers were proposing a new Policy for consultation, as set out in Appendix A.

11.3 Members commented that it would be helpful to receive hard copies of large documents as it was difficult to read them on the screen.

11.4 The Chairman advised Members that she would go through the Policy document section by section to ask if there were any questions.

11.5 The Licensing Officers responded to Members' questions including: tax checks, driver's dress code, wheelchair accessible vehicles and vehicles accessible for customers with other mobility needs, child seats, insurance checks, consultation with bordering authorities and the Town Council.

11.6 It was noted that any typographical errors and amendments to wording would be picked up during the consultation process and corrected as necessary.

11.7 During the discussion, Members commented regarding the amount of disabled and taxi spaces available in Sudbury. Councillor Beer commented that all parking in Sudbury needs reviewing.

11.8 The Licensing Officer responded that she was aware that Suffolk County Highways are currently undertaking a review of parking and infrastructure in Sudbury. Also, a new taxi rank for Sudbury had been designated but could not proceed until the SCC review had been completed.

11.9 Councillor Beer proposed that the recommendation contained in Paper BLR/21/4 be approved. Councillor Dawson seconded the proposal.

It was RESOLVED:

That the draft Hackney Carriage and Private Hire Vehicle Policy document attached as Appendix A be approved for consultation. Further, that the relevant officers proceed with a 28-day consultation period with the licensed trade, general public and other relevant stakeholders.

12 BLR/21/5 GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES STATUTORY THREE-YEARLY REVISION

12.1 Katherine Green, Licensing Officer presented Paper BLR/21/5 to the Committee. The report referred to policy setting under the Gambling Act 2005. Since January 2007, local licensing authorities have been responsible for functions under the Gambling Act 2005, including issuing of licences and permits for gambling/gaming premises and associated matters.

12.2 Section 349 of the Act requires each licensing authority to prepare and publish a statement of the higher-level principles it will apply when dispensing its various gambling functions. The 'Statement of Principles' must by law be reviewed and republished every three years or sooner if required. The report recommended approval of the draft document attached as Appendix A for consultation.

12.3 Members noted that recommendation 3.1 had been amended to include the additional words 'for consultation'.

12.4 The Licensing Officers and Legal Advisor responded to Members' questions on the report.

12.5 Councillor Nunn proposed that the recommendations contained in Paper BLR/21/5 be approved. Councillor Beer seconded the proposal.

It was RESOLVED:

1. **That the draft revision Gambling Act 2005 'Statement of Principles' document, attached as Appendix A be approved for consultation. Further, that the relevant officers proceed with the commencement of a period of statutory consultation in accordance with Gambling Act 2005 legislation and regulations.**

2. **That the table of fees attached as Appendix C for Gambling Act 2005 functions be adopted to take effect from 31 January 2022.**

13 BLR/21/6 HACKNEY CARRIAGE TABLE OF FARES REVIEW

13.1 Emma Richbell, Assistant Manager – Food, Safety and Licensing presented Paper BLR/21/6 to the Committee. The report advised the Committee of the response to the public consultation for the revised table of fares fixed for Hackney Carriages operating in the controlled zone of the Babergh District, which the Committee had approved for public consultation at its meeting on 11 June 2021.

13.2 Officers had undertaken the statutory public consultation exercise as instructed by the Committee at the meeting on 11 June 2021.

13.3 It was noted that one response had been received from the trade (Appendix C) and that Mr Hale was present at the meeting to answer any questions from Members if required.

13.4 A comparison table of journeys and rates was tabled at the meeting.

13.5 The Assistant Manager and Mr Hale responded to Members' questions. During the discussion, Mr Hale confirmed that drivers were happy with the proposed increases.

13.6 Councillor Beer proposed that the recommendations contained in Paper BLR/21/6 be approved. Councillor Maybury seconded the proposal.

It was RECOMMENDED TO CABINET:

That, following consideration of Options 1 and 2 as detailed in the report, Option 1 be recommended to Cabinet on the revised table of fares attached as Appendix A:

(i) That the revised table of fares be adopted, whether the Committee is minded to modify the table or not; and

(ii) That the proposed table of fares is adopted in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, and;

(iii) To recommend a new date which is to be set for the varied table of fares to become effective no later than two months after the specified date of 1 November 2021.

The business of the meeting was concluded at 4.10pm

……..
Chair

BABERGH DISTRICT COUNCIL

TO:	**Licensing and Regulatory Committee**	**REPORT NUMBER: BLR/21/8**
FROM:	**Elizabeth Malvisi – Cabinet Member for Environment**	**DATE OF MEETING: 15 October 2021**
OFFICER:	**Katherine Green – Licensing Officer** **Kay Sanders – Licensing Officer**	**KEY DECISION REF NO. N/A**

GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES STATUTORY THREE-YEARLY REVISION

1. PURPOSE OF REPORT

1.1 To report back to the Licensing and Regulatory Committee the outcome of a full targeted and public consultation, which ran between 20 August 2021 and 16 September 2021, in respect of the above statutory policy revision relating to Gambling Act 2005 functions.

1.2 Since January 2007 local licensing authorities have been responsible for functions under the Gambling Act 2005, including issuing of licences and permits for gambling/gaming premises and associated matters.

1.3 Section 349 of the 2005 Act, requires each licensing authority to prepare and publish a statement of the higher-level principles it will apply when dispensing its various gambling functions. The 'Statement of Principles' must by law be reviewed and re-published every three years and sooner if so required. In 2021 the Authority revisited the statement which has been in effect since January 2019. This report seeks the approval by the Licensing and Regulatory Committee of the revised principles statement, now attached as **Appendix A**, for recommendation on to full Council so that it may be adopted for publication and ready to take effect from 31 January 2022.

2. OPTIONS CONSIDERED

2.1 Not applicable, Statutory consultation of a policy document.

3. RECOMMENDATION

3.1 That the post-consultation draft 'Statement of Principles' in respect of Gambling Act 2005 functions, as attached at Appendix A, be approved.

RECOMMENDATION TO COUNCIL

3.2 That the 'Statement of Principles' document be adopted.

REASON FOR DECISION

Statutory requirement to review and readopt the Council's Gambling Policy.

4. KEY INFORMATION

4.1 The Licensing and Regulatory Committee (Licensing Committee as per the 2003 Act) established under section 6 of the Licensing Act 2003 is responsible for dealing with matters under the Gambling Act 2005. Some of these functions are delegated to a sub-committee or officers, but some functions may not be delegated. These exceptions are matters for full Council and include final approval of the three year 'Statement of Principles' document.

4.2 The 'Statement of Principles' must contain certain information as required by regulation. The statement must also have regard to guidance issued under section 25 of the Act by the Gambling Commission (a regulatory body independent of Central Government) and take into account the views expressed in any consultation responses from statutory consultees - including local communities and responsible authorities.

4.3 The redrafted statement, attached as **Appendix A** to this report, contains amendments from the previous version published in 2019.

4.4 A summary of the changes made (brought to this Committee on 16 August 2021) from the 2019 statement to the redraft is attached to this report as **Appendix B**.

4.5 Generally, a licensing authority must when undertaking gambling licensing functions have regard to its own Statement of Principles and guidance issued by the Gambling Commission, as well as the licensing objectives and any codes of practice issued by the Gambling Commission.

4.6 The sixth edition of the 'Statement of Principles', once approved and adopted, shall take effect for a three-year period from 31 January 2022 (although it may be revised sooner if necessary). It will then become a primary point of reference for councillors, officers, applicants and other responsible/interested parties.

5. LINKS TO JOINT CORPORATE PLAN

5.1 The Council's Gambling 'Statement of Principles' is the overarching set of principles which guides the Councils in carrying out its Gambling Licensing functions. The policy assists in supporting businesses to thrive and prosper and also to help residents in their health and wellbeing where necessary.

6. FINANCIAL IMPLICATIONS

6.1 This is a statutory function. The Licensing Team has to date undertaken the necessary preparatory and consultation work within existing resources and fee structure, and by working collaboratively, wherever viable.

6.2 The discretionary (self-set) fee elements that Babergh are permitted to charge under the Gambling Act 2005, have been set at the maxima permissible under the Gambling Act 2005 fee regulations. These fee levels were re-adopted by the Licensing and Regulatory Committee for the Council on 16 August 2021, under the authority delegated to this Committee by the Council.

6.3 Periodic fee reviews should take place to ensure that as far as possible fee income meets the cost to the Licensing Authority of administering and maintaining the functions and minimise burden on local taxpayers.

7. LEGAL IMPLICATIONS/RISK MANAGEMENT

7.1 This report is most closely linked with the Council's Significant Business Risk No. 14 – Councils may be perceived to be untrustworthy and have a poor reputation. Operational risks 2AO3 & 2A04 – If licensing functions are not delivered within prescribed framework/local policy/timeframe, then businesses will be impacted, and reputational harm/appeal likelihood will increase incurring financial loss.

Risk Description	Likelihood	Impact	Mitigation Measures
Failure to review, revise and re-consult upon the policy will result in legal challenge to Council decisions under the 2005 Act (including potentially by Judicial Review)	3 – Probable	3 - Severe	Review, revise and re-consult on the Statement of Principles in accordance with the requirements of the Act, Regulations & Statutory Guidance
Failure to periodically review the fee structure in the context of cost recovery may disadvantage the Authority and local taxpayers, both in financial and reputational terms.	3 – Probable	3 - Severe	Fees for local gambling businesses, permit applicants and activity organisers should be transparent, considered and not act as any unnecessary deterrent to such activities taking place in the district.

8. CONSULTATIONS

8.1 This will be the sixth edition of the Council's 'Statement of Principles' under the Gambling Act 2005. The Licensing Team has the necessary experience, stakeholder contacts and networking in place to ensure that a wide and balanced consultation has taken place. The consultation took place over a period of 28 days, through various channels/media.

8.2 Adoption of the Gambling Act 2005 'Statement of Principles' is a function reserved for full Council.

8.3 Following the consultation exercise Babergh received 1 response and this is attached to this report as Appendix C. From the responses received there are no further necessary changes which need to be made to the draft 'Statement of Principles'.

9. EQUALITY ANALYSIS

9.1 There are no equality implications arising directly from this report. This is a statutory revision to an existing policy. The Council recognises its obligations under the Equality Act 2010, in the exercise of its licensing functions, and has had due regard to any comments received during the policy consultation on equality issues.

10. ENVIRONMENTAL IMPLICATIONS

10.1 There are no direct Environmental Implications arising from this report.

11. APPENDICES

Title	Location
(a) Statement of Principles (2019-2022) - DRAFT	Attached
(b) Summary of the changes made to the draft Statement of Principles document	Attached
(c) Consultation response received	Attached

12. BACKGROUND DOCUMENTS

12.1 Gambling Act 2005

12.2 Guidance to Licensing Authorities 5th Edition September 2015 (as amended September 2016).

Babergh District Council

Gambling Act 2005

Statement of Principles

~~2019 – 2022~~ 2022-2025 (unless sooner revised)

Working Together

~~5~~ 6th EDITION: Adopted by Council on ~~X December 2018~~ 23 November 2021

GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES

Preface:

Core content of this **'Gambling Act 2005: Statement of Principles'** has been drafted in partnership by the ~~seven~~ five district and borough Licensing Authorities across Suffolk with an aim of creating a broadly consistent document for the benefit of all stakeholders and others with an interest in the Gambling Act 2005 functions.

Section 349 of the Gambling Act 2005 requires all Licensing Authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the three-year period to which the policy applies. This document is the ~~fifth~~ sixth such statement for this Licensing Authority and must, by order of the Secretary of State, be published to take effect from 31 January ~~2019~~ 2022.

This document has been developed with due regard to all available regulations, conditions, codes of practice, statutory guidance, practical experience of the legislation and any consultee responses. Should anything in future publications, legislative/regulatory changes or case law impact upon the content of this 'statement of principles' document, then it will be taken into account and the document may be updated at a later stage and with due consideration to the resource implications for the Licensing Authority.

All references made within this document to the Gambling Commission Guidance for Licensing Authorities, and any extracts quoted thereof, refer to the ~~fifth edition~~ latest Guidance document originally published in September 2015 (as amended in ~~September 2016~~ April 2021).

For further information please refer to:

www.gamblingcommission.gov.uk
www.gov.uk
www.babergh.gov.uk

Babergh District Council's website has an on-line public register, accessible 24 hours a day 7 days a week, for all Gambling Act 2005 matters for which it has responsibility. The Gambling Commission website gives details of both licensed and pending Gambling Operators.

GAMBLING ACT 2005: STATEMENT OF PRINCIPLES
(~~FIFTH~~ SIXTH EDITION)

CONTENTS

CONTENTS	Page
PART A - GENERAL MATTERS	
1. The licensing objectives	4
2. Introduction	4
3. Declaration	6
4. Responsible authorities	6
5. Interested parties	7
6. Exchange of information	8
7. Enforcement	8
8. Licensing Authority functions	9
9. Appeals	10
PART B – PREMISES LICENSING	
1. General principles	10
2. Reviews	16
3. Provisional Statements	17
4. Temporary Use Notices	17
5. Occasional Use Notices	19
6. Casinos	19
7. Bingo premises	20
8. Betting premises	20
9. Track premises	21
10. Adult Gaming Centres	29
11. (Licensed) Family Entertainment Centres	30
PART C – PERMITS, ~~TEMPORARY USE NOTICES, OCCASIONAL USE NOTICES~~ & SOCIETY LOTTERIES	
1. Unlicensed Family Entertainment Centre gaming machine permits	31
2. Club Gaming Permits	32
3. Club Machine Permits	33
4. (Alcohol) Licensed premises gaming machine permits	34
5. Prize Gaming and Prize Gaming Permits	36
6. Travelling fairs	37
7. Society Lotteries	37
SCHEDULES	
A: 'Statement of Principles' Consultee list for Babergh DC	39
B: Interpretation and reference for Gambling Act 2005 terminology	41
C: Gaming machine entitlement by premises type	43
D: Gambling Activities: Children and Young Persons	45
E: Local Area Profiles and Risk Assessments	45

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PART A: GENERAL MATTERS

1. The Licensing Objectives

1.1 In exercising most of its functions under the Gambling Act 2005, the Licensing Authority must have regard to the licensing objectives as set out in section 1 of the Gambling Act 2005 ('the Act'). The licensing objectives are:

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

The Gambling Commission has stated that, with limited exceptions, the intention of the Gambling Act 2005 is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult only environments. The objective refers to protecting children from being 'harmed or exploited' by gambling. This means preventing them from taking part in gambling activities, except limited authorised activities (see schedule D), and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children (excepting category D machines).

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

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

2. Introduction

2.1 Babergh District Council is situated in the County of Suffolk, which at the time this document was published, contains ~~seven~~ five District / Borough Councils in total.

Whilst the Babergh District remains very rural, it is within close and convenient distance of London and the Continent. The District has a population of approximately ~~87,000~~ 91,500. It covers an area of 230 square miles and contains several small towns and villages which still retain much of their original outstanding character and

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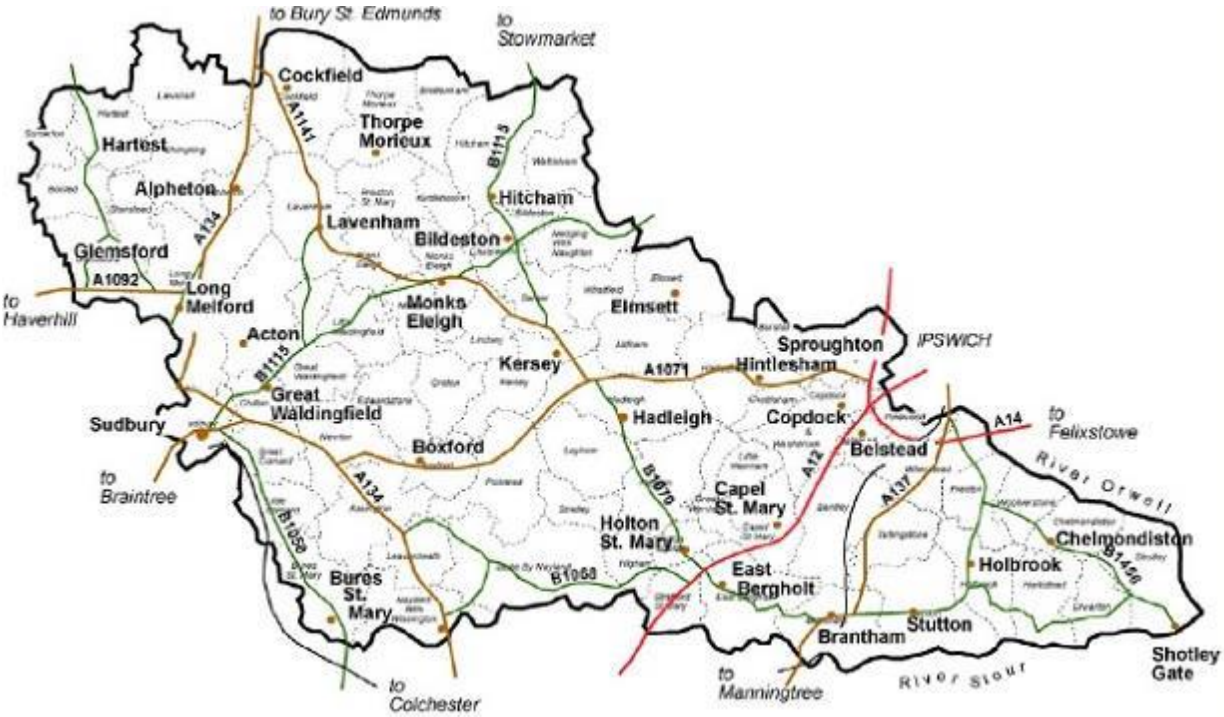
appearance, including the nationally recognised villages of Lavenham and Long Melford.

The largest town in Babergh is Sudbury which combined with its neighbouring village of Great Cornard has a population of approximately ~~20,500~~ 33,200. The other market town of Hadleigh has a population of approximately ~~8,500~~ 8,700. Ipswich (10 miles from Hadleigh) is now spilling over into the District and has a population in excess of ~~130,000~~ 130,400 people. These areas are shown in the map below:



Ease of communications, the many seaside resorts along the east coast and picturesque towns, villages and countryside make South Suffolk a very popular place to live, work and to visit.

The main gambling activities noted in the district since implementation of the Gambling Act 2005 are licensed off-course betting, gaming in alcohol licensed premises and members clubs (in the form of gaming machines, exempt and prescribed gaming), non-commercial gaming, occasional use notices for point-to-point track betting and small society lottery registrations.

2.2 Licensing Authorities are required by the Act to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from time to time and any amended parts must be re-consulted upon. Following any amendment and consultation, the revised statement will then be re-published.

2.3 Babergh District Council consulted widely upon this statement of principles before it was finalised and published. The Gambling Act 2005 requires that the following parties are consulted by Licensing Authorities:

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and

- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005

A list of the persons consulted by the Licensing Authority is attached to this document as Schedule A.

The consultation took place between ~~X August 2018~~ and ~~X October 2018~~ to be determined

The full list of any comments made and the consideration by the Licensing Authority of those comments is available upon request by contacting:

Babergh District Council
Licensing Team, Endeavour House, 8 Russell Road, IPSWICH, Suffolk IP1 2BX
(☏ Tel: 0300 123 4000) 💻e-mail: licensingteam@baberghmidsuffolk.gov.uk
website: www.babergh.gov.uk

2.4 The statement of principles was approved at a meeting of the full Council of Babergh District Council on ~~18 December 2018~~ to be determined and was published on the Council website by ~~3 January 2019~~ to be determined. Copies were placed in the public libraries within the District as well as being available at the Council's Customer Access Points in Stowmarket and Sudbury. Should you have any comments concerning this document then please send them via e-mail or letter to the Licensing Team as above.

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

2.6 Where revisions are made to the legislation or Guidance issued by the Gambling Commission, there may be a period of time when the local statement of principles is inconsistent with these revisions. In these circumstances, the Licensing Authority will have regard, and give appropriate weight, to the relevant changes, Guidance and its own statement of principles.

3. Declaration

3.1 In producing this statement of principles the Licensing Authority declares that it has had due regard to the licensing objectives of the Gambling Act 2005 (see 1.1 of this document), the guidance issued by the Gambling Commission, and any responses from those consulted on the statement of principles.

4. Responsible Authorities

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

- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and

- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

4.2 In accordance with the Gambling Commission Guidance for Licensing Authorities this Authority intends to designate the **Suffolk Safeguarding Children Board** for this purpose.

4.3 The contact details of all the Responsible Bodies under the Gambling Act 2005 are available via the Babergh District Council website at www.babergh.gov.uk or available upon request to the Licensing Team.

5. Interested parties

5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. The Gambling Act defines interested parties as persons who:

a) live sufficiently close to the premises to be likely to be affected by the authorised activities,
b) have business interests that might be affected by the authorised activities, or
c) represent persons who satisfy paragraph (a) or (b).

5.2 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party (including whether a person lives sufficiently close to the premises. These principles are:

- Each case will be decided upon its merits.
- The Licensing Authority will not apply a rigid rule to its decision making. It may have regard to a number of factors, for example:

  (i) The size of the premises;
  (ii) The nature of the premises (including activities the applicant proposes to provide);
  (iii) The distance of the premises from the location of the person making the representation;
  (iv) The potential impact of the premises such as the number of customers, routes likely to be taken by those visiting the establishment;
  (v) The circumstances of the person who lives close to the premises. This is not their personal characteristics, but their interests which may be relevant to the distance from the premises; and
  (vi) Guidance from the Gambling Commission that 'business interests' should be given the widest possible interpretation (paragraph 8.14 of the guidance refers).

5.3 Interested parties can include persons who are democratically elected such as county, parish and town councillors and MPs. Other than these persons, the Licensing Authority will normally require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities.

5.4 If individuals approach Councillors to ask them to represent their views then care should be taken to ensure that the Councillors are not subsequently appointed as part of a Licensing Sub-Committee who may be involved with determination of the

licence application. If any further guidance is required, generally or in individual cases, then please contact the Licensing Team at Babergh District Council.

6. Exchange of Information

6.1 This Licensing Authority will, when exchanging information it holds relating to gambling premises, permits, registrations and temporary permissions, apply the following principles:

(a) act in accordance with the provisions of the Gambling Act 2005;

(b) comply with the Data Protection Act 2018;
(c) comply with any relevant requirements of the Freedom of Information Act 2000;
(d) have regard to Part 13 of the Guidance issued by the Gambling Commission on this matter ~~and the Gambling Commission's publication *'Advice to Licensing Authorities on information exchange with the Gambling Commission'*~~ (as may be periodically updated); and
(e) any relevant regulations issued by the Secretary of State under the powers provided by the Gambling Act 2005.

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

7. Enforcement

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

7.2 This Licensing Authority's principles are that it will be guided by the Gambling Commission Guidance (in particular Part 36), the Regulators' Code and its own Joint Corporate Enforcement Policy. The Authority shall endeavour to regulate in the public interest and be:

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

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

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7.4 Any inspection programme, which may be adopted by the Licensing Authority, shall be risk-based and may be combined with other functions.

7.5 The enforcement and compliance role for the Licensing Authority under the Gambling Act 2005 is to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission is the enforcement body for Operator and Personal Licences. Manufacture, supply or repair of gaming machines is dealt with by the Gambling Commission and not the Licensing Authority.

7.6 This Licensing Authority will also endeavour to work in partnership with and support local businesses, having due regard to the stated principles and any best practice guidelines/codes published by the Office for Product Safety and Standards, in respect of its responsibilities under the Gambling Act 2005 and other regulatory functions of the Local Authority. This includes that Regulators should:

- carry out their activities in a way that supports those they regulate to comply and grow;
- provide simple and straightforward ways to engage with those they regulate and hear their views;
- base their regulatory activities on risk;
- share information about compliance and risk;
- ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply; and
- ensure that their approach to their regulatory activities is transparent.

7.7 With due regard to the principle of transparency, any enforcement/compliance protocols or written agreements developed by the Licensing Authority shall be made available upon request to the Licensing Team.

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

8. Licensing Authority functions

8.1 The Act gives Licensing Authorities a number of important regulatory functions in relation to gambling, the main functions of which are to:

- Licence premises for gambling activities;
- Consider notices given for the temporary use of premises for gambling;
- Grant permits for gaming and gaming machines in clubs and miners welfare institutes;
- Regulate gaming and gaming machines in alcohol-licensed premises;
- Grant permits to Family Entertainment Centres (FEC's) for the use of certain lower stake gaming machines;
- Grant permits for prize gaming;
- Consider occasional use notices for betting at tracks;
- Register small societies' lotteries;
- Consider applications for provisional statements;
- Provide information to the Gambling Commission regarding details of licences, permits, notices and registrations issued (see section 6 above on 'Exchange of Information');

- Maintain registers of the permits, notices and licences that are issued under these functions; and
- Prepare and publish, every three years (or sooner if required), a statement of the principles it proposes to apply when exercising its functions under the Gambling Act 2005.

Additions or amendments to the list above notified by the Gambling Commission will be published on the Council website.

8.2 The Babergh District Council summary of delegations adopted under the Gambling Act 2005 is available separately via the Council website at www.babergh.gov.uk or upon request direct to the Licensing Team.

8.3 It should be noted that local Licensing Authorities are not responsible for licensing remote gambling. This is the responsibility of the Gambling Commission.

9. Appeals

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

PART B: PREMISES LICENSING

1. General Principles

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

(a) automatically, having been set out on the face of the Act;
(b) through regulations made by the Secretary of State;
(c) by the Gambling Commission, to operating and personal licences;
(d) by the Licensing Authority, to premises licences and some permits; and
(e) by the Licensing Authority, by excluding certain default conditions on a premises licence.

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

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

1.3 **Definition of 'Premises':**
'Premises' is defined by the Act as 'any place'. A particular premise cannot be granted more than one premises licence under the Gambling Act at any one time.

It is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being separate premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can be properly regarded as different premises.

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

- entrances and exits from parts of a building covered by one or more licences are to be separate and identifiable so that the separation of different premises is not compromised and that people cannot 'drift' into a gambling area;
- premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating; and
- customers are able to participate in the principal gambling activity authorised by the premises licence.

1.5 The Licensing Authority takes particular note of the Gambling Commission Guidance which states that Licensing Authorities should pay particular attention to applications where access to the licensed premises is through other premises - whether licensed or unlicensed. The Licensing Authority will consider whether:

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

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

1.6 Where an application is made in respect of a premises to be constructed or altered the Licensing Authority will consider each application on its own merits having due regard to the advice given by the Gambling Commission in its Guidance (particularly sections 7.59 to 7.65). The Licensing Authority will consider whether:

(a) a future effective date on the licence is appropriate; or

(b) the licence should be issued subject to a condition that trading shall not commence until the premises have been completed in all respects and in accordance with the scale plans provided with the application.

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

1.7 **Location**: Demand or need for licensed premises cannot be considered with regard to the location of premises. In accordance with the Gambling Commission Guidance, the Licensing Authority will pay particular attention to protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. The Licensing Authority will carefully consider applications for premises licences and whether there is a need for condition(s) to mitigate risks, in respect of certain kinds of gambling located very close to a school or a centre for gambling addicts, in light of the third licensing objective. Each case will be decided on its merits and will depend to a large extent on the type of gambling that is proposed for the premises. The requirement for conditions might be determined by the operator's own risk assessment or the local area profile carried out by the licensing authority.

1.8 **Duplication with other regulatory regimes**: The Licensing Authority seeks to avoid any duplication with other statutory / regulatory systems wherever possible, including planning, building control, health and safety and fire safety. Should it come to the attention of the Licensing Authority that planning conditions or other regulatory restrictions/controls may impact on a premises operator's ability to comply with mandatory or default conditions then it may alert the applicant accordingly. The grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building control.

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

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

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

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

The Gambling Commission states in its Guidance that it would, with the exception of tracks, generally not expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this is addressed via Operator and Personal licensing requirements. If the Licensing Authority suspects that gambling is not being conducted in a fair and open way then this will be brought to the attention of the Gambling Commission for its further consideration.

The Licensing Authority's role in relation to tracks will be different from other premises, in that track owners will not necessarily hold an operating licence with the Gambling Commission. In such circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable. The Licensing Authority will have regard to the Gambling Commission's Guidance at Part 20 when considering such matters.

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

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

The Licensing Authority will therefore consider, as suggested in the Gambling Commission Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include such matters as supervision of entrances/machines or segregation of areas and the Licensing Authority will also have due regard to any relevant Codes of Practice issued by the Gambling Commission concerning this licensing objective in relation to specific premises.

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

- gamble more than they want to;
- gamble beyond their means; and
- may not be able to make informed or balanced decisions about gambling due to, for example mental health, a learning disability or substance misuse relating to alcohol or drugs.

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

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

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

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

This Licensing Authority shares the view of the Gambling Commission that the mandatory and default conditions set by the Secretary of State will normally be adequate for the general good conduct of gambling premises. However, where

there are specific, evidenced risks or problems associated with a particular locality, specific premises, or class of premises in its area then the Licensing Authority may be able to attach individual conditions to address this.

Any conditions attached by the Licensing Authority to a premises licence shall be in accordance with Section 9.31 of the Gambling Commission Guidance as follows:

- carefully considered in view of the matters mentioned above at 1.10;
- directly related to the premises (including the locality and any identified local risks) and the type of licence applied for;
- relevant to the need to make the proposed building suitable as a gambling facility;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

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

- any condition on the premises licence which makes it impossible to comply with an operator licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body cannot be required by attaching a condition to a premises licence (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

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

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

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

Such measures may include the supervision of entrances, segregation of gambling from non-gambling areas frequented by children and the supervision of gaming machines in specific non-adult gambling premises in order to promote the licensing objectives.

1.12 The Licensing Authority must be satisfied that where category C or above machines are available in premises to which children are admitted:

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

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

1.13 'Tracks' may be subject to one, or more than one, premises licence provided each licence relates to a specified area of the track. In accordance with the Gambling Commission Guidance, the Licensing Authority will consider the impact upon the protection of children licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

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

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

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

- meet the minimum requirements necessary for that individual to be licensed by the Security Industry Authority (SIA) in normal circumstances (accepting that there is a specific exemption from the licensing of door supervisors by the SIA for in-house staff of casino and bingo premises); or
- the holder of the operator licence will have recruitment criteria for their door supervisors, which may specify:

(a) a minimum training standard (whether within the organisation, or a nationally accredited training course); and
(b) an assessment of whether that individual is fit and proper, for example by means of a subject access search, Disclosure and Barring Service (DBS) disclosure or other means.

1.15 Operators should ensure their familiarity, and compliance where appropriate, with the Gambling Commission's published Licence Conditions and Codes of Practice (LCCP), which were ~~substantially~~ recently updated in ~~April 2018~~ October 2020. These provide sector-specific advice about steps that a business should take to meet its social responsibilities and reflect the licensing objectives. In particular this relates to those business activities which fall under the responsibility of the Licensing Authority i.e. in the areas of non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences. The exceptions to this are non-remote general betting (limited) and betting intermediary licences. See also **Schedule E** of this statement of principles relating to Local Area Profile and Risk Assessments.

2. Reviews

2.1 An application for review of a premises licence may be made by:

- a interested party;
- a responsible authority; and
- the Licensing Authority, for :
  - (i) a particular class of premises licence; or
  - (ii) in relation to a particular premises.

It is for the Licensing Authority to decide whether the review is to be carried-out.

2.2 Any request for a review should normally relate to matters relevant to one or more of the following:

- any relevant code of practice issued by the Gambling Commission;
- any relevant guidance issued by the Gambling Commission;
- the licensing objectives, and
- the Licensing Authority's statement of principles.

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

- each application on its merits;
- whether matters raised in the application are frivolous or vexatious;
- whether the application would certainly not cause it to amend/suspend or revoke the licence; or
- whether the request is substantially the same as any previous representations, requests made for a review or previous application for the same premises.

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

2.3 A review application must only be determined by a Sub-Committee, and not by an officer. The purpose of a review is to determine whether the Licensing Authority should take any action in relation to the licence. The Licensing Authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations. If action is justified, the options are to:

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(a) add, remove or amend a licence condition imposed by the Licensing Authority;
(b) exclude a default condition imposed by the Secretary of State (relating to, for example, opening hours) or remove or amend such and exclusion;
(c) suspend the premises licence for a period not exceeding 3 months; or
(d) revoke the premises licence.

3. Provisional Statements

3.1 An applicant may apply for a full premises licence where the premises are uncompleted or unaltered. However an applicant for a provisional statement does not need the right of occupation or an operator licence (granted or applied for) which are required in order to apply for a premises licence.

3.2 An application may be made to the Licensing Authority, under section 204 of the Act, for a provisional statement in respect of premises that the applicant expects to;

- be constructed;
- be altered;
- acquire a right to occupy.

An application may also be made for a provisional statement for premises already having a premises licence (either for a different type of gambling or the same type).

3.3 When considering an application for a provisional statement the Licensing Authority shall have due regard to the guidance issued by the Gambling Commission (in particular Part 11). Subject to any necessary modifications, the process for considering an application for a provisional statement is the same as that for a premises licence, including the rights of interested parties and responsible authorities to make representations and rights of appeal.

3.4 If representations about a premises licence application, following the grant of a provisional statement, are received then they may not be taken into account unless they concern matters which could not have been addressed when determining the provisional statement, or they reflect a material change in the circumstances of the application. The Licensing Authority must determine the premises licence, referring only to matters:

(a) which could not have been raised by way of representations at the provisional statement stage;
(b) which in the Licensing Authority's opinion reflect a change in the operator's circumstances; or
(c) where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. If there are substantial changes to the plan the Licensing Authority will discuss any concerns with the applicant before making a decision.

3.5 In accordance with section 210 of the Act (which applies to premises licences and provisional statements), the Licensing Authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.

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4. Temporary Use Notices

4.1 Temporary Use Notices (TUNS) allow the use of premises for gambling where there is no premises licence but where a licensed gambling operator wishes to use the premises for providing facilities for equal chance gaming. The Gambling Commission Guidance suggests that premises that might be suitable for TUNS include hotels, conference centres and sporting venues, and that equal chance gaming may include games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker (but may not be provided by means of machine).

4.2 There are a number of statutory limits that apply in respect of Temporary Use Notices, including that a TUN may only be granted to a person or company holding a relevant operator licence, in effect a non-remote Casino Operating licence, and limitations on the number of times a 'set of premises' can be used under these provisions.

4.3 A 'set of premises', as referred to by section 218 of the Act, is the subject of a Temporary Use Notice if any part of the premises is the subject of a notice. This reference to 'premises' is not the same as that in Part 8 of the Act (see Part 7 of the Gambling Commission Guidance) and prevents one large premises from serving TUNS for different parts of the premises and exceeding the statutory limit of 21 days in any 12 month period.

4.4 The Licensing Authority will take into account Gambling Commission Guidance when considering whether a place falls within the definition of a 'set of premises'. This consideration may include looking at the ownership, occupation and control of the premises. The Gambling Commission Guidance advises that being a new type of permission, Licensing Authorities should be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

4.5 Where a notice of objection is received in respect of a Temporary Use Notice, the Licensing Authority will hold a hearing and consider representations from:

- the person who gave the notice
- any person who objected to the notice; and
- any party who was entitled to receive a copy of the Temporary Use Notice.

Where all parties agree that a hearing is unnecessary, the hearing may be dispensed with.

4.6 Where objections are made, a modification to the Temporary Use Notice may be proposed, which could include a:

- reduction in the number of days when gambling occurs; and/or
- restriction on the type of gambling which may take place.

4.7 Where, following a hearing or after a hearing has been dispensed with, the Licensing Authority considers that the Temporary Use Notice should not have effect, it must issue a counter-notice which may:

- prevent the temporary use notice from taking effect;
- limit the activities that are permitted;
- limit the time period of the gambling;
- allow the activity to take place subject to a specified condition.

4.8 The principles which the Licensing Authority will apply in determining a TUN are those which it will apply when determining a premises licence, subject to its view as to whether it accords with:

- a Gambling Commission code of practice;
- the Guidance issued by the Gambling Commission;
- the Licensing Authority's statement of principles; and
- is reasonably consistent with the licensing objectives.

5. Occasional Use Notices

5.1 Occasional Use Notices (OUNS) permit licensed betting operators (with appropriate permission from the Gambling Commission) to use tracks for short periods for conducting betting, where the event upon which the betting is taking place is of a temporary, infrequent nature. The OUN dispenses with the need for a Betting Premises Licence for the track in these circumstances.

5.2 The OUN must be served by a person who is responsible for the administration of events on the track or by an occupier of the track.

5.3 The Licensing Authority must ensure that the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority will consider the definition of a 'track', which need not be a permanent fixture, and whether the applicant is eligible to serve the notice.

6. Casinos

6.1 This Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but retains the power to do so. Any change will be published in this Statement of Principles and on the Council's website during any intervening period.

6.2 Where a Licensing Authority has the power to determine a premises licence application for a new style casino, it will do so following any regulations under Section 175 of the Gambling Act 2005 published by the Secretary of State.

6.3 The Act lays down a framework for a two-stage process for considering applications in circumstances where the number of applications exceeds the number of licences available, and this will be followed by the Licensing Authority.

6.4 **Licence considerations/conditions:** The Licensing Authority shall have due regard to Gambling Commission guidance in relation to the suitability and layout of casino premises, and also the guidance issued by the Commission on primary gambling activity at casino premises.

Conditions may be attached to casino operator licences by the Gambling Commission to restrict the types of casino games that may be made available, or specifying rules for casino or equal chance games played in a casino. The Licensing Authority will make itself aware of any operating, mandatory and default conditions, codes of practice and Gambling Commission guidance when considering applications, and attachment of any conditions, for casino premises licences.

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6.5 **Betting machines:** Where betting is permitted in a casino the Licensing Authority will normally, in accordance with Gambling Commission Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines (self-service betting terminals) an operator wants to make available.

7. Bingo premises

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

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

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

8. Betting premises

8.1 **Betting machines:** The Licensing Authority will normally, in accordance with Gambling Commission Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines (self-service betting terminals) an operator wants to make available. Children and young persons will not be able to enter premises which hold a Betting Premises licence, unless the special rules applying to tracks are applicable.

8.2 The Licensing Authority shall have due regard to the Gambling Commission Guidance in relation to the suitability and layout of betting premises. This includes guidance on primary gambling activity, split premises and operating licence conditions.

8.3 Betting machines (self-service betting terminals) are not gaming machines under the Act, and do not accrue against the premises entitlement for gaming machines, unless the machine is designed or adapted for use to bet on **virtual** races (that is, images generated by computer to resemble races or other events) in which case it is considered a gaming machine. Where betting facilities are provided only by betting machines the number of betting machines must exceed the number of gaming machines made available for use.

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9. Track premises

9.1 Tracks are defined under section 353 of the Act as a 'horse race course, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place'.

9.2 The Act does not give a list of premises that are officially recognised as 'tracks', but there are a number of venues that could be classed as tracks, examples of tracks may include:

- horse racecourse
- greyhound track
- point-to-point horserace meeting
- football, cricket or rugby ground
- athletics stadium
- golf course
- venues hosting darts, bowls or snooker tournaments
- premises staging boxing matches
- sections of river hosting a fishing competition
- motor racing events

This list is not exhaustive, but gives an example of the types of venue which could accommodate the provision of betting facilities.

9.2 The different types of approval for the provision of betting facilities may be made available at a sporting event are:

- an Occasional Use Notice (OUN); and
- a Track Premises Licence.

Betting in relation to tracks may be provided either as on-course or off-course betting. The different types of betting are explained in detail in the Guidance issued by the Gambling Commission, and this is available via the Gambling Commission website at www.gamblingcommission.gov.uk

9.3 A Betting Premises Licence permits a premises to be used for the provision of facilities for betting, whether by:

- making or accepting bets;
- acting as a betting intermediary; or
- providing other facilities for the making or accepting of bets.

9.4 Tracks are the only class of premises that may be subject to more than one premises licence, provided that each licence relates to a specific area of the track. This allows track venues to develop leisure facilities such as a casino and apply for a (casino) premises licence for that part of the track.

9.5 There is no special class of Betting Premises Licence for a track, but the Act does contain rules which apply specifically to premises licences granted in respect of tracks.

9.6 Special rules apply to applicants for a premises licence in relation to a track. Most importantly the applicant need not hold an operator licence. That is because, unless the occupier of the track wishes to offer pool betting (or general betting) facilities himself (for which he will need a licence), the betting that is provided upon the track

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will not be provided by him but will be provided by other operators who come on-course. Since those people will require the necessary operator licence(s), the Act allows the track operator to obtain a premises licence without also having to hold an operator licence. This 'Track Premises Licence' then authorises anyone upon the premises with a valid operator licence to offer betting facilities.

9.7 Track premises licences are distinguished from all other premises licences because children and young persons are allowed to be present on the track while betting is taking place on those licensed premises.

9.8 Track premises that safeguard the achievement of the three licensing objectives may generally be considered fit for gambling, and some general principles whereby Licensing Authorities can establish whether a track is fit for the provision of gambling facilities are outlined as follows:

Licensing objective	Issues to consider	Reason to consider a track premises unfit for gambling purposes?
The protection of children and other vulnerable persons from being harmed or exploited by gambling	Tracks permit access to children.	No - Children are allowed access to tracks on race days.
	Self-service betting terminals in areas where there is no supervision which would allow children or young persons to use machines undetected.	No - It is a mandatory condition of the operating licence that operators ensure that self-service betting terminals are supervised. This is not an issue for the premises licence.
	Children are allowed access to areas siting category B and C gaming machines.	It is a mandatory condition of the operating licence that operators ensure that children are not allowed access to areas where category B and C gaming machines are provided. However, section 182 of the Act also creates a premises licence condition that children and young persons must be excluded from areas where any gaming machines other than category D are located.
	Betting areas adjacent to areas where children or young persons are present such as play areas.	No - Children are allowed access to tracks on race days and so will be exposed to gambling areas. It is a mandatory condition of the

		operating licence that operators do not accept bets from children or young persons.
Ensure gambling is conducted in a fair and open way	Betting areas adjacent to areas where children or young persons are present such as play areas.	The Commission considers that the location of betting does not generally pose a risk to this licensing objective. Licensing authorities may impose their own local conditions where they perceive problems.
	The rules of betting are not displayed on the premises.	No (not an issue at application stage) - it is a mandatory condition of the premises licence that the rules of betting are displayed.
	Unlicensed betting operators are allowed to operate on tracks.	No (not an issue at application stage) - it is a mandatory condition of the premises licence that licence holders make arrangements to ensure that they only allow licensed operators on track.
	Betting takes place out of approved hours.	No (not an issue at application stage) - it is a mandatory condition of the premises licence that betting only takes place within the specified hours
Prevent gambling from being a source of crime and disorder	Betting is allowed in all parts of a track resulting in greater difficulties for track premises licence holders to identify instances of illegal betting.	No - the Commission's view is that this does not generally pose a risk to this objective. Licensing authorities may impose their own conditions should they perceive a problem.
	No formal exit/entry points allowing easy access for unapproved operators and customers.	No - the Commission's view is that this does not generally pose a risk to this objective. Licensing authorities may impose their own conditions should they perceive a

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		problem.

The Licensing Authority will take any such guidance into consideration when determining an application for a track premises licence.

Access to premises and other parts of the track:

9.9 Access between premises licensed for gambling and non-gambling areas is an important local licensing consideration, for reasons that include the following:

(a) to prevent operators from seeking to circumvent the Act by artificially subdividing a premises and securing separate premises licences for its composite parts;
(b) to ensure that operators do not circumvent regulations governing the maximum number of gaming machines applicable to specific premises;
(c) to ensure that people who have entered a premises for one type of gambling are not exposed to another, potentially harder, form of gambling;
(d) to ensure that there is no direct access between gambling premises to which children have access and those which they are prohibited from entering;
(e) to ensure that all gambling premises have publicly accessible entrances;
(f) to ensure that gambling premises are not developed in the backrooms of other commercial premises.

Access by children - special dispensation for tracks:

9.10 The Act forbids all persons under 18 years old to enter premises when betting facilities are being provided, other than at tracks. This dispensation allows families to attend premises such as greyhound tracks or racecourses on event days, and children to be permitted into areas where betting facilities are provided, such as the betting ring, where betting takes place. This dispensation does not, however, apply to:

- areas within a track where category C or above machines are provided; or
- other premises to which under 18 year olds are specifically not permitted access.

Licensed betting operators at tracks are bound by their operating licence conditions which prevent them from accepting bets from persons who are under 18 years old. The track premises licence holder is also required through premises licence conditions to display a notice in a prominent place at every public entrance stating that no person under the age of 18 is permitted to bet on the premises.

There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling, the need to ensure entrances to each type of premises are distinct and that children are excluded from gambling or betting areas where they are not permitted to enter.

9.11 Children and young persons will by law be permitted to enter track areas where facilities for betting are provided on days when dog racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided. The Licensing Authority will normally expect premises licence applicants to demonstrate suitable measures to ensure the children do not have access to adult only gambling facilities.

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Appropriate measures may include:

- Proof of Age schemes
- CCTV
- Door Supervisors – Registered by the Security Industry Authority
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- The location of gaming machines
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare or Be Gamble Aware.

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

Betting on event and non-event days:

9.12 **Hours of betting on event days:** Premises licence holders will be expected to comply with the mandatory and default conditions applicable to them on both event and non-event days. The Licensing Authority will not generally expect to re-assess a licence application as a result of a change to the dates of sporting events, but would expect applicants and licence holders to make information about sporting fixtures available as part of the application.

Significant changes to the fixture/events listing have a bearing on the licence conditions in that track premises licence holders will be expected to comply with the mandatory and default conditions applicable to them on both event and non-event days.

9.13 Hours of betting on non-event days: On days when no public sporting event is taking place on a track, gambling facilities may only be provided on the track between the hours of 7am and 10pm. Where the premises user intends to continue to offer facilities for gambling outside the proposed gambling hours on non-event days these facilities should be provided by means of an Occasional Use Notice (OUN).

9.14 On non-event days, tracks become similar to licensed betting offices on the high street. Tracks may achieve this requirement by:

(a) locating all betting areas inside an area of the premises that is separated from the remainder of the premises by a physical barrier, thereby preventing access other than through a designated entrance;
(b) only admitting adults to the part of the track where betting areas are located, by establishing procedures for verifying customer ages and refusing entry to adult-only areas for those unable to produce an acceptable form of identification (and taking action where there are unlawful attempts to enter adult-only areas);
(c) placing prominent notices in front of and inside each entrance stating that access to the area is prohibited to persons under 18.

9.15 The Licensing Authority may consider reducing the default gambling hours, providing any reduction is consistent with the principles set out in section 153 of the Act.

Self-Service Betting Terminals

9.16 Licensed operators may install self-service betting terminals on tracks. There is no restriction on the number of self-service betting terminals that may be in use but operators must, by virtue of their operating licence conditions, supervise such terminals to prevent them being used by those under 18 years of age.

There is no formal requirement on track premises licence holders to involve themselves in the procedures used by betting operators to supervise their self-service betting terminals unless specific local conditions specifying supervisory arrangements are added to the track premises licence by the Licensing Authority terminals.

Gaming machines

9.17 A track premises licence does not of itself entitle the holder to provide gaming machines, as this type of premises licence can be held without any corresponding operating licence.

Where a track owner holds both a track premises licence and a pool betting operating licence issued by the Gambling Commission (in effect, greyhound tracks only), they may site up to four gaming machines within categories B2 to D on the track.

Some tracks may also hold a premises licence under the Licensing Act 2003. As such they will be automatically entitled under section 282 of the Act to two gaming machines of category C or D.

In such scenarios the operating licence entitlement does not take precedence, and each licence has its own requirements that must be complied with.

9.18 Applications for permits to allow additional gaming machines are not permitted where the premises is already covered by a track premises licence. It is a condition of section 282 of the Act that alcohol-licensed premises licence holders (not necessarily the owners) must comply with any relevant provision of a code of practice under section 24 about the location and operation of a gaming machine. The gaming machine permits code of practice can be found on the Gambling Commission website.

9.19 Where track premises licence holders possess a pool betting operating licence, the Commission places a mandatory licence condition on such operators that they must:

- have and put into effect documented policies and procedures to prevent underage gambling; and
- monitor the effectiveness of these.

Track administration:

9.20 **Administration of betting:** Administrative and quasi-regulatory arrangements in place to ensure that activities held on tracks run smoothly for paying customers, track operators and betting operators, are considered to be outside the remit of the Act unless they affect the licensing objectives.

9.21 **The role of track premises licence holders:** The responsibilities of track premises licence holders are established by the mandatory and default licence conditions attaching to their premises licence.

The licensed betting operators authorised by track owners to provide betting facilities at tracks must comply with their operating licence conditions and codes of practice issued by the Commission.

Track premises licence holders have a responsibility to report regulatory breaches or potential breaches relating to the premises itself or to betting operators.

9.22 **Acceptance of bets:** Track premises licences for greyhound tracks and racecourses are subject to mandatory licence conditions requiring access to be offered at the track-side to betting operators generally. This prevents track premises licence holders who are also pool betting operators from becoming a monopoly supplier of betting on tracks.

While this does not mean that there must be independent betting operators on tracks on event days, track premises licence holders cannot hold event days without at least making places available to licensed operators. This matter is the responsibility of the Gambling Commission and not the Licensing Authority.

Pool betting:

9.23 Under the Act, holders of track premises licences on licensed greyhound tracks are given exclusivity to offer pool betting facilities on greyhound racing. They may also authorise other people to conduct such pool betting on their behalf, although in all cases a relevant operating licence will be required to license this activity.

A totalisator on a licensed greyhound track will only be permitted while the public are admitted to the track for the purpose of attending greyhound races, and no other sporting events are taking place. A mandatory condition is attached to the premises licence to this effect.

Admission of betting operators:

9.24 It is a mandatory premises licence condition of track premises licences that the licence holder makes arrangements to ensure that the betting operators they admit to their track operate under valid operating licences.

Track premises licence holders are responsible for determining their own arrangements for the verification of betting operators. As part of this process, the track premises licence holder should make arrangements for ensuring that the betting operator holds an operating licence. Additionally, both parties should agree a procedure for assessing whether persons accepting bets on behalf of a betting operator either themselves hold operating licences in their own right, or are employed by the operator under a written contract of employment.

Removal of illegal betting operators:

9.25 Track premises licence holders are required by a mandatory licence condition to take reasonable steps to remove from the racecourse anybody found to be providing facilities for gambling without authorisation. Failure to uphold this requirement could result in action being taken against the premises licence holder.

Track premises licence holders should have policies and procedures for identifying illegal gambling in addition to the mandatory requirement to verify that betting operators offering betting facilities on their track hold suitable operating licences.

Display of rules:

9.26 It is a mandatory condition of premises licences that clear and accessible information about the terms on which a bet may be placed must be displayed at betting premises, including tracks.

The track premises licence holder should make the necessary arrangements to ensure that betting rules are accessible to all customers, regardless of which area of the track they are in. If certain areas are restricted to certain customers (such as different stands within a football ground) then rules could be displayed at various parts of the track. Other measures could be taken to ensure that they are made available to the public, such as printing them in the race-card or programme. The requirement could also be met by making a copy of the rules available in leaflet form from the main track office, and customers could be given a copy if they request one.

Betting operators offering betting facilities on racecourses and at greyhound tracks are required through the conditions of their operating licence to clearly display any of their own rules that differ from those that the track premises licence holder elects to display, and their rules concerning voids, late bets, and maximum payouts. For racecourses and greyhound tracks, the maximum payout will vary according to the rules of individual on-course operators.

Approved betting areas:

9.27 **Betting areas:** In considering applications, the Licensing Authority will take into account the licensing objectives and assess whether these objectives are compromised by proposed betting arrangements. The location of betting areas (other than those for gaming machines and self-service betting terminals) is not considered a threat to the licensing objectives and therefore no additional conditions would normally be imposed by licensing authorities, unless the circumstances are such that the Licensing Authority considers that the licensing objectives would be undermined.

9.28 Multiple licences: The Act permits a Licensing Authority to issue more than one premises licence for a track provided that each licence relates to a distinct specified area of the track (although there cannot be more than one premises licence covering the same area of the track.) This enables track owners to extend existing facilities to provide other gambling facilities such as a casino on their existing tracks, whereby these additional gambling activities are covered by separate premises licences.

Where an application is made for an additional premises licence, the Licensing Authority will consider the following matters when determining an application:

- access issues in particular whether access to the desired premises will be allowed directly from the track. Direct access between a track and other betting premises (other than a track betting shop) is not permitted. The track owner would need to make arrangements so that access to a casino or bingo hall would be via a street, not via the track itself.

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Where a particular area of a track is already subject to a premises licence, and a person wishes to apply for a licence to offer another type of activity in that area, an application must be made to the Licensing Authority to vary the original premises licence. The new track premises licence can only be granted at the same time as, or after, the original licence has been varied.

Where the Licensing Authority receives an application indicating separate betting areas that may not necessarily have clear physical boundaries, such as walls or fencing, it may grant the licence where it is satisfied that the area is clearly delineated, both in terms of making it clear to the public that they are entering a 'betting office', and to keep out persons aged under 18.

Where the Licensing Authority is not satisfied that a new activity in an existing area is clearly delineated, it may consider refusing the application.

Social responsibility considerations for tracks:

9.29 The Act places a condition on the track premises licence that the licensee shall ensure that children and young persons are excluded from any area where facilities for betting are provided (unless on race days at racetracks and at greyhound tracks).

10. Adult Gaming Centres

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

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

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

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

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11. (Licensed) Family Entertainment Centres

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

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

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Access and Location of entry
- Notices / signage
- Challenging children or young persons attempting to play category C machines
- Self-barring schemes
- ATM location
- Prohibition of alcohol consumption
- Provision of information leaflets/helpline numbers for organisations such as GamCare or Be Gamble Aware
- Measures / training for staff on how to deal with suspected truant school children on the premises

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

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

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

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PART C:
PERMITS~~, TEMPORARY USE NOTICES, OCCASIONAL USE NOTICES~~ & SOCIETY LOTTERIES

1. Unlicensed Family Entertainment Centre (unlicensed FEC's) gaming machine permits

1.1 Unlicensed Family Entertainment Centres (FEC's) are commonly located at seaside resorts, in airports and at motorway service stations, catering for families - including unaccompanied children and young persons. Where a premises does not hold a Premises Licence but there is an intention to provide gaming machines (category D only), an application may be made to the Licensing Authority for the grant of this permit. The applicant must be an individual aged 18 or over, and he/she must occupy or plan to occupy the relevant premises. The Licensing Authority may only grant a permit where it is satisfied that the applicant intends to use the premises as an unlicensed FEC and where it has consulted the Chief Officer of Police on the application. Any duties on the applicant to comply with other legislation such as fire regulations or Health and Safety are not issues for the Licensing Authority under the Gambling Act 2005.

1.2 If the operator of a Family Entertainment Centre intends to make category C machines available, in addition to category D machines, then an application must be made for an Operator Licence from the Gambling Commission and a Premises Licence from the Licensing Authority (see Part B Section 11 on (Licensed) Family Entertainment Centres).

1.3 Detail of any up to date application requirements, including any supporting documentation required, is available via the Council website at www.babergh.gov.uk or from the Licensing Team direct.

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

1.5 **Statement of Principles:**

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

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

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

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

1.7 The Licensing Authority may also require the applicant to provide details of any relevant convictions, (those that are set out in Schedule 7 of the Act), and the following documents would be acceptable for such purposes:

- disclosure and barring service - basic disclosure; or
- a police subject access search.

2. Club Gaming Permits

2.1 Members Clubs ~~and Miners' welfare institutes~~ (but not commercial Clubs) may apply for a Club Gaming Permit which authorises the premises to:

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

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

In respect of equal chance gaming:

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

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

In respect of other games of chance:

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

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

established and conducted for the benefit of its members and not as a commercial enterprise. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.
A club gaming permit may not be granted in respect of a vehicle or a vessel.

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

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

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

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

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

Clubs do not have to have a permanent premises or alcohol licence.

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

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

3. Club Machine Permits

3.1 Members clubs~~, Miners' welfare institutes~~ and commercial clubs may apply for a Club Machine Permit, which enables the premises to make available for use up to 3 gaming machines of categories B3A to D (only one B3A can be made available as part of this entitlement (Members clubs ~~and Miner's welfare institutes~~ only (i.e. not commercial clubs)).

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

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

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

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

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

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

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

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

4. (Alcohol) Licensed Premises Gaming Machine Permits

4.1 The Act makes provision for premises licensed to sell alcohol for general consumption on the premises to be entitled to make available up to 2 gaming machines, of categories C and/or D. The Licensing Act 2003 premises licence holder

needs only to notify the Licensing Authority of this intention and pay the prescribed fee. The Licensing Authority may remove the automatic authorisation in respect of any particular premises only if it is satisfied that:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act, for example the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines;
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

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

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

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

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

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

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

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

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

4.5 It should be noted that the Licensing Authority can and may decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached to the grant of this permit.

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

5. Prize Gaming and Prize Gaming Permits

5.1 **Statement of principles:**

The prize gaming conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a monetary prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

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

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

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

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

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

5.3 In making its decision on an application for this permit the Licensing Authority may have regard to the licensing objectives and must have regard to any Gambling Commission Guidance. Given that the premises may be particularly appealing to children and young persons, the Licensing Authority will give appropriate weight to the consideration of child protection issues.

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

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

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

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

6. Travelling Fairs

6.1 It is the duty of the Licensing Authority to decide whether, where category D machines and / or equal chance prize gaming without a permit are made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

6.2 The Licensing Authority will carefully consider whether an operator falls within the statutory definition of a travelling fair (provided by section 286 of the Act) and be 'wholly or principally' providing amusements.

6.3 The 27-day statutory maximum for the land being used as a fair is per calendar year, and that this applies to the piece of land on which the fairs are held regardless of whether it is the same or different travelling fairs occupying the land. The Licensing Authority shall endeavour to work with neighbouring authorities to ensure that land which crosses district/borough boundaries is monitored so that the statutory limits are not exceeded.

7. Society Lotteries

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

A **simple lottery** if:

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

A **complex lottery** if:

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

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

- charitable purposes (as defined in section 2 of the Charities Act 2006);
- the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity;

- any other non-commercial purpose other than private gain;

The proceeds of the lottery must be devoted to the purposes above. The society must not be established for the sole purpose of facilitating lotteries.

A small lottery is defined in the Act and the current limitations are published on the Council website at www.babergh.gov.uk Definitions of exempt lotteries are also published at the above address.

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

If the society's status is unclear, the Council may ask for the society applying to register with it to supply a copy of its terms of reference or constitution to enable it to establish that the society is non-commercial, together with a declaration to the effect that it is non-commercial.

7.3 Registration of small society lotteries is a function which the Council has delegated to officers. Details of societies registered by the council will be published in a register maintained by the Council.

The registration is for an indefinite period unless the registration is cancelled by:

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

7.4 The Council may refuse to register a small society lottery where:

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

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

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

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SCHEDULE A

GAMBLING ACT 2005 STATEMENT OF PRINCIPLES:
CONSULTEE LIST FOR BABERGH DISTRICT COUNCIL
(AS MAY HAVE BEEN MODIFIED/UPDATED DURING CONSULTATION)

1. All Town and Parish Councils in Babergh	2. All Premises Licence Holders and Gaming Machine Permit Holders under the Gambling Act 2005
3. All responsible authorities under the Gambling Act 2005	4. ADFAM Families Drugs and Alcohol 2nd Floor 120 Cromer Street London WC1H 8BS
5. Age UK Tavis House 1 – 6 Tavistock Square London WC1H 9NA	6. Age UK Suffolk Unit 14 Hillview Business Park Old Ipswich Road Claydon Ipswich IP6 0AJ
7. Alcoholics Anonymous PO Box 1 10 Toft Green York South Yorkshire YO1 7NJ	8. Association of British Bookmakers Ground Floor Warwick House 25 Buckingham Palace Road London SW1W 0PP
9. BACTA 29-30 Ely Place London EC1 6TD	10. Bingo Association Lexham House 75 High Street North Dunstable Bedfordshire LU6 1JF
11. British Association of Leisure Parks, Piers & Attractions Ltd 29-30 Ely Place London EC1 6TD	12. British Horseracing Authority 75 High Holborn London WC1V 6LS
13. Business in Sport and Leisure 17A Chartfield Avenue Putney London SW15 6DX	14. Casino Operators Association UK 86 Jermyn Street London SW1Y 6JD
15. Chilvers Automatics Ltd Unit H1-H2 The Seedbed Centre Wyncolls Road Severalls Industrial Park Colchester CO4 9HT	16 Citizens Advice Bureau (Cambridge Field Office) 66 Devonshire Road Cambridge CB1 2BL
17. Crown Leisure Unit 1 Hillridge Road Martland Mill Industrial Estate Martland Park Wigan WN5 0LS	18. Essex Leisure Essex House 21 Eastways Witham Essex CM8 3YQ

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19. Gamblers Anonymous Doncaster CVS Intake Wellness Centre Doncaster DN2 6PL	20. Gamble Aware 2a Charing Cross Road London WC2H 0HF
21. Gamcare 91-94 Saffron Hill London EC1N 8QP	22. Gamestec Leisure Ltd Wira House Ring Road West Park Leeds LS16 6EB
23. Greyhound Board of Great Britain Genesis House 17 Godliman Street London EC4V 5BD	24. Gordon Moody Association 47 Maughan Street Dudley West Midlands DY1 2BA
25. Home Start in Suffolk 8a The Square Martlesham Heath Ipswich IP5 3SL	26. Horserace Betting Levy Board 21-27 Lambs Conduit Street London WC1N 3NL
27. Independent Betting Adjudication Service PO Box 62639 London EC3P 3AS	28. Learning Disability Partnership Board Partnership Board Administrator Adult and Community Services Endeavour House 8 Russell Road Ipswich IP1 2BX
29. Mencap 123 Golden Lane London EC1Y 0RT	30. Narcotics Anonymous UK Service Office 202 City Road London EC1V 2PH
31. National Association of Bookmakers Ltd 19 Culm Valley Way Uffculme Devon EX15 3XZ	32. National Youth Agency 9 Newarke Street Leicester LE1 5SN
33. Orwell Mencap 6 Wright Road Ipswich IP3 9JG	34. Racecourse Association Ltd Racecourse Services Executive Racecourse Association Ltd Winkfield Road Ascot Berkshire SL5 7HX
36. Society for Study of Gambling Secretary – Faith Freestone	37. Sudbury & District Citizens Advice Keyse House Acton Lane Sudbury CO10 1QN
38. Suffolk County Council Social Care Service Endeavour House 8 Russell Road Ipswich IP1 2BX	39. Suffolk Safeguarding Adult Board Endeavour House 8 Russell Road Ipswich IP1 2BX

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40. Suffolk Safeguarding Children's Board Endeavour House 8 Russell Road Ipswich IP1 2BX	41. The Lotteries Council 66 Lincoln's Inn Fields London WC2A 3LH
42. The National Casino Industry Forum Carlyle House 235 – 237 Vauxhall Bridge Road London SW1V 1EJ	43. The National Stud Newmarket CB8 0XE
44. Trident Machines Limited Unit 6 Motorway Industrial Estate Forstal Road Aylesford Kent ME20 7AF	45. All Sixth Form Schools and Colleges in Babergh District Council

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SCHEDULE B

Section 353 of the Gambling Act 2005 gives some general interpretation and reference for some of the main terminology used within the Act and contained within this Statement of Principles document. Except where the context otherwise requires:

"adult" means an individual who is not a child or young person
"adult gaming centre" has the meaning given by section 237
"alcohol licence" has the meaning given by section 277
"authorised local authority officer" has the meaning given by section 304
"authorised person" has the meaning given by that section
"betting" has the meaning given by sections 9 to 11, 37 and 150
"betting intermediary" has the meaning given by section 13
"bingo" means any version of that game, irrespective of by what name it is described
"casino" has the meaning given by section 7
"casino game" has the meaning given by that section
"Category A gaming machine" (or B, C or D) means a gaming machine falling within Category A (or B, C or D) as prescribed under section 236
"chief constables of police forces" has the same meaning in relation to England and Wales as in the Police Act 1996 (c. 16)
"child" has the meaning given by section 45
"club gaming permit" has the meaning given by section 271
"club machine permit" has the meaning given by section 273
"commercial club" has the meaning given by section 267
"the Commission" means the Gambling Commission
"director" -
(a) has the meaning given by section 741 of the Companies Act 1985 (c. 6), and
(b) includes a shadow director within the meaning of that section
"dog track" means premises which are designed, used or adapted for use for dog-racing
"draw", in relation to a lottery, has the meaning given by section 255
"EEA State" means a State which is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (as it has effect from time to time)
"enactment" includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament
"enforcement officer" means a person designated or appointed as an enforcement officer under section 303
"equal chance gaming" has the meaning given by section 8
"exempt lottery" has the meaning given by section 258
"external lottery manager" has the meaning given by section 257
"fair" has the meaning given by section 286
"family entertainment centre" has the meaning given by section 238
"family entertainment centre gaming machine permit" has the meaning given by section 247
"football pools" means an arrangement whereby -
(a) people compete for prizes by forecasting the results of association football games, and
(b) each entry to the competition must forecast the results of at least four games
"gambling" has the meaning given by section 3
"gambling software" has the meaning given by section 41
"game of chance" has the meaning given by section 6
"gaming" has the meaning given by that section
"gaming machine" has the meaning given by section 235
"horse-race course" means premises which are designed, used or adapted for use for horse-racing
"horse-race pool betting" has the meaning given by section 12
"large casino" has the meaning given by regulations under section 7(5)
"licensed family entertainment centre" has the meaning given by section 238
"licensed premises gaming machine permit" has the meaning given by section 283
"the licensing objectives" has the meaning given by section 1
"licensing authority" has the meaning given by section 2
"lottery" has the meaning given by section 14 (and section 256)
"lottery manager's operating licence" has the meaning given by section 98
"lottery ticket" has the meaning given by section 253
"machine" has the meaning given by section 235(3)(a)
"members' club" has the meaning given by section 266
"miners' welfare institute" has the meaning given by section 268
"the National Lottery" has the meaning given by section 1 of the National Lottery etc. Act 1993 (c. 39))
"non-commercial betting" has the meaning given by section 302
"non-commercial gaming" has the meaning given by section 297
"non-commercial society" has the meaning given by section 19

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"occasional use notice" means a notice given under section 39
"operating licence" means a licence issued under Part 5
"on-premises alcohol licence" has the meaning given by section 277
"participant", in relation to a game of chance, includes a person who discharges an administrative or other function in relation to the game
"participation fee" has the meaning given by section 344
"passenger vessel" means a vessel which is carrying or expected to carry at least one passenger
"personal licence" means a licence issued under Part 6
"pool betting" has the meaning given by section 12
"premises" includes any place and, in particular -

(a) a vessel, and
(b) a vehicle

"premises licence" means a licence issued under Part 8
"private betting" has the meaning given by section 295 and Part 2 of Schedule 15
"private gaming" has the meaning given by section 295 and Part 1 of Schedule 15
"private gain" is to be construed in accordance with section 19(3)
"prize" in relation to gaming (except in the context of a gaming machine) has the meaning given by section 6
"prize" in relation to a gaming machine has the meaning given by section 239
"prize" in relation to a lottery has the meaning given by section 14
"prize gaming" has the meaning given by section 288
"prize gaming permit" has the meaning given by section 289
"proceeds", in relation to a lottery, has the meaning given by section 254
"profits", in relation to a lottery, has the meaning given by that section
"profits", in relation to non-commercial prize gaming, has the meaning given by section 299
"racecourse" means premises on any part of which a race takes place or is intended to take place
"real", in relation to a game, event or process means non-virtual
"relevant offence" has the meaning given by section 126 and Schedule 7
"remote communication" has the meaning given by section 4
"remote gambling" has the meaning given by that section
"remote gambling equipment" has the meaning given by section 36
"remote operating licence" has the meaning given by section 67
"rollover", in relation to a lottery, has the meaning given by section 256
"small casino" has the meaning given by regulations under section 7(5)
"society" includes a branch or section of a society
"stake" means an amount paid or risked in connection with gambling and which either -

(a) is used in calculating the amount of the winnings or the value of the prize that the person making the stake receives if successful, or
(b) is used in calculating the total amount of winnings or value of prizes in respect of the gambling in which the person making

the stake participates
"supply" includes -

(a) sale,
(b) lease, and
(c) placing on premises with permission or in accordance with a contract or other arrangement

"temporary use notice" has the meaning given by section 215
"track" means a horse-race course, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place
"travelling fair" has the meaning given by section 286
"vehicle" includes -

(a) a train,
(b) an aircraft,
(c) a seaplane, and
(d) an amphibious vehicle (other than a hovercraft within the meaning of the Hovercraft Act 1968 (c. 59))

"vessel" includes -

(a) anything, other than a seaplane or an amphibious vehicle, designed or adapted for navigation or other use in, on or over water
(b) a hovercraft (within the meaning of the Hovercraft Act 1968), and
(c) anything, or any part of any place, situated in or on water

"virtual" has the meaning given by subsection (3) below
"winnings", in relation to a bet, means anything won, whether in money or in money's worth
"young person" has the meaning given by section 45

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SCHEDULE C

Summary of machine provisions by premises

Machine Category

Premises Type	A	B1	B2	B3	B4	C	D
Large casino (machine/ table ratio of 5:1 up to maximum)		Maximum of 150 machines Any Combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
Small casino (machine/ table ratio of 2:1 up to maximum)		Maximum of 80 machines Any Combination of machines in categories B to D(except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
Pre-2005 Act casino (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines) Or any number of C or D machines instead					
Betting premises and tracks occupied by pool betting			Maximum of 4 machines categories B2 to D (except B3A machines)				
Bingo premises				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4 *		No limit on category C or D Machines	
Adult Gaming Centre				Maximum of 20% of total number of gaming machines which are available for use on the premises categories B3 or B4 *		No limit on category C or D Machines	
Family Entertainment Centre (with premises licence)						No limit on Category C or D machines	
Family Entertainment Centre (with permit)							No limit on Category D machines
Clubs or miners' welfare institutes (with permit)				Maximum of 3 machines In categories B3A or B4 to D **			
Qualifying alcohol licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol licensed premises (with gaming machine permit)						Number of category C-D machines as specified on permit	
Travelling fair							No limit on category D machines
	A	**B1**	**B2**	**B3/B3A**	**B4**	**C**	**D**
Maximum stake	Unlimited- No category A Gaming Machines	£5	~~£100 in £10's~~ £2	£2 (B3) £2 (B3A)	£2	£1	Variable see table below

	are currently permitted						
Maximum prize	Unlimited - No category A Gaming Machines are currently permitted	No more than £10,000 ***	£500	£500	£400	£100	Variable see table below

Note: Machine category stakes/prizes may be subject to periodic regulatory amendment.

* Adult gaming centre and bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available four (adult gaming centre premises) or eight (bingo premises) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only. But not B3A machines.

** It should be noted that members' clubs ~~and miners' welfare institutes~~ are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.

*** Or – Where the prize value available through its use is wholly or partly determined by reference to use made of one or more other sub-category B1 machines, no more than £20,000.

D non-money prize (other than crane grab machine or a coin pusher or penny falls machine)	30p	£8
D non-money prize (crane grab machine)	£1	£50
D money prize (other than a coin pusher or penny falls machine)	10p	£5
D combined money and non-money prize (other than coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be a money prize)
D combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)

SCHEDULE D

Gambling Activities: Children and Young Persons

A **child** means an individual who is less than 16 years old (section 45(1)).

A **young person** is an individual aged 16 or 17 years old (section 45(2)).

With limited exceptions, the intention of the Gambling Act 2005 is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult only environments.

Part 4 of the Gambling Act 2005 states the requirements in relation to protection of children and young persons, principle offences and any exceptions.

SCHEDULE E

Local Area Profile and Risk Assessments

Licensing authorities are already familiar with a risk-based approach to compliance, and targeting resources and effort where risk is greatest. The local area profile is simply a way of describing a process of gathering and presenting information about a locality and any particular areas of concern within that, to explain and underpin the approach that the licensing authority will apply. It gives clarity to operators as to the licensing authority's view of risk and the relevant factors in its decision making.

The Licensing Authority understands the need for ongoing engagement with other prescribed statutory bodies, defined as Responsible Authorities under the Act. The Licensing Authority will seek to draw upon the expertise and knowledge of responsible authorities and others to ensure its approach is informed by all relevant sources of local knowledge and expertise, when developing local area profiles.

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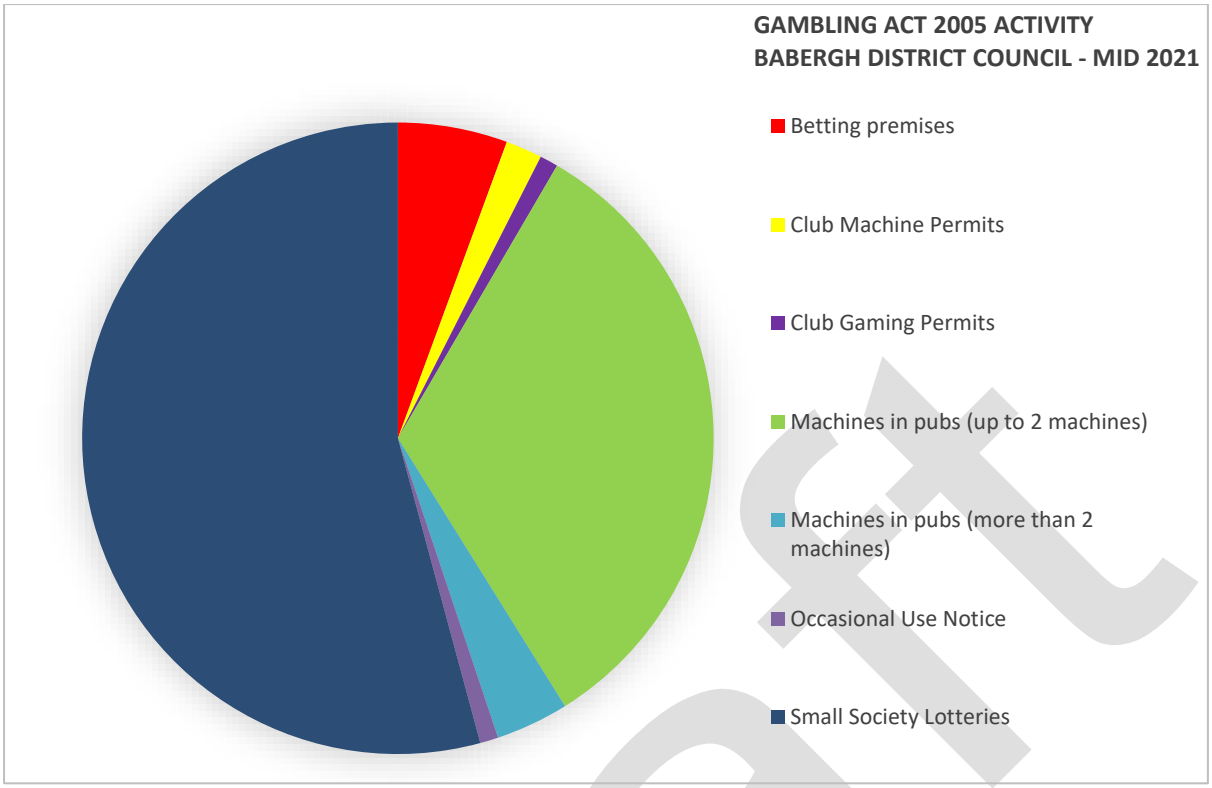

E1. (a) As of mid-~~2018~~ 2021 Babergh District Council authorises 6 licensed gambling premises. All are betting premises (non-track) and all in the two main market towns of Sudbury and Hadleigh.

(b) The majority of non-premises licensed gambling activity in the district relates to notifications and permits for gaming machines, gaming in members clubs and pubs and point-to-point racing authorised by occasional use notices (OUNs). The Licensing Authority also deals with a significant number of enquiries around non-commercial equal chance gaming and enquiries made for activities not requiring any gambling authorisation – subject to limitations. Small society lottery registrations are also a main area of activity (with around ~~242~~ 58 registered societies in Babergh mid-~~2018~~ 2021) mostly for the benefit of (non-private gain) good causes within the district.

(c) At the time of preparing this edition of the statement of principles there has been no evidence, or intelligence, presented to Babergh District Council to support any assertion that any part of the district had or is experiencing problems from gambling activities. This position will be kept under review and, in the event that it changes, further research will be carried out to discover the extent of the problems and to prepare an area profile accordingly which will identify, quantify and map the vulnerabilities and other relevant features of the local area. The statement of principles may be revised as a consequence.

(d) Gambling premises have not featured on any night time economy police statistics/hot-spots and the Licensing Authority has received no representations at the time of applications or variations, beyond comments from residents

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relating to ‘commercial need’ or ‘demand’ for gambling premises (see 1.7 of this statement of principles).

(e) The Licensing Authority will monitor any local concerns brought to its attention in the future, along with any linked crimes, and/or representations; with a view to identifying areas of concern and mapping vulnerabilities.

E2. (a) The Gambling Commission issue codes of practice under section 24 of the Gambling Act 2005, about the manner in which facilities for gambling are provided to ensure that:

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

(b) Codes of practice are either:

Social responsibility code provisions - which must be adhered to by all licence holders; or

Ordinary code provisions – these do not have the status of licence conditions but failure to take account of them can be used as evidence in criminal or civil proceedings.

(c) New code provisions covering risk assessments and local authority area profiles came into force in April 2016 ~~(outside of the timeframe of this statement of principles revision)~~. More detail can be found by going to the Gambling Commission website at www.gamblingcommission.gov.uk

The following are extracts relating to this aspect:

- Operators will be required to prepare a risk assessment for their business which takes into account the nature and characteristics of the locality in which they are situated. For example the proximity of schools, churches, etc. and/or whether the business is located on a walking route for local schools.

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

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

  i) to take account of significant changes in local circumstances, including those identified in a licensing authority’s statement of licensing policy;
  (ii) when there are significant changes at a licensee’s premises that may affect their mitigation of local risks;
  iii) when applying for a variation of a premises licence; and

iv) in any case, undertake a local risk assessment when applying for a new premises licence.

(d) For all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences, licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

(e) Such risk assessments can make reference to the Local Authority Area profile which may be compiled with respect to reported gambling-related problems in an area.

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APPENDIX B

GAMBLING ACT 2005 'Statement of Principles (Sixth Edition) for 2022-2025' - Summary of changes (post-consultation draft)

Amendments made in respect of dates, Guidance reference numbers and Statement of Principles edition throughout this document.

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1. Introduction

- The local picture has been updated to reflect the increases in the population and changes in the number of District/Borough Councils within Suffolk.
- The consultation, approval and published dates are yet to be determined but will be updated prior to implementation after full council.

2. Exchange of Information

- Removal of the reference to *'Advice to Licensing Authorities on information exchange with the Gambling Commission'* as this document is no longer in circulation. Exchange of information is extensively covered by Part 13 of the Gambling Commission's Guidance to Licensing Authorities and this reference has been retained.

3. General Principles

- Under point 3 protecting Children and other vulnerable persons from being harmed or exploited by gambling, amendment made altering 'excepting' to 'except'
- Under 1.10 the following has been added to give clarity on which section of the Gambling Commission's guidance has been referred to.
- Under 1.15 the Licence Conditions and Code of Practice document has been updated and the date amended.

4. Track Premises:

- Under 9.11, for access by children – special dispensation for tracks, clarification has been added regarding door supervisors.

5. Part C

- The Title of this section has been amended as this was an oversight in previous revisions as the Occasional Use Notices and Temporary Use Notices have been relocated to Part B.

6. Club Gaming Permits and Club Machine Permits

- This amendment has been made, even though this is what the Permits can cover, reference to Miner's welfare institutes has been removed under 2.1, 2.3, 3.1 and 3.3 as this is not applicable within the Babergh District Council Area.

7. Schedule C

- The maximum stake has been altered under category B2 Gaming Machines. A further statement has been added to category A Gaming Machines for both Maximum Stake and Maximum Prize.

8. Schedule E

- Under E1 (b) the number of Small Society Lotteries currently active seems like a rather dramatic reduction, however the system had not been routinely updated with those that had been lapsed, therefore this was not considered during the last revision of this Statement of Principles. The figure is also indicative of the current COVID-19 pandemic as several societies have lapsed due to not being in operation at this time. The figure will fluctuate from time to time and the total is as of August 2021 but will be updated prior to implementation after full council.

APPENDIX C

Hi,

Thank you for consulting us on your draft Statement of Principles under the Gambling Act 2005.

Due to resource constraints on a small charity, we are not able to offer specific feedback on your policy. However, you may find GambleAware's recently published interactive maps useful, which have been designed for use by local authorities. The maps show the prevalence of problem gambling severity in each local authority and ward area as well as usage of, and reported demand for, treatment and support for gambling harms.

GambleAware also strongly commends two publications by the Local Government Association which set out the range of options available to local authorities to deal with gambling-related harms using existing powers:

- https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach
- https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales

GambleAware is also fully supportive of local authorities which conduct an analysis to identify areas with increased levels of risk for any reason. In particular we support those who also include additional licence requirements to mitigate the increased level of risk. Areas where there are higher than average resident or visiting populations from groups we know to be vulnerable to gambling harms include children, the unemployed, the homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance addiction treatment services.

Finally, GambleAware is a leading commissioner of prevention and treatment services for gambling harms. It provides these functions across England, Scotland and Wales and its work is underpinned by high quality research, data and evaluation. We encourage all local authorities to signpost people to the **National Gambling Helpline on 0808 8020 133** and also **www.begambleaware.org**. Both are part of the **National Gambling Treatment Service** and offer free, confidential advice and support for those who may need it.

Many thanks,

BeGambleAware.org

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BABERGH DISTRICT COUNCIL

TO:	**Licensing & Regulatory Committee**	**REPORT NUMBER: BLR/21/9**
FROM:	**Elisabeth Malvisi – Cabinet Member for Environment**	**DATE OF MEETING: 15 October 2021**
OFFICER:	**Cassandra Clements – Assistant Director of Environment and Commercial Partnerships**	**KEY DECISION REF NO. N/A**

NEW HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENSING POLICY

1. PURPOSE OF REPORT

1.1 To report back to the Licensing & Regulatory Committee the outcome of a full targeted and public consultation, which ran between the 20 August 2021 and 16 September 2021, in respect of the Hackney Carriage and Private Hire Vehicle Licensing Policy for the controlled zone of Babergh District Council.

2. OPTIONS CONSIDERED

2.1 All options to be considered are contained within the body of this report.

3. RECOMMENDATION

3.1 That the post consultation draft Hackney Carriage and Private Hire Vehicle Licensing Policy, attached as **Appendix A**, be approved.

RECOMMENDATION TO CABINET

3.2 That the Hackney Carriage and Private Hire Vehicle Licensing Policy document be adopted.

REASON FOR DECISION

Following the publication of the new Statutory Standards for Taxi's and Private Hire Vehicles, Councils are required to review the recommendations from the Department for Transport (DFT) and consult on any changes to their current policies.

4. KEY INFORMATION

4.1 Hackney Carriage and Private Hire licensing is based on complex statute and case law. The legislation is antiquated and has been subject to many amendments. A clear Policy is therefore required to set out the standards expected of the trade by Babergh.

4.2 Applications made for driver, vehicle or operator licences are each on merit consideration for the District Council within its general scheme framework and controlled zone.

A local authority has discretionary, and wide ranging, powers in relation to attaching criteria/conditions to a licence for a Hackney Carriage under section 47, Private Hire vehicles under section 48, drivers under section 51 and operators under section 55, of the Local Government (Miscellaneous Provisions) Act 1976.

4.3 On 21 July 2020 the DFT published its long-awaited Statutory Standards for Taxi and Private Hire Licensing. The new Standards brought in a raft of recommendations/requirements which Councils **must have regard to** in exercising their functions under Hackney Carriage and Private Hire Vehicle Licensing. The Standards also replaced relevant sections of the Best Practice guidance issued by the DFT in 2010, where there is a conflict between the Standards and Best Practice the Standards will take precedence.

4.4 The DFT will update its Best Practice guidance for Councils in due course, however in the meantime it expects Councils to adopt its recommendations in the New Standards document, so that past failings of some licensing regimes are never repeated.

4.5 Whilst the focus of the New Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to better regulate the taxi and private hire vehicle sector. The overarching aim of the Statutory Standards is public protection.

5. LINKS TO CORPORATE PLAN

5.1 The Council's Hackney Carriage and Private Hire Vehicle Licensing Policy is the overarching set of principles which guides the Councils in carrying out its Taxi and Private Hire Licensing functions. The policy assists in supporting businesses to thrive and prosper, whilst promoting the health and wellbeing of the travelling public.

6. FINANCIAL IMPLICATIONS

6.1 This is a statutory function, and the legislation provides for recovery of the reasonable costs of administration, inspection and supervision of the licensing scheme.

6.2 The cost of providing the consultation is contained within the fees collected as part of existing Licensing budget.

7. LEGAL IMPLICATIONS

7.1 The Local Government (Miscellaneous Provisions) Act 1976 provides that the Council can attach conditions to the grant of a licence as reasonably necessary. Any person aggrieved by the decision of the District Council to attach conditions to a licence is entitled to appeal to the Magistrates' Court. Appeals carry an associated cost and resource implication for the Council.

8. RISK MANAGEMENT

8.1 This report is most closely linked with the Council's Significant Business Risk No. 14 – Councils may be perceived to be untrustworthy and have a poor reputation. Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
Failure to regularly review and consult upon the Council's Hackney Carriage and Private Hire Vehicle Policy containing conditions and criteria for how the Council will administer its licensing function may result in legal challenge	2 – Unlikely	2 – Noticeable	Regularly review, revise and consult on the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy in accordance with amendments to Statutory Guidance and Regulatory amending the Law.

9. CONSULTATIONS

9.1 This will be the third edition of the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy and the first aligned policy with Mid Suffolk District Council. The Licensing Team has the necessary experience, stakeholder contacts and networking in place to ensure that a wide and balanced consultation has taken place. The consultation was undertaken over a period of 28 days, through various channels and media.

9.2 Adoption of the Hackney Carriage and Private Hire Vehicle Licensing Policy is a function reserved for Cabinet

9.3 Following the Consultation exercise Babergh received 14 responses these are attached this report as **Appendix B**. Officers responses to the comments from consultees are attached to this report as **Appendix C**. For ease of reference, some common themes have been colour coded.

9.4 From the responses received the changes made are attached as **Appendix D**.

10. EQUALITY ANALYSIS

10.1 The Council recognises that the removal of the requirement for Hackney Carriage plated vehicles numbered over 20 to be wheelchair accessible vehicles could have a negative impact on the number of wheelchair accessible vehicles available for immediate hire over time. The Licensing Team will regularly review the numbers of wheelchair accessible Hackney Carriages vehicles licensed by the Authority.

10.2 The Council also recognises its obligations under the Equality Act 2010, in the exercise of its licensing functions, and shall have due regard to any comments received during the consultation, or individual applications, on equality issues.

11. ENVIRONMENTAL IMPLICATIONS

11.1 The recommendation to switch to Hybrid and Fully Electric Vehicles could mean that either the Hackney Carriage ranks in the Babergh district need to be adapted or infrastructure will be needed nearby to support the change to Greener energy efficient vehicles. With the changes Councils are already making to infrastructure for energy efficient vehicles this will mitigate any possible disruption to habitat.

12. APPENDICES

Title	Location
(a) Draft Hackney Carriage and Private Hire Vehicle Policy	Attached
(b) Responses from Consultees	Attached
(c) Responses from Officers on Consultee Comments	Attached
(d) Overview of changes made to the policy from Consultation responses received	Attached
(e) Consultee List	Attached

13. BACKGROUND DOCUMENTS

13.1 DFT: Taxi and Private Hire Vehicle Licensing: Best Practice Guidance

13.2 DFT: Statutory Taxi and Private Hire Vehicle Standards & determination of those keeping, amended, or rejecting

13.3 Local Government (Miscellaneous Provisions) Act 1976

13.4 Town Police Clauses Act 1847

14. REPORT AUTHORS

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APPENDIX A

Draft BMSDC – Hackney Carriage, Private Hire Operator, Vehicle & Driver Policy

This is third review of the Hackney Carriage and Private Hire Vehicle Policies for Babergh and Mid Suffolk District Council and the first time that a combined policy for the two has been published.

Taxis and Private Hire Vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is not available (for example in rural areas, or outside “normal” hours of operation such as in the evenings or on Sundays) and for those with mobility difficulties.

The aim of licensing of the hackney carriage (taxi) and private hire vehicle (PHV) trades is, primarily, to protect the public as well as to ensure that the public have reasonable access to taxi and private hire vehicle services. It is important that the Authorities’ taxi and licensing powers are used to ensure that taxis and PHVs in the district are safe, comfortable, properly insured and available where and when required.

In producing this joint Babergh and Mid Suffolk District policy the Licensing team have had regard to the Safeguarding Standards published by the Department of Transport in July 2020. We recognise our responsibilities in ensuring that children and vulnerable adults are safe when travelling by taxi or private hire vehicles and we work closely with partner agencies such as the Police and Suffolk County Council to fulfil these, as well as ensuring timely and appropriate responses to complaints about the taxi and PHV trade.

This first combined policy brings in some changes, for example in Babergh removing the requirement for vehicles above Plate 20 to be wheelchair accessible. There are new requirements for driver training and refresher training and a move towards a greener taxi and PHV fleet. Nothing in this Policy will result in the immediate revocation of a licence; Babergh and Mid Suffolk will allow a reasonable period of time for compliance and where changes present difficulties to the trade these will be considered on a case-by-case basis. However, safety of the travelling public is our priority and where failure to adhere to the Policy might compromise this, for example with regard to Safeguarding of children and vulnerable adults, avoidable delays will not be tolerated.

In this Policy the Council shall refer to either Babergh District Council or Mid Suffolk District Council in respect of their licensed area (controlled zone).

Background wording to be provided by portfolio holders

APPENDIX A

CONTENTS	PAGE
Part 1: Hackney Carriage and Private Hire Driver Policy	
1.Definitions	7
1.2 Fit & Proper Person Test	7
2. Driver Application Requirements	7
2.1 Disclosure & Barring Service Check	7
2.2 Rehabilitation of Offenders Act	8
2.3 Crimes Resulting in Death	8
2.4 Exploitation	8
2.5 Sexual Offences	8
2.6 Offences Involving Violence Against the Person	8
2.7 Drugs	8
2.8 Possession of a Weapon	8
2.9 Dishonesty	9
2.10 Discrimination	9
2.11 Drink Driving/Driving under the Influence of Drugs	9
2.12 Using a Handheld Device	9
2.13 Motoring Convictions	9
2.14 Persistent Criminality	9
2.15 Medical Check	9-10
2.16 Continued Medical Fitness	10
2.17 DVLA Check	10
2.18 Knowledge Test	10
2.19 Training	10
2.20 Foreign Nationals	10-11
2.21 National Register of Licence Revocations and Refusals	11
2.22 Tax Checks on Licence Application and Renewals	11
3. Conduct of all drivers	11
3.1 General Conduct	11
3.2 Driver Dress Code	11
3.3 Carrying of Driver’s Badge	11
3.4 Smoking, Eating and Drinking	12
3.5 Mobile Phones and Handsfree Devices	12
3.6 Lost Property	12
3.7 Convictions, Cautions, Charges, and Endorsements	12
3.8 Driving Standards	12
3.9 Change of Address and Change of Operator	12
3.10 Return of Badge	13
3.11 Annual Declarations	13

4. Additional Assistance Requirements	13
4.1 Assistance Dogs	13
4.2 Wheelchair Passengers	13
4.3 Medical Exemptions	13
Part 2: Vehicle Specifications and Conditions of Licence	
5. Definitions	14
5.1 Definitions	14
5.2 Smoking	14
5.3 CCTV	14
6. Vehicle Specifications and Conditions of Licence	14
6.1 General	14-15
6.2 Safety Screens	15
6.3 Doors	15
6.4 Interior Dimensions	16
6.5 Seats	16
6.6 Seat belts	16
6.7 Passenger Capacity	16
6.8 Fire Extinguishers	16-17
6.9 First Aid Kit	17
6.10 Ventilation	17
6.11 Luggage	17
6.12 Maintenance and Condition of the Vehicle	17
6.13 Modifications	17
6.14 Licence Plates and Stickers	17-18
6.15 Signage	18
6.16 Advertising Etc	19
6.17 Communications Devices	19
6.18 Meters	20
6.19 Meter Testing	20-21
6.20 Receipts	21
6.21 Trailers	21
6.22 Disability Access	22
6.23 Tinted Windows	22
6.24 Insurance	22
6.25 Changes	22
6.26 Inspection	23
6.27 Unauthorised Use	23
6.28 Accident Reporting	23
6.29 Satellite Navigation	23
6.30 Miscellaneous	23-24
6.31 Dispensation/ Variation	24

7. Additional Conditions for Private Hire Vehicle Limousines	24
7.1 General Information	24
7.2 Types of Vehicles	24
7.3 Vehicle and Safety Equipment	24-25
7.4 Use of Vehicle	25
7.5 Vehicle Identification Discs	25-26
7.6 Signs, Notices Etc	26
7.7 Insurance Test Certificate	26
7.8 Deposit of Licences	26
7.9 Vehicle Testing	27
7.10 General Conditions	27
8. Additional Conditions for Special Event Private Hire Vehicles (Fire Engines)	27
8.1 General Information	27
8.2 Types of Vehicles	27
8.3 Vehicle and Safety Equipment	27-28
8.4 Use of Vehicle	28
8.5 Vehicle Identification Plates and Discs	28-29
8.6 Signs, Notices Etc	29
8.7 Insurance/Mot Test Certificate	29
8.8 Deposit of Licences	30
8.9 Vehicle Testing	30
8.10 General Conditions	30
8.11 Trailers	30
9. Vehicle Licences: Application Procedures – (Hackney Carriage and Private Hire Vehicle	30
9.1 General Information	30
9.2 Vehicle Application Procedures	31
9.3 Proprietor Requisition Declaration	31
9.4 Vehicle Testing	32
9.5 Taxi Ranks	32
Part 3: Private Hire Operator Policy	
10. General Information	33
10.1 General Information	33
10.2 New Private Hire Vehicle Operators Application Procedures	33-34
10.3 Foreign Nationals	34
10.4 Private Hire Vehicle Operators Annual Declaration Procedure	35
10.5 Disclosure and Barring Service (DBS) Check	35
11. Conditions of Private Hire Operator Licence	35
11.1 Record Keeping	35
11.2 Internet Bookings and Mobile Phone Diversions	36

11.3 Driver Bookings	36
11.4 Standard of Service	36
11.5 Citizen Band Radio	36
11.6 Change of Circumstances	36
11.7 Disclosure of Convictions, Cautions and Discharges	37
11.8 Hirings Charge	37
11.9 Code of Conduct	37
11.10 Advertising of Private Hire Services	37
11.11 Parking of Licensed Private Hire Vehicles	37
11.12 Private Hire Driver’s Licence	37
11.13 Company Policy for Drivers/Staff	38
11.14 Complaints	38
11.15 Bookings and Dispatch Staff	38
11.16 Data Protection	38

PART 1: HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER POLICY

1. DEFINITIONS

1. 1 DEFINITIONS

1.1.1 Unless otherwise stated 'the Council' refers to the relevant District Council, the 'Driver' is a person holding and acting in accordance with a Driver's Licence issued by the Council and 'Vehicle' is a Hackney Carriage, or Private Hire Vehicle licensed by the Council.

1.2 FIT AND PROPER PERSON TEST

1.2.1 All drivers must satisfy the Council that they are a fit and proper person to be granted a driver's licence and must remain a fit and proper person for the duration of said licence. The fitness and propriety of a driver will be monitored/assessed throughout the validity of the licence.

1.2.2 Applicants are expected to act with honesty and integrity throughout the application process and must fully and accurately disclose any information that is requested/required. This includes information regarding previous convictions, arrests, warnings, reprimands, licence refusals, suspensions or revocations, current investigations and pending criminal proceedings.

1.2.3 In order to assess the suitability of an applicant the Council will undertake all checks deemed necessary to ensure that licences are not issued to and used by those that are unsuitable for the trade. In assessing the suitability of an applicant or the continued suitability of a licence holder, the Council will take into consideration the following factors:

- Period of holding a driver's licence
- Criminal history
- Medical Fitness
- Number of endorsed driving licence penalty points
- Knowledge of the local area
- General Conduct/standards of behaviour
- Right to work

In addition to these factors the Council will also consider other factors and/or further information sources such as the Police, Children & Adult Safeguarding, other Councils and Statutory Agencies.

2. DRIVER APPLICATION REQUIREMENTS

2.1 DISCLOSURE AND BARRING SERVICE CHECK

2.1.1 A Disclosure and Barring Service (DBS) Check is a vital component of assessment in regard to the driver being a fit and proper person.

2.1.2 The Council will only accept DBS certificates which are applied for through the Council's DBS checking system. However, a DBS certificate issued by another local Council will be accepted if it has been printed within the last four weeks, is to an enhanced level and has been processed in relation to other workforce employment (including the barred, children and adult lists).

2.1.3 Once a licence has been granted to an applicant the licence holder is required to register with the DBS update service and provide the Licensing team with a code to allow the team to check the licence online annually. Any applicant who has not registered for the DBS Update Service will be required to undergo an annual DBS check at cost to the applicant.

2.2 REHABILITATION OF OFFENDERS ACT

2.2.1 The Council is entitled under the Rehabilitation of Offenders Act 1974, as amended by the Rehabilitation of Offenders Act 1974 (exceptions) (Amendment) Order 2002, to consider relevant spent convictions when determining the 'fit and proper' person status of Hackney Carriage/PHV driver applicants.

2.2.2 Each case will be considered on its own merits, and applicants/licensees are entitled to a fair and impartial consideration.

2.3 CRIMES RESULTING IN DEATH

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

2.4 EXPLOITATION ETC.

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

2.5 SEXUAL OFFENCES

2.5.1 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity a licence shall not be granted.

2.5.2 In addition to this matter the licensing authority shall not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

2.6 OFFENCES INVOLVING VIOLENCE AGAINST THE PERSON

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

2.7 DRUGS

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

2.7.2 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

2.7.3 In these circumstances, any applicant will have to undergo drugs testing for 6 months at their own expense to demonstrate that they are not using controlled drugs.

2.8 POSSESSION OF A WEAPON

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

2.9 DISHONESTY

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

2.10 DISCRIMINATION

2.10.1 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

2.11 DRINK DRIVING/DRIVING UNDER THE INFLUENCE OF DRUGS

2.11.1 Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed.

2.11.2 In these circumstances, any applicant will have to undergo drugs testing for 6 months at their own expense to demonstrate that they are not using controlled drugs.

2.12 USING A HANDHELD DEVICE WHILST DRIVING

2.12.1 Where an applicant has a conviction for using a handheld mobile telephone device or a handheld device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the latter.

2.13 MOTORING CONVICTIONS

2.13.1 Hackney Carriage and Private Hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple or serious motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

2.13.2 A conviction or caution for reckless driving or driving without due care and attention etc. will normally merit at least a warning as to future driving conduct and advice on the standard expected of Hackney Carriage and PHV drivers. More than one conviction/caution for this type of offence within the last 2 years will normally merit refusal and the grant of a licence should not normally be considered until a period of at least 3 years, free from convictions/cautions/endorsements, has elapsed.

2.13.3 Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

2.14 PERSISTENT CRIMINALITY

2.14.1 Due to potential risks to the public, applications from persons with a persistent record of criminality, where the record suggests a persistent lack of regard for the well-being of others or for their property, would normally be refused.

2.15 MEDICAL CHECK

2.15.1 All applicants shall provide a completed medical examination form supplied by the Council. This form must be completed by the applicants own General Practioner or by a General Practioner who has access to the applicant's full and complete medical records. All applicants shall be assessed to Group 2 medical standard.

2.15.2 The Council may require applicants and licence holders to undergo further medical or occupational assessments when deemed necessary.

2.15.3 Where there is any doubt as to the medical fitness of the applicant the Council may make further enquiries to the General Practioner or specialists before determining an application.

2.15.4 Medical examination forms will be required every three years unless the General Practioner states more frequent examination is necessary due to an ongoing medical condition that could impact the applicants driving capability. At 65 years of age annual examinations will be required.

2.16 CONTINUED MEDICAL FITNESS

2.16.1 Licence holders must advise the Licensing Team without delay of any worsening medical condition or other change in their health that may affect their driving. If a licensed driver develops a medical condition that fails to meet DVLA group 2 medical standards of fitness to drive (note this is a higher standard than that required to hold an ordinary driving licence), the driver must surrender their licence to the Council. The licence and badge will be retained by the Licensing Team until a General Practioner assesses that the driver meets the fitness criteria to continue driving.

2.17 DVLA CHECK

2.17.1 All new applicants and licensed drivers of a Combined Hackney Carriage/Private Hire Driver's Licence are required to obtain a code from the DVLA under the share my driving licence service (please see information leaflet provided). This code must be provided annually to allow the Council to check the applicant's driving history.

2.18 KNOWLEDGE TEST

2.18.1 All new applicants for a Combined Hackney Carriage and Private Hire Driver's Licence will need to obtain a pass certificate for the Council's Knowledge Test. The tests are based on the applicant's knowledge of the requirements of being a driver and the local area.

2.18.2 Applicants will be permitted a maximum of five opportunities to pass the knowledge test and if a pass is not obtained the applicant will be required to wait for 12 months before retaking the assessment.

2.19 TRAINING

2.19.1 All new applicants are required to undertake the BTEC Level 2 course in an Introduction to the Role of a Professional Taxi and Private Hire Driver. This training is to be carried out at the drivers' expense and a pass certificate presented to the Council prior to acquiring a Combined Hackney Carriage & Private Hire Driver Badge. Refresher training will be required on a three-yearly basis. Drivers will be advised by the Licensing Team when refresher training is due.

2.19.2 All existing drivers on renewal will be expected to undertake the BTEC Level 2 in an Introduction to the Role of a Professional Taxi and Private Hire Driver course and this training is to be carried out at the drivers' expense. A pass certificate must be presented to the Council within six months of the renewal of their Combined Hackney Carriage & Private Hire Driver Badge. Refresher training will be required on a three-yearly basis. Drivers will be advised by the Licensing Team when refresher training is due.

2.19.3 There are no formal entry requirements for this course, but all applicants will be required to have a good understanding of English.

2.19.4 The BTEC Level 2 course in an Introduction to the Role of a Professional Taxi and Private Hire Driver will incorporate disability awareness and safeguarding.

2.20 FOREIGN NATIONALS

2.20.1 Applicants born outside of the UK and resident in the UK for less than 5 years, who are not a British Citizen will need to provide to the Council a Certificate of Good Conduct which details if the applicant has a criminal record in their own country. This certificate can be obtained from the Embassy, Consulate or High Commission of the Country. If these certificates cannot be obtained in English, they must be translated by an official translator who will be expected to sign a declaration that to the best of their knowledge the information is correct.

2.20.2 A DBS check will also be undertaken along with a Home Office referral to ascertain if the applicant has the right to work within the UK. Where an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom.

2.21 NATIONAL REGISTER OF LICENCE REVOCATIONS AND REFUSALS

2.21.1 The Council has access to the National Register of Licence Revocations and Refusals in order to check if an applicant has previously had a licence refused or revoked by another local authority.

2.22 TAX CHECKS ON LICENCE APPLICATIONS AND RENEWALS

2.22.1 From the 4 April 2022 all applicants will need to carry out a tax check. The Licensing team will be required to obtain confirmation from HMRC that the applicant has completed the check before being able to consider the application.

3. CONDUCT OF ALL DRIVERS

3.1 GENERAL CONDUCT

3.1.1 The driver shall behave in a civil, polite, and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

3.1.2 The driver when hired to drive to a particular destination shall proceed to that destination by the shortest/quickest route.

3.1.3 The driver shall not convey or permit to be conveyed in a vehicle any greater number of persons than the number of persons indicated on the Vehicle Licence.

3.1.4 All reasonable assistance will be afforded to passengers with luggage.

3.1.5 The driver is expected to exercise due care and attention at all times whilst undertaking their duties.

3.1.6 The driver shall at no time cause or permit the noise emitted by any radio or other device in the vehicle which they are driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.

3.1.7 All reasonable assistance will be afforded to passengers with disabilities.

3.2 DRIVER DRESS CODE

3.2.1 It is recognised that the taxi trade, both Hackney Carriages & Private Hires, play an important role in portraying a positive image of Babergh & Mid Suffolk and they are seen as key ambassadors for the

Districts. Therefore, the driver shall at all times be clean and respectable in their dress and person and behave in a civil and orderly manner befitting public service.

3.3 CARRYING OF DRIVER'S BADGE

3.3.1 A driver shall at all times carry whilst in the course of their duty the driver's badge which must display a passport style photograph for identification purposes. This badge must be shown, if requested, to the hirer of the vehicle to any authorised Officer of the Council or Police Officer for the purpose of the Local Government (Miscellaneous Provisions) Act 1976.

3.3.2 The badge shall be held in accordance with the requirements of these conditions, and should a driver's badge be lost, stolen, or defaced then the driver must notify the Council and seek the issue of a replacement without delay. A replacement badge will incur a cost to the driver.

3.4 SMOKING, EATING AND DRINKING

3.4.1 The driver must not smoke or vape in a licensed vehicle, even when it is not being used for hire or reward.

3.4.2 The driver shall not~~, unless given the express consent of the hirer,~~ eat ~~or drink~~ in the vehicle unless they have a medical need.

3.5 MOBILE PHONES AND HANDSFREE DEVICES

3.5.1 No mobile phones save for 'hands free' kit shall be used whilst the driver is driving the vehicle. Use of any handheld mobile phones or similar device whilst driving is prohibited by law.

3.6 LOST PROPERTY

3.6.1 The driver shall after every hiring search the vehicle for any property which may have been accidentally left therein.

3.6.2 The driver shall, if any property is accidentally left within their vehicle, retain the property within the vehicle or at the operator's office for a reasonable period.

3.7 CONVICTIONS, CAUTIONS, CHARGES AND ENDORSEMENTS

3.7.1 The driver shall within 48 hours disclose to the Council, in writing, details of any arrest and release, charge, driving licence endorsements, conviction or caution imposed on them during the period of the licence. It should be noted that the Police may notify the Council of relevant information or convictions.

3.7.2 The Council may suspend, revoke, or refuse to renew a driver's licence should this condition not be complied with.

3.7.3 A decision to refuse or revoke a licence where an individual is thought to present a risk of harm to children or vulnerable adults will be referred to the Disclosure and Barring Service.

3.8 DRIVING STANDARDS

3.8.1 The expectation of the Council is that all drivers shall drive to a high standard remaining professional at all times. An existing licensed driver may be required to undertake a further driving assessment in certain circumstances:

- Obtaining 9 or more penalty points on their DVLA driving licence
- One serious or three minor fault accidents within a one-year period
- Serious complaint(s) about driving standards

This list is not exhaustive and there may be other reasons for requiring an existing licensed driver to undertake an assessment. In all instances, a driver will receive a letter explaining the reasons for an assessment and will be required to deposit their badge to the Council. This assessment must be completed, and a certificate provided to the Council before the driver is permitted to continue driving their vehicle at which point the badge will be returned.

3.8.2 If the driver fails to comply with the request for an assessment, the matter will be referred to the Licensing Sub-Committee for it to determine whether the driver remains fit and proper to hold a licence.

3.9 CHANGE OF ADDRESS AND CHANGE OF OPERATOR

3.9.1 The driver shall notify the Council in writing of any change of their address or any change of Operator during the period of the licence within 7 days of any such change.

3.10 RETURN OF BADGE

3.10.1 The driver shall upon the expiry, revocation, or suspension of this licence, immediately return to the Council the Driver's badge issued to them by the Council when granting this licence.

3.11 ANNUAL DECLARATIONS

3.11.1 The driver will be sent a declaration form annually that is required to be completed and returned to the team 14 days prior to their renewal date.

3.11.2 Failure to return this form will begin a two-step process. Firstly, a reminder letter will be sent to request that if the driver wishes to continue to be licensed, they have an additional 14 days in which to provide their declaration and fee to the team to allow for postal delays. If the declaration is not provided the driver is then sent a letter to inform them the licence will lapse until payment is made to reinstate it.

4. ADDITIONAL ASSISTANCE REQUIREMENTS

4.1 ~~ASSISTANCE DOGS~~ PASSENGERS WITH ASSISTANCE DOGS

4.1.1 The Equality Act 2010 requires Hackney Carriage proprietors and Private Hire Operators to carry guide, hearing and other assistance dogs for disabled passengers and must do so at no extra charge.

4.2 ~~WHEELCHAIR PASSENGERS~~ PASSENGERS WHO ARE WHEELCHAIR USERS

4.2.1 Section 165 of the Equality Act 2010 states that a driver of a designated wheelchair accessible vehicle is required to undertake the following duties:

a. to ~~carry~~ transport the passenger whilst in the wheelchair;
b. not to make any additional charge for doing so;
c. if the passenger chooses to sit in a passenger seat to carry the wheelchair;
d. to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
e. to give the passenger such mobility assistance as is reasonably required and that they are competent to provide

4.2.2 A driver of a wheelchair accessible vehicle must be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraints fitted to the vehicle.

4.2.3 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~~ a passenger travelling in

their wheelchair is wearing a seatbelt unless the passenger is exempt and ensure the brakes of the wheelchair have been applied.

4.3 MEDICAL EXEMPTIONS

4.3.1 Exemption from lifting wheelchairs or people who are wheelchair users or have mobility difficulties ~~passengers into the vehicle~~ and from ~~carrying~~ transporting assistance dogs may only be obtained by individual drivers on medical grounds. If any driver of the vehicle wished to apply for exemption on such grounds, then they should contact the Council for an exemption application.

PART 2: VEHICLE SPECIFICATIONS AND CONDITIONS OF LICENCE

5 DEFINITIONS

5.1 DEFINITIONS

5.1.1 In this Policy the Council shall refer to either Babergh District Council or Mid Suffolk District Council in respect of their licensed area (controlled zone).

5.2 SMOKING (INCLUDING VAPE & E-CIGARETTES)

5.2.1 Smoking in licensed vehicles has been an offence since 1 June 2007. Vehicle licence holders must not permit the use of Vape or E-cigarettes within the licensed vehicle.

5.3 CCTV

5.3.1 The Council's position on CCTV is that we will look sympathetically on all requests for CCTV to be installed within a licensed vehicle. Vehicle licence holders or prospective licence holders must provide the Licensing team with details of the proposed CCTV system prior to installation. Where the CCTV system is approved for use additional conditions will be attached to the vehicle licence.

5.3.2 A full consultation will be undertaken by the Council at a later date on the subject of CCTV, its merits and whether or not CCTV should be mandatory.

6 VEHICLE SPECIFICATIONS AND CONDITIONS OF LICENCE

6.1 GENERAL

6.1.1 The Council recognises the need to move towards a greener fleet for the benefit of the environment as referenced in 6.1.8 below. The motor trade is also moving in this direction under the central government direction to cease the sale of all new petrol and diesel cars by 2030. Given the current infrastructure and cost constraints it is impractical to require the trade to change wholesale to greener vehicles in the short term however the Council will look to research and develop an incentive scheme to encourage a move towards carbon reduction in line with the Council's Climate Change Strategy.

6.1.2 All licensed vehicles shall comply in all respects with the requirements set out below as appropriate for the type of vehicle (Hackney Carriage or Private Hire Vehicles including Stretched Limousines). This is in addition to all requirements of the Road Traffic legislation, which relates to all motor vehicles.

6.1.3 All vehicles shall have an appropriate "type approval" which is either a:-

- European Community Whole Vehicle Type Approval;
- British National Type Approval; or
- British Individual Vehicle Approval.

6.1.4 Be of Euro New Car Assessment Programme star rating of 4 or more.

6.1.5 Be no more than eight years of age since the date of first registration.

6.1.6 Where a currently licensed vehicle of either petrol or diesel reaches ten years of age it must be tested a minimum of twice a year to ensure the vehicle remains fully compliant and fit for purpose.

6.1.7 Be capable of carrying at least 4 passengers, be fitted in right-hand drive (an exception regarding right hand drive will be made in the case of a stretched limousine) and shall have an engine capacity which is capable of enough power to carry the number of passengers it is licensed for including luggage ~~size not less that 1398cc.~~

6.1.8 The Council strongly recommends new, or replacement vehicles be either Hybrid or Electric Vehicle (an exception will be made for stretched limousines on a case-by-case basis). ~~Electric Vehicles (EV) shall have a minimum range of 140 miles.~~ Hybrids in addition to the above minimum engine size capacity shall be ~~of either~~ of the following type: Plug-in (PHEV), Self-Charging or Range Extender (REX or Series Hybrid). Mild Hybrids will be considered on a case-by-case basis; please contact the Licensing Team if you are considering buying a Mild Hybrid.

6.1.9 Other alternative fuels such as Hydrogen and Hydrotreated Vegetable Oil (HVO) will be considered on a case-by-case basis.

6.1.10 Comply with all construction and use/type approval requirements applicable to the vehicle.

6.1.11 Any application for a new Hackney Carriage or Private Hire Vehicle for 8 passengers must be Wheelchair accessible.

6.1.12 Be either a purpose-built taxi, or a 4-door saloon or 5-door hatchback/estate/multi-passenger (MPV)/sports utility (SUV) vehicle, except that a private hire vehicle shall not be of the London Taxi type.

~~The following categories of vehicle are unacceptable to be licensed: City Cars, Supermini, Small Family (this includes SUVs and MPVs of this category/size), and Cabriolets.~~

6.1.13 Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes ~~at any time~~ however category N will be considered on a case by case basis with the reasons for write off provided to the team by the relevant insurance underwriter.

6.1.14 The layout of the vehicle must permit communication between the driver and passengers at all times.

6.1.15 All vehicles shall at all times be maintained in sound and roadworthy condition and serviced according to the manufacturer's recommendations.

6.2 SAFETY SCREENS

6.2.1 Prior to installing protective screens within the vehicle, the vehicle proprietor must contact the licensing team to obtain consent for the safety screen to be fitted.

6.2.2 All screens shall conform to the following requirements:

- That the product is compliant with government and industry regulations, the Road Vehicle (Construction and Use) Regulations and relevant safety, UK, and European Community (EC) legislation.
- Evidence that the product has been tested to relevant UK standards and approved by appropriate certification organisation.
- The screen shall only be fitted by a professional installer in accordance with the manufacturer's instructions.
- The screen shall only be constructed of PETG (Polyethylene Terephthalate Glycol-modified) or polycarbonate.
- Screens shall not impede the driver's vision, movement, or communication with passengers, or the driver or passenger access or egress to the vehicle.
- Insurers shall be notified of any modifications made to the vehicle.
- Confirmation from the manufacturer that the installation does not compromise the integrity of the vehicle's structure and safety features.

6.2.3 The Council accepts no liability in circumstances where the screen causes an injury to a passenger or driver.

6.3 DOORS

6.3.1 All saloons, estates or purpose-built taxi vehicles shall have at least 4 side opening doors, which may be opened from the inside and the outside. Minibuses, transits, and people carrier type vehicles shall have at least 3 doors not including any tailgate or rear doors.

6.3.2 All vehicles shall be constructed so that the doors open sufficiently wide as to allow easy access into and egress from the vehicle.

6.3.3 All vehicles, including larger passenger vehicles (multi-purpose vehicles), must have sufficient safe and suitable access and egress from the vehicle for the driver and all passengers.

6.4 INTERIOR DIMENSIONS

6.4.1 Height Inside: There must be sufficient space between the seat cushions and the lowest part of the roof to safely accommodate the driver and passengers in reasonable comfort.

6.4.2 Knee Space: There must be sufficient space between the front and back seats to safely accommodate the driver and passengers in reasonable comfort.

6.5 SEATS

6.5.1 Access to every passenger seat must be unobstructed and be easily accessible to passengers.

6.5.2 Passenger seats must be at least 400mm wide per passenger with no significant intrusion by wheel arches, armrests, or other parts of the vehicle. All measurements are taken across the front of the seat cushion.

6.5.3 There must be a minimum of 860mm headroom for all passenger seats measured from the rear of the seat cushion to the roof lining.

6.5.4 The seating must be capable of being configured to achieve 600 millimetres minimum leg room available to any passenger. The measurement will be taken from the base of the seat to the rear of the seat in front. Where there is no seat in front the measurement will be taken from the base of the seat to the nearest obstruction in front.

6.5.5 In the case of Multi-Purpose Vehicles where there is a rearmost row of seats and seats capable of being the rearmost seats e.g., fold away seats – these must be forward facing.

6.5.6 In relation to the carriage of child passengers under 3 years of age and travelling in the front seat of the vehicle, an appropriate child seat **MUST** be used, where an appropriate child car seat is not available for a child passenger under 3, they **MUST** travel in the rear of the vehicle only. Where a child passenger is between 3-12 years old and an appropriate child car seat is not available, they **MUST** travel in the rear seats of the vehicle and an adult seat belt **MUST** be worn.

6.5.7 When a child seat or booster seat is used in the front seat where there is an active front airbag (ready to be deployed in the event of an accident) the vehicle handbook must be consulted for advice on seating children in seats with front airbags and this should be followed. Children, and adults for that matter, should not sit close to an active front airbag. It is suggested by the UK Department for Transport that the car seat should be as far back as possible from an airbag.

6.6 SEAT BELTS

6.6.1 All vehicles must be fitted with fully operational front and rear seat belts, one for each passenger to be carried, fully compliant with British Standards except where the law specifically provides an exemption.

6.7 PASSENGER CAPACITY

6.7.1 The carrying capacity of all vehicles shall be at the discretion of the Authority having regard to manufacturer's specifications and compliance with dimensions referred to previously.

6.8 FIRE EXTINGUISHERS

6.8.1 An appliance for extinguishing fires must be carried in such a position as to be readily available for use. Such an appliance must be a minimum of either a 2kg ABC General Purpose Powder or 2 litre AFFF Foam and conform to BSEN 3, showing the appropriate kite-mark and must be securely fixed in a position readily accessible to the driver. ~~Three stickers must be fitted to the vehicle; one on the dashboard facing the front seat passenger and one facing out on each of the rear passenger door windows (on larger vehicles a sticker must be placed on all rear doors) stating a fire extinguisher is carried, all must be clearly visible to passengers.~~

6.8.2 ~~All extinguishers must be checked every 12 months, prior to vehicle testing or prior to change of vehicle test. Such a check shall be carried out in accordance with the requirements of BS5306 Part 3 and Part 8, by a registered competent company. The date of the test and signatures must be clearly visible on a sticker attached to the extinguisher. The extinguisher must be marked with the vehicle registration number.~~ All extinguishers must be checked every 12 months by one of the Council's nominated garages during the vehicle test. The date of the test and signatures must be clearly visible on a sticker attached to the extinguisher. The extinguisher must be marked with the vehicle registration number.

6.9 FIRST AID KIT

6.9.1 There shall be provided in such a position as to be readily available at all times when the vehicle is used for hire, a suitable first aid kit containing appropriate dressings for immediate use in an emergency.

6.10 VENTILATION

6.10.1 Windows must be provided at the rear and sides along with means of opening and closing not less than one window on either side.

6.10.2 Rear passenger windows must be capable of being opened by passengers when seated unless air conditioning is available.

6.11 LUGGAGE

6.11.1 Adequate storage for passenger luggage separated from the passenger compartment without obstructing any emergency exits must be available. Luggage carried must be suitably secured in place.

6.11.2 In the case where a roof mounted storage is used, this must not obstruct the roof mounted signage.

6.12 MAINTENANCE AND CONDITION OF THE VEHICLE

16.12.1 The interior and exterior of the vehicle shall be maintained in a clean, safe, and proper manner to the reasonable satisfaction of the Council. In particular the exterior of the vehicle shall be free of large dents, rust or unrepaired accident damage and shall at all times have uniform paintwork equivalent to that applied by the manufacturer. The interior shall be free of all stains, splits and tears and the seats shall be required to function in accordance with the original manufacturer's specification.

16.12.2 Vehicles shall be liable to be inspected and tested at any time. If upon inspection it is discovered that a vehicle is not being properly maintained, or kept in good order, a notice may be served on the owner to this effect, setting out the defects to be remedied. If public safety is compromised by the defects, the further use of the vehicle may be prohibited until the defects have been addressed and the vehicle has successfully undergone a further inspection.

6.13 MODIFICATIONS

6.13.1 No vehicle shall be fitted with 'bull bars' or other modification that increases the risk to passengers, pedestrians or other road users.

6.13.2 No material alteration or change in the specification, design, condition, or appearance of the vehicle may be made without first complying with road traffic and insurance legislation and secondly the approval of the Licensing Team, at any time while the licence is in force.

6.14 LICENCE PLATES AND STICKERS

6.14.1 Except as provided at 6.14.4 below, at all times while the vehicle is being used as a Hackney Carriage or Private Hire vehicle there shall be securely fixed to the rear of the vehicle the appropriate Vehicle Licence Plates supplied by the Council.

6.14.2 The number of persons licensed to be carried in the vehicle shall be exhibited outside the vehicle on the Vehicle Licence Plate referred to above. (For these purposes children are counted as one person).

6.14.3 At all times while the vehicle is being used as either a Hackney Carriage or Private Hire vehicle there shall be displayed at the top left hand of the windscreen of such vehicle, the licence disc, which identifies the vehicle as either a Private Hire vehicle or Hackney Carriage vehicle. On this disc will be displayed the registration number of the vehicle and the number of passengers permitted to be carried.

6.14.4 Provided that express written consent has been granted from the Council, limousines and other professionally chauffeured vehicles may, in certain circumstances, be permitted not to display the internal and external vehicle licence plate.

6.14.5 All applications for dispensation from the requirements to display the internal and external vehicle licence plate will be considered by an authorised officer who will consider the individual circumstances of the case. Dispensations are unlikely to be granted unless the applicant can satisfy the authorised officer that their vehicle(s) are of such a type and age that they would be appropriate for executive travel and that such work represented at least 80% of their total business (verified by operator records in the case of existing vehicles). The licence plates must be carried in the boot of the vehicle at all times and shown to an authorised Officer of the Council or Police or VOSA upon request.

6.15 SIGNAGE

HACKNEY VEHICLE MARKINGS

6.15.1 All Hackney Carriage vehicles, other than those with built-in roof signs, must be fitted with an illuminated external sign on and above the roof of the vehicle showing the word "TAXI". ~~on the side facing the front and the name of the company, or its telephone number, or "TAXI", or any combination of the three on the side facing towards the rear of the vehicle. The roof sign and lettering shall be of an appropriate size to enable it to be read clearly from a distance of 14 metres.~~

6.15.2 The roof sign must be centrally mounted on the vehicle roof and be adequately secured either directly to the roof by suitable magnets or mounted on a single roof bar and secured by bolts, straps, or clamps. Suction fittings alone are not considered suitable without additional means of fixing.

6.15.3 On purpose-built vehicles, with built-in roof signs, the roof light must be extinguished when the fare meter is in use.

PRIVATE HIRE VEHICLE MARKINGS

6.15.4 ~~Self-adhesive identification signs as approved by the Council, indicating that insurance is invalid unless the vehicle is booked by private hire, must be affixed to the drivers' door and front passenger door panels of the vehicle. These signs should not be tampered with in any way and must be displayed at all times whilst the vehicle has current private hire vehicle plate affixed.~~

6.15.5 A Private Hire Vehicle must not carry any roof sign or any markings that might give the impression that it is a Hackney Carriage. Any advertising or signage on the vehicle must specifically not include the words "taxi", "cab", "hackney carriage" or "hire" for this reason.

6.15.7 No alternative words or spellings, such as "Kab", which would have the effect of leading the public to believe that a vehicle is a hackney carriage available for hire, may be used on the vehicle. The Council's decision as to the interpretation of 6.15.5 shall be final.

6.16 ADVERTISING ETC

6.16.1 Any advertising in or on the vehicle must be restricted to the name, logo or insignia, telephone number, free-phone number, fax number, email address or web site of the owner or operator of the vehicle. Advertising of other businesses or products or services is **not** permitted, including art works, emblems, symbols, slogans, or other displays of any kind.

6.16.2 No sign or advertisement shall obliterate or be confused with the vehicle's licence plate or the number plates of the vehicle.

6.16.3 Limited advertising, in line with the requirements of 6.15.1 and 6.15.2 above may be displayed on a vehicle subject to the following conditions:

6.16.4 **HACKNEY CARRIAGES**

For saloons and estate cars the lettering of all advertising/graphics etc must be a maximum height of 15 cm~~. and may be displayed on either the sides of the vehicle, front and rear wings, doors or on the bonnet or the rear of the vehicle.~~

~~(ii)~~ For minibuses, transits and people carrier type vehicles, the lettering of all advertising/graphics etc must be a maximum height of 25 cm~~ and may be displayed on either the sides of the vehicle, front and rear wings, doors or on the rear of the vehicle.~~ In addition, the single word "Taxi", to a maximum height of 30 cm, may be displayed. ~~placed on the front and rear of the vehicle.~~

(iii) Any advertising may include details of current fare scales or discounts charged by the owner/proprietor.

6.16.5 **PRIVATE HIRE VEHICLES**

~~(i)~~ For saloons and estate cars the lettering of all advertising/graphics etc must be a maximum height of ~~7.5~~ 15cm. ~~and must be confined to either the rear doors, the rear wings, or the rear of the vehicle to a size which does not exceed 800 sq. cms on either side or on the rear of the vehicle. This is in keeping with the 'executive vehicle' nature of private hire.~~

~~(ii)~~ For minibuses, transits and similar people carrier type vehicles, the lettering of all advertising/graphics etc must be a maximum height of 25cm. ~~12.5cm and must be confined to either the rear doors, the rear wings, or the rear of the vehicle to a size which does not exceed 1400 sq. cms on either side or on the rear of the vehicle.~~

~~(iii) No signs whatsoever, other than the identification signs approved and supplied by the Council (see 6.15.4 above) must be affixed to the drivers' door and front passenger door panels of the vehicle.~~

6.17 COMMUNICATIONS DEVICES

6.17.1 All two-way radio equipment must be of a type currently approved by Ofcom (Office of Communications).

6.17.2 All radio equipment fitted to the vehicle must be fitted securely and safely and in accordance with guidelines for the time being published by Ofcom.

6.17.3 Only one two-way radio with a single operator frequency may be operational in the vehicle at any one time and this shall be an approved radio used exclusively for the Hackney Carriage/Private Hire trade and licensed with an effective radio power (ERP) not exceeding 25 watts.

6.17.4 The use of a Citizen Band (CB) transmitter, receiver or radio scanner is prohibited.

6.18 METERS

HACKNEY CARRIAGES

6.18.1 A calendar-controlled taximeter, approved by the Council, must be fitted and correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure. It must be easily visible to passengers.

6.18.2 The taximeter and all the fittings shall be fixed to the carriage with seals or other appliances, so as to be tamper proof except by breaking, damaging, or permanently displacing the seals or other appliances.

6.18.3 The taximeter shall be positioned so that all letters and figures on the face thereof must be plainly visible at all times to any person being conveyed in the vehicle. The dial of the taximeter shall be kept properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1988 and also at any time at the request of the hirer.

6.18.4 When the meter is operating there shall be recorded on the face of the meter, in clearly legible figures, a fare not exceeding the maximum fare that may be charged for a journey.

6.18.5 If the taximeter has been altered for whatever reason, the proprietor of the vehicle must immediately report the alteration to the Licensing Team so that arrangements for resetting and resealing may be made.

6.18.6 Any failure to the taximeter must be reported to the Licensing Team without delay.

6.18.7 An official copy of the Council's fare chart shall be clearly displayed in the vehicle so as to be plainly visible to all passengers.

6.18.8 The proprietor of the vehicle may make a further charge for any valeting deemed necessary following soiling/fouling to the interior of the vehicle rendering it unfit for further immediate hiring. This is a matter between the proprietor and the hirer. Vehicle proprietors must clearly display details of their valeting charge policy following soiling/fouling, inside the vehicle.

6.18.9 The taximeter shall be brought into operation at the commencement of the journey and the fare demanded by the driver shall not be greater than that fixed by this Council in connection with the hire of Hackney Carriages.

6.18.10 Where the journey starts in the district and ends outside, a fare may be agreed before the start of the journey. The meter must be in operation for the duration of the journey and the final fare charged shall not exceed the fare on meter.

PRIVATE HIRE VEHICLES

6.18.11 Although Private Hire vehicles may be fitted with a taximeter, it is not a requirement. However, any taximeter fitted to a Private Hire vehicle must comply with those conditions and requirements set out above from 6.18.1 to 6.18.8, as well as 6.19 and 6.20 below.

6.18.12 The current fare chart shall be clearly displayed in the vehicle, so as to be plainly visible to all passengers, along with a notice indicating that the hire charges for the vehicle are not prescribed by the Council but are a matter of negotiation with the hirer.

6.19 METER TESTING

6.19.1 The meter will be calibrated in accordance with the current table of fares.

6.19.2 All taximeters are required to be tested by a meter agent when:

- a vehicle is first licensed as a taxi or private hire vehicle;
- a licensed vehicle is changed;
- a new meter is fitted;
- a new table of fares is created; or
- the seal is found to be broken/irregular.

6.19.3 All taximeters will be tested by the Council where an irregularity is reported/found as a result of a customer complaint or enforcement spot check.

6.19.4 Testing of the meter will include a run over a measured mile and shall be checked against the Council's table of fares.

6.19.5 Once the meter has been tested it will be sealed by the meter agent, with an identifiable seal and shall not be altered or tampered with.

6.20 RECEIPTS

6.20.1 A Receipt must be issued where it is requested by a customer.

6.20.2 Receipt information must include a minimum of the following:

- date and time of issue;
- metered fare (Hackney only);
- metered extras (Hackney only);
- tariff code shown on the meter, i.e. tariff 1,2,3 or 4; (Hackney only) and
- total fare.

6.20.3 A printer fitted to a licensed Vehicle must be approved by the Council before installation. Full technical specifications must be submitted for consideration as part of the approval process.

6.20.4 All printers must be CE-marked to identify that they are compliant with the appropriate automotive directives and motor vehicle regulations pertaining to the fitting of electrical sub-assemblies into motor vehicles.

6.21 TRAILERS

6.21.1 Trailers may only be used with the prior approval of the Council and subject to the following requirements:

- Trailers can only be used in connection with private hire vehicle bookings and cannot be used for plying for hire on a rank;
- The trailer must at all times comply with all requirements of road traffic legislation in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986;
- The vehicle insurance must include cover for towing a trailer;
- Trailers must not be left unattended anywhere on the highway;
- The speed restrictions applicable to trailers must be observed at all times;
- A suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.
- Trailers must have been manufactured by a recognised manufacturer and not have been structurally altered since manufacture.
- Un-braked trailers shall be less than 750 KGs gross weight.
- Trailers over 750 KGs gross weight shall be braked acting on at least two road wheels.
- The towing vehicle must have a kerb weight of at least twice the gross weight of the trailer.
- The maximum permissible length of the trailer shall not be greater than the towing vehicle subject to no trailer being wider than 2.3 metres.
- The maximum length for braked twin axle trailers is 5.54 metres.

6.22 DISABILITY ACCESS

6.22.1 Vehicles, which are built or adapted for disabled passengers and their disability apparatus under the advice of the Mobility & Inclusion Unit of the Department for Transport, is that there be no restriction on access, recognising that different vehicles may be suited to varying operating areas.

6.22.2 Where a vehicle is utilised for the carriage of passengers ~~in~~ using a wheelchair, the following conditions shall apply:

- Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus;
- Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit;
- A suitable restraint must be available for the occupant of a wheelchair;
- Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and ~~helper~~ assistant;
- Ramps and lifts must be securely stored in the vehicle before it may move off.
- Hackney carriage vehicles must be side loading.

6.22.3 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307). Any such equipment must be maintained in good working order and be available for use at all times.

6.22.4 The licensed driver of a wheelchair accessible vehicle must have received suitable and sufficient training to load and convey ~~wheelchair bound passengers~~ passengers who travel in their wheelchairs. The provision of this training shall be the responsibility of the operator/licensed driver. A written record of the training shall be kept by the vehicle proprietor and made available for inspection by an authorised officer of the Licensing Authority upon request. Refresher training shall

be undertaken at least once every 36 months, with any new licensed driver undertaking the training prior to their first journey.

6.22.5 Subject to the provisions of section 6.15 above, a sign may be affixed to the outside of the vehicle indicating that it is ~~able to convey passengers in wheelchairs~~ wheelchair accessible provided that the vehicle has been manufactured or properly adapted for that purpose.

6.23 TINTED WINDOWS

6.23.1 The front side windows and windscreen of any vehicle shall comply with the current Construction and Use Regulations with regard to the level of tint. Except for stretched limousines (see paragraph 7.3.3 below) the remaining windows may have a minimum VLT of 50%. No self-adhesive material (tinted or clear) shall be affixed to any part of the glass. All vehicles licensed by this Council shall only be fitted with factory tinted glass by the vehicle manufacturer.

6.24 INSURANCE

6.24.1 There shall be a policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1988 for the duration of the vehicle licence.

6.24.2 A copy of the current vehicle insurance policy must be provided to the Licensing Team before a licence will be issued.

6.25 CHANGES

6.25.1 Any change of circumstance affecting this vehicle licence must be notified within 7 days of such change to the Licensing Team.

6.25.2 When the holder of a vehicle licence wishes to transfer the licence to another person, they must notify the Licensing Team by completing the appropriate application form, before such change takes place. Failure to do so is likely to result in the refusal to renew the licence.

6.26 INSPECTION

6.26.1 The vehicle licence must be available for inspection at all times on request by any authorised officer of the Council or the Police.

6.27 UNAUTHORISED USE

6.27.1 The proprietor of a Private Hire vehicle or Hackney Carriage shall not allow the vehicle to be driven and used for hire by any person who does not hold a current Private Hire vehicle or Hackney Carriage driver's licence, as appropriate, issued by Mid Suffolk District Council in respect of Mid Suffolk licensed vehicles or Babergh District Council in respect of Babergh licensed vehicles.

6.28 ACCIDENT REPORTING

6.28.1 If any licensed vehicle is involved in an accident, this must be reported to the Licensing Team within 48 hours of the incident.

6.28.2 Where, following an accident or damage to a licensed vehicle, it is the intention of the owner or operator to continue licensed use, the vehicle must be inspected (at the owner's or operator's expense) to determine its fitness for continued use. A Licensing Officer may suspend the use of a licensed vehicle until it is suitably repaired to the Licensing Officer's satisfaction.

6.28.3 A licensed vehicle which has suffered major accident damage or requires substantial mechanical repair may be replaced by a hire vehicle provided:

- The damage to, or defect in, the vehicle has been reported;

- Application is made in the usual way for a change of vehicle (albeit temporarily);
- The replacement vehicle meets the Council's licensing criteria and is suitable to be used for hire purposes;
- The hiring of the hire vehicle is organised and paid for by the affected licensed owner or operator.

6.29 SATELLITE NAVIGATION

HACKNEY CARRIAGE

6.29.1 If ~~T~~the proprietor of a Hackney Carriage ~~is required to affix~~ has affixed within the carriage a satellite navigation system it must be of a type suitable for UK roads. ~~(UK mapping) and this is to must be used at all times when the vehicle is hired.~~

6.29.2 The satellite navigation system must be fitted in such a position that it does not obstruct the drivers view or in such a way as to distract the driver's concentration from the road.

6.29.3 The proprietor of a Hackney Carriage is required to keep the satellite navigation system updated with the latest maps at all times.

PRIVATE HIRE VEHICLE

6.29.4 Where a Private Hire vehicle has been fitted with a satellite navigation system of a type suitable for UK roads (UK mapping) it must comply with the requirements of 6.29.1 and 6.29.3 above.

6.30 MISCELLANEOUS

6.30.1 The proprietor shall not knowingly cause or permit the vehicle to be used for any illegal or immoral purpose whatsoever.

6.30.2 The driver of the licensed vehicle shall not, unless given the express consent of the hirer, eat or drink in the licensed vehicle. This condition shall not apply to any consumption where there are relevant medical grounds (for example diabetic control). The driver is expected to exercise due care and attention at all times whilst undertaking their duties.

6.30.3 Having due regard to environmental considerations the Council strongly recommend that all proprietors of vehicles shall ensure drivers do not leave the engine of the vehicle running for any significant length of time whilst awaiting a booking. It should be noted that powers are available to the Council to make byelaws that may incorporate such matters.

6.31 DISPENSATION/ VARIATION

6.31.1 The Council may in exceptional circumstances by way of special condition dispense with or vary any of the conditions set out in the Policy.

7 ADDITIONAL CONDITIONS FOR PRIVATE HIRE VEHICLE LIMOUSINES

7.1 GENERAL INFORMATION

7.1.1 Stretched limousines shall comply with the existing conditions of licence applicable to all licensed private hire vehicles (above) in so far as they are not superseded by these additional conditions.

7.2 TYPES OF VEHICLES

7.2.1 The vehicle must have one of the following:

- A UK Individual Vehicle Approval Certificate;

- A European Whole Vehicle Approval Certificate;
- UK Low Volume Type Approval Certificate.

7.3 VEHICLE AND SAFETY EQUIPMENT

7.3.1 The proprietor of a vehicle shall:-

- Provide one efficient fire extinguisher in addition to the extinguisher required to comply with the standard Vehicle Conditions of Licence applicable to all licensed Private Hire vehicles. One fire extinguisher should be mounted on brackets, in a convenient position in the driver's compartment, if practical. The other should be similarly mounted within the boot of the vehicle, so as to be readily available at all times;

- Ensure that the vehicle and all its fittings and equipment are at all times kept in a fit, serviceable, efficient, safe, and clean condition and all relevant statutory requirements (including those contained in the Motor Vehicles (Construction and Use) Regulations) are fully complied with. Should the vehicle fail to comply with any legal requirement then the vehicle should be removed from service until the reasons for non-compliance are rectified;

- Ensure that loose luggage is not carried within the passenger compartment of the vehicle;

- Ensure that any CCTV cameras installed in the vehicle have received prior written approval of the Council; and

- Display a Council approved sign, in a position clearly visible to passengers, warning customers that camera surveillance equipment may be in operation.

7.3.2 Vehicles may be left or right-hand drive providing that they have proof of full DFT vehicle type approval.

7.3.3 The passenger compartment of the vehicle may be fitted with darkened or blackened glass.

7.3.4 Vehicles must be supplied with a safety hammer, capable of being used to break the glass of the vehicle, which is securely located in the driver’s compartment.

7.3.5 The licence holder shall not at any time use or permit to be used in the vehicle a radio scanner or citizen band radio.

7.3.6 The use of fog machines, lasers, fibre optics, disco balls and jacuzzis should comply with relevant Health and Safety regulations and should not be used in a manner which is likely to distract the private hire vehicle driver or other road users.

7.3.7 Where strobe lights are to be used, those hiring the vehicle should be verbally notified in advance and the person making the booking notified, both verbally and in writing. Strobe lighting should not be used/be turned off if so requested. Use should comply with relevant Health and Safety regulations and should not be used in a manner, which is likely to distract the private hire vehicle driver or other road users.

7.4 USE OF VEHICLE

7.4.1 The vehicle shall not be used for every day Private Hire Vehicle use.

7.4.2 The proprietor of the vehicle shall:-

- That the vehicle is at all times only driven by a person who holds a current Private Hire Vehicle Driver's Licence issued by the Council. The same Council which issued the Vehicle Licence.

- That no more than the number of persons for which the vehicle is licensed shall be conveyed within the vehicle;
- Not convey any passengers in the front compartment of the vehicle;
- Not supply any intoxicating liquor in the vehicle unless there is in force an appropriate premises licence under the Licensing Act 2003, permitting the sale or supply of the same;
- Provide sufficient means by which any person in the Private Hire vehicle may communicate with the driver during the course of hiring;
- Ensure the interior of the vehicle is kept wind and watertight;
- Ensure any necessary windows and means of opening and closing will have at least one window on each side of the passenger compartment;
- Ensure that there are at least two doors for the use of persons conveyed within the vehicle and separate means of entry and exit for the driver;
- Ensure the seats in the passenger compartment are properly cushioned and covered; and
- Ensure the floor in the passenger compartment is provided with a proper carpet, mat or other suitable covering.

7.4.3 Where occupants in the vehicle are under the age of 16, a responsible adult other than the driver must accompany them.

7.5 VEHICLE IDENTIFICATION DISCS

7.5.1 Private hire vehicle limousines will not be required to display on the rear of the vehicle the external private hire vehicle licence plate which must normally be displayed by licensed private hire vehicles. The proprietor of the vehicle will be issued, by the Council, with two licence discs (an external private hire vehicle licence plate will also be issued see below), which identify the vehicle as a private hire vehicle on which will be displayed the registration number of that vehicle and the number of passengers permitted to be carried (Known as Private Hire Limousine Vehicle Disc).

7.5.2 The proprietor shall ensure that:-

- The external Private Hire vehicle licence plate complies with 6.14.4 and 6.14.5 above in vehicle specifications;
- No Private Hire Limousine Vehicle Disc/Plate shall be parted with, lent or used on any other vehicle and the loss or damage of the vehicle disc(s)/plate shall be reported to the Council as soon as the proprietor is aware of the loss. In the event of ceasing to use the vehicle for private hire (special event) purposes the proprietor shall surrender the vehicle discs/plate and licence to the Council within seven days.

7.6 SIGNS, NOTICES, ETC

7.6.1 No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems, or devices whatsoever shall be displayed on, in or from the vehicle, other than those specifically approved by the Council. Failure to obtain such express consent may render the vehicle's licence liable to immediate suspension.

7.6.2 No media (eg music, videos etc) shall be presented that, given its age classification or content, is unsuitable for the age of passengers in the vehicle.

7.7 INSURANCE/MOT TEST CERTIFICATE

7.7.1 The vehicle must not be used to carry passengers for Private Hire special events unless there is in force for the vehicle:

- A current Certificate of Compliance test certificate;
- A policy of insurance covering the use of the vehicle for Private Hire special events and the proprietor of the vehicle is shown as the policy holder and any other licensed Private Hire Limousine Vehicle Drivers who drive the vehicle are covered.

7.7.2 These documents shall be produced to an authorised officer of the Council or a Police Officer at such time and place as may be required.

7.7.3 The proprietor shall deposit a valid and current copy of the Certificate of Compliance Test Certificate and Certificate of Insurance or cover note with the Operator before the vehicle is used to accept bookings provided by the Operator.

7.7.4 If the insurance cover on the vehicle is cancelled, expires, or fails to cover the use to which the vehicle is being put, the Licensing Officer shall be informed immediately, and the vehicle shall not be used until appropriate cover is obtained.

7.8 DEPOSIT OF LICENCES

7.8.1 If the proprietor permits or employs any other person to drive his Private Hire Vehicle Limousine, he shall, before that person commences to drive the vehicle, cause the driver to deliver to him a copy of his Private Hire Vehicle Driver's licence for retention until such time as the driver ceases to be permitted or employed to drive that vehicle.

7.8.2 The proprietor of the vehicle will deposit within five working days, a copy of the Private Hire Limousine Vehicle licence with the Operator before any bookings are accepted.

7.8.3 The loss of any vehicle or driver licence shall be reported to the Council as soon as possible.

7.9 VEHICLE TESTING

7.9.1 A Private Hire Vehicle Limousine will be subject to twice-yearly mechanical examination at intervals to be specified by the Council, at its authorised testing station.

7.10 GENERAL CONDITIONS

7.10.1 All Operators will be required to sign a declaration stating that the vehicle will not carry more than 8 passengers and at the time of booking the vehicle, the restriction of carrying no more than 8 passengers shall be explained to the hirer. This is in accordance with the restriction on Licensing Authorities that they may not licence vehicles with more than 8 seats.

7.10.2 The Licensee must produce a copy of the SVA (Single Vehicle Approval) certificate at time of licensing.

8 ADDITIONAL CONDITIONS FOR SPECIAL EVENT PRIVATE HIRE VEHICLES (FIRE ENGINES)

8.1 GENERAL INFORMATION

8.1.1 Special Event Vehicles (namely Fire Engines only) shall comply with the existing conditions applicable to all licensed Private Hire vehicles contained within Vehicle Specifications of the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy, in so far as they are not superseded by these additional conditions.

8.2 TYPES OF VEHICLES

8.2.1 The vehicle must have one of the following:

- A UK Single Vehicle Approval Certificate;
- A European Whole Vehicle Approval Certificate;
- UK Low Volume Type Approval Certificate;

8.3 VEHICLE AND SAFETY EQUIPMENT

8.3.1 The proprietor of a vehicle shall:-

- Ensure that the vehicle and all its fittings and equipment are at all times kept in a fit, serviceable, efficient, safe, and clean condition and all relevant statutory requirements (including those contained in the Motor Vehicles (Construction and Use) Regulations) are fully complied with. Should the vehicle fail to comply with any legal requirement then the vehicle should be removed from service until the reasons for non-compliance are rectified;

- Ensure that loose luggage is not carried within the passenger compartment of the vehicle;

- Ensure that any CCTV cameras installed in the vehicle have received prior written approval from the Council; and

- Display a Council approved sign, in a position clearly visible to passengers, warning customers that camera surveillance equipment may be in operation.

8.3.2 The licence holder shall not at any time use or permit to be used in the vehicle a radio scanner or citizen band radio.

8.3.3 The use of fog machines, lasers, fibre optics, disco balls and jacuzzis should comply with relevant Health and Safety regulations and should not be used in a manner which is likely to distract the private hire vehicle driver or other road users.

8.3.4 Where strobe lights are to be used, those hiring the vehicle should be verbally notified in advance and the person making the booking notified, both verbally and in writing. Strobe lighting should not be used/be turned off if so requested. Use should comply with relevant Health and Safety regulations and should not be used in a manner, which is likely to distract the private hire vehicle driver or other road users.

8.4 USE OF VEHICLE

8.4.1 The vehicle shall not be used for every day Private Hire Vehicle use.

8.4.2 The proprietor of the vehicle shall ensure:-

- That drivers and passengers conveyed within the vehicle do not impersonate or give reason to anyone to believe that they are employees of any Fire and Rescue Service;

- That drivers and passengers conveyed within the vehicle wear any uniform that this should be distinguishable from that worn by any Fire and Rescue Service staff;

- That Blue Lights or Two Tones are not permitted to be used.

- That the vehicle is at all times only driven by a person who holds a current Private Hire Vehicle Driver's Licence issued by the Council. The same Council which issued the Vehicle Licence.

- That the driver is holds a DVLA driving licence authorising them to drive a car category B, they are also required to hold a category C1 and category C as a full licence holder;

- That no more than the number of persons for which the vehicle is licensed shall be conveyed within the vehicle;

- Not supply any intoxicating liquor in the vehicle unless there is in force an appropriate premises licence under the Licensing Act 2003, permitting the sale or supply of the same;

- Provide sufficient means by which any person in the Private Hire vehicle may communicate with the driver during the course of hiring;

- The interior of the vehicle is kept wind and watertight;

- Any necessary windows and means of opening and closing will have at least one window on each side of the passenger compartment;

- The seats in the passenger compartment are properly cushioned and covered; and

- The floor in the passenger compartment is provided with a proper carpet, mat or other suitable covering.

8.4.3 Where occupants in the vehicle are under the age of 16, a responsible adult other than the driver must accompany them.

8.5 VEHICLE IDENTIFICATION PLATES AND DISCS

8.5.1 The proprietor of the vehicle will be issued, by the Council, with two licence discs (an external special event private hire vehicle licence plate will also be issued, see below), which identify the vehicle as a special event private hire vehicle upon which will be displayed the registration number of that vehicle and the number of passengers permitted to be carried (Known as Special Event Private Hire Vehicle Disc).

8.5.2 The proprietor shall ensure that:-

- One Special Event Private Hire Vehicle Disc must be displayed on the top left-hand corner of the front windscreen in a conspicuous position where it can be clearly seen from the outside of the vehicle and all wording and lettering contained thereon can be read. The other identification disc shall be fixed inside the vehicle in such a position (such as the bulkhead or security screen) so as to be visible to persons conveyed therein;

- The external special event private hire vehicle licence plate is to be fixed and displayed on the Authorised Vehicle at all times whilst licensed as a Special Events Private Hire Vehicle (there will be no exemptions permitted under vehicle specifications 6.14.4 and 6.14.5 above) and is to be fitted in the centre or the off side of the rear exterior of the vehicle on either the rear bumper or by using the approved bracket. (Please note that a plate must not be fitted to the near side of the vehicle).

- The external special event private hire vehicle licence plate shall be black and gold in colour containing the words Special Event Private Hire Vehicle.

- No Special Event Private Hire Vehicle Disc/Plate shall be parted with, lent or used on any other vehicle and the loss or damage of the vehicle disc(s)/plate shall be reported to the Council as soon as the proprietor is aware of the loss. In the event of ceasing to use the vehicle for private hire (special event) purposes the proprietor shall surrender the vehicle discs/plate and licence to the Council within seven days.

8.6 SIGNS, NOTICES, ETC

8.6.1 No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems, or devices whatsoever shall be displayed on, in or from the vehicle, other than those specifically approved by the Council. Failure to obtain such express consent may render the vehicle's licence liable to immediate suspension.

8.6.2 No media shall be supplied that, given its age classification or content is unsuitable for the age of passengers in the vehicle.

8.6.3 Strictly no signage or insignia (e.g., crest badge, station name etc) to be used on the appliance as to infer that the vehicle is part of any Fire and Rescue Service.

8.6.4 The front driver and passenger doors must display a sign in 10cm high black capital letters bearing “This vehicle is only available for use by pre-booking”.

8.7 INSURANCE/MOT TEST CERTIFICATE

8.7.1 The vehicle must not be used to carry passengers for Private Hire special events unless there is in force for the vehicle:

- A current Certificate of Compliance test certificate;

- A policy of insurance covering the use of the vehicle for Private Hire special events and the proprietor of the vehicle is shown as the policy holder and any other licensed Special Event Private Hire Vehicle Drivers who drive the vehicle are named.

8.7.2 These documents shall be produced to an authorised officer of the Council or a Police Officer at such time and place as may be required.

8.7.3 The proprietor shall deposit a valid and current copy of the Certificate of Compliance Test Certificate and Certificate of Insurance or cover note with the Operator before the vehicle is used to accept bookings provided by the Operator.

8.7.4 If the insurance cover on the vehicle is cancelled, expires, or fails to cover the use to which the vehicle is being put, the Licensing Officer shall be informed immediately, and the vehicle shall not be used until appropriate cover is obtained.

8.8 DEPOSIT OF LICENCES

8.8.1 If the proprietor permits or employs any other person to drive his Special Event Private Hire Vehicle, he shall, before that person commences to drive the vehicle, cause the driver to deliver to him a copy of his Private Hire Vehicle Driver's licence for retention until such time as the driver ceases to be permitted or employed to drive that vehicle.

8.8.2 The proprietor of the vehicle will deposit within five working days, a copy of the Special Event Private Hire Vehicle licence with the Operator before any bookings are accepted.

8.8.3 The loss of any vehicle or driver licence shall be reported to the Council as soon as possible.

8.9 VEHICLE TESTING

8.9.1 A Special Event Private Hire Vehicle will be subject to twice-yearly mechanical examination at intervals to be specified by the Council, at an authorised testing station.

8.10 GENERAL CONDITIONS

8.10.1 All Operators will be required to sign a declaration stating that the vehicle will not carry more than 8 passengers (or such number as stated on the vehicle plate and disc) and at the time of booking the vehicle, the restriction of carrying no more than 8 passengers shall be explained to the hirer. This is in accordance with the restriction on Licensing Authorities that they may not licence vehicles with more than 8 seats.

8.11 TRAILERS

8.11.1 During the currency of the licence a Special Event Private Hire Vehicle is not permitted to tow a trailer.

9 VEHICLE LICENCES: APPLICATION PROCEDURES – (HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE

9.1 GENERAL INFORMATION

9.1.1 The following processes/procedures detail how to licence a Hackney Carriage or Private Hire Vehicle and Vehicle Licence Renewal.

9.1.2 To licence a vehicle within either the relevant district Council area you must first decide whether the vehicle that you are going to drive is to be a Hackney Carriage or Private Hire Vehicle.

9.1.3 These licences are issued under an Act of Parliament called the Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847 (for Hackney Carriages only) and is referred to as a vehicle licence. To obtain a vehicle licence the vehicle must comply with the Council's Policy and undergo tests and checks so that the Council can determine your application fairly and consistently.

9.1.4 The following checks and testing will apply:

- Vehicle testing
- Vehicle registration documents
- Intended use of the vehicle
- Insurance certificate
- MOT certificate (after one year from date of registration for Hackney carriages, thereafter annually. After three years of registration for Private Hire Vehicles and thereafter annually).
- Vehicle Road Tax
- Basic Disclosure (where the applicant is not a licensed driver or licensed operator)
- Meter Test Certificate
- Radio equipment licence.

9.2 VEHICLE APPLICATION PROCEDURES

9.2.1 Please note the Application process is the same for new, renewal, change and transfer of a vehicle.

9.2.2 Applications for Hackney Carriage and Private Hire Vehicle Licences are not limited and may be made at any time of the year. To drive either a Hackney Carriage or Private Hire Vehicle licensed by Babergh District Council or Mid Suffolk District Council the driver must hold an appropriate driver's licence by the relevant District Council.

9.2.3 Applications are to be made on the prescribed application form.

9.2.4 Documentation, which MUST accompany the application form.

- **REGISTRATION BOOK** (which must show the vehicle as belonging to the applicant either wholly or jointly with any other person(s) hereinafter described as proprietor(s) thereof);
- **INSURANCE CERTIFICATE (showing the appropriate wording for the vehicle (hire and reward, public hire or private hire) –** (if a cover note, licence holders will be required to produce further insurance certificates on or before the expiry of the cover note), this is also to include Insurers Policy book and details of Third-Party Liability Cover;
- **BASIC DISCLOSURE CERTIFICATE –** where the applicant for the vehicle licence is not a licensed driver with the Council, they will require a basic disclosure certificate to be obtained and provided to the Council on an annual basis.
- **MOT CERTIFICATE –** the Licensing Team will check this on-line
- **VEHICLE TAX –** the Licensing Team will check this on-line
- ~~**METER TEST CERTIFICATE –** where the vehicle is a Hackney Carriage or where a Private Hire Vehicle is fitted with a meter.~~
- **RADIO EQUIPMENT LICENCE from OFCOM –** (For further details contact Ofcom regarding what radio equipment needs to be licensed (as per vehicle specifications 6.17.4 above CB transmitters or receivers are not permitted)).

9.2.5 For new vehicles sight will be required of the vehicles Vehicle Registration Document (Vehicle Registration Document will also be required at renewal) or a Bill of Sale (Full Vehicle Registration Documents will be required once issued by DVLA in applicants name).

9.2.6 In every application, the name and address shall be given of:

- The person applying for a licence; and
- Every proprietor or part proprietor of the vehicle; or
- Any person concerned, either solely or in partnership with any other person, in the keeping, employing or letting to hire of the vehicle.

9.3 PROPRIETOR REQUISTION DECLARATION (NOTE THIS WILL FORM PART OF THE APPLICATION FORM)

9.3.1 Before a Hackney Carriage/Private Hire vehicle licence is granted, a Proprietor Requisition Declaration shall be made and signed by the proprietor or one of the proprietors of the Hackney Carriage/Private Hire vehicle in respect of which such licence is applied for.

9.4 VEHICLE TESTING

9.4.1 Vehicles will be required to undertake an inspection at one of the Council's approved vehicle testing centres before a licence shall be granted.

~~9.4.2 Prior to submitting the vehicle for testing owners must ensure that the vehicle is in good condition, i.e., mechanically sound, bodywork in a satisfactory condition and the engine and full chassis steam cleaned.~~

9.4.3 Owners of vehicles will be subject to a re-charge fee ~~in respect of vehicles that have to be re-submitted for a second inspection test on the grounds of mechanical/MOT related re-inspections pertaining to the specified requirements for hackney/private hire vehicles~~. if the vehicle is required to undertake either a 6-monthly check or a safety complaint regarding the continued fitness of the vehicle is received before the next annual inspection is due.

9.4.4 When a vehicle is successfully tested it should be licensed with the Council as soon as practical.

9.4.5 Any applicant who omits the name of the owner or part owner of the vehicle who is responsible for keeping, employing or letting of the vehicle shall be liable to a penalty.

9.4.6 For renewals only we will endeavour to send a reminder approximately four weeks before your annual declaration is due (You are reminded that this is a courtesy service. It is your responsibility to ensure your declaration is submitted in a timely manner).

9.5 TAXI RANKS

9.5.1 Each Council has appointed ranks, as indicated below, for Hackney Carriages on the public highway.

9.5.2 The use of Hackney Carriage stand/rank is kept under review and may be discontinued in individual instances where a particular stand/rank has fallen into disuse. Conversely, the Council will consider the creation of new stands/ranks where there is a perceived need. Everyone who wishes the Council to consider the creation of new stands/ranks must write to the Licensing Team, at the address set out at the beginning of this document, giving full details of the proposed location(s), and explaining their reasons in full.

TAXI RANKS IN THE BABERGH DISTRICT COUNCIL AREA

LOCATION OF RANK	NUMBER OF VEHICLES	TIME RESTRICTION
EAST STREET, SUDBURY	4	NONE
OLD MARKET PLACE, SUDBURY	4	NONE
SUDBURY RAILWAY STATION	2	NONE

TAXI RANKS IN THE MID SUFFOLK DISTRICT COUNCIL AREA

LOCATION OF RANK	NUMBER OF VEHICLES	TIME RESTRICTION
MARKET PLACE, STOWMARKET	3	NONE
REGAL THEATRE CAR PARK, IPSWICH STREET, STOWMARKET	2	NONE

PART 3: PRIVATE HIRE OPERATOR POLICY

10. GENERAL INFORMATION

10.1 GENERAL INFORMATION

10.1.1 The Authority will not grant a Private Hire Vehicle (PHV) operator's licence for an operator with an operating base that is outside of the district area. This is to ensure that proper regulation and enforcement measures may be taken by the Authority and is in no way intended to be a restraint of trade.

10.1.2 The following processes/procedures are for a Private Hire Operator and Operators licence renewal.

10.1.3 For renewals only the team will endeavour to send a reminder approximately four weeks before an annual declaration is due. This is a courtesy service. It is the licence holder's responsibility to ensure their declaration is submitted in a timely manner.

10.1.4 To become a Private Hire Operator within the District an applicant will need to obtain a licence from the Council. The licence is issued under the Local Government (Miscellaneous Provisions) Act 1976 and is referred to as an operator's licence.

10.1.5 To obtain a licence the Council must determine whether the applicant is a 'fit and proper person' and whether the location intended to be used as the base is suitable. This involves a series of checks being carried out with various organisations so that the Council can determine the application fairly and consistently.

10.1.6 From the 4 April 2022 all applicants for a Private Hire Operators licence will need to carry out a tax check. The Licensing team will be required to obtain confirmation from HMRC that the applicant has completed the check before being able to consider the application.

10.2 NEW PRIVATE HIRE VEHICLE OPERATORS' APPLICATION PROCEDURES

10.2.1 Applications for Private Hire Vehicle Operators Licences are not limited and may be made at any time of the year.

FOR NON-DRIVER OPERATORS (including all partners and company directors)

10.2.2 Applicants will be required to undergo a basic disclosure and barring service check with the Disclosure & Barring Service.

10.2.3 Applicants are required to undertake the BTEC Level 2 course in an Introduction to the Role of a Professional Taxi and Private Hire Driver. This training is to be carried out at the applicants expense and a pass certificate presented to the Council prior to acquiring a Private Hire Operators Licence.

10.2.4 The applicant will be required to pass a knowledge test. This will demonstrate whether the applicant has adequate knowledge of the legislation and licensing requirements.

10.2.5 After all checks/tests have been carried out and are satisfactory applicants must complete the appropriate application form giving all the necessary/applicable information as set out below, accompanied by the required documents and appropriate fee.

10.2.6 In every application, the name and surname and place of abode shall be given of:

- The person applying for a licence
- Only one Operating name is allowed.

- A copy of planning permission obtained for the use of the premises as a Private Hire Vehicle Operation (where applicable)
- Certificate from Ofcom for Radio System, and details of frequencies used (where applicable)
- Details of all telephone numbers intended to be used for bookings and the address to which each one relates.
- Applications are to be made on the prescribed application form.
- A list of all drivers and vehicles operated by you (see prescribed application form).
- In the absence of the Operator, the Name(s) and Address(es) of the Managers who will assume control of the booking of Private Hire Vehicle Drivers and Vehicles.
- A copy of the Company Policy in relation to the carriage of passengers accompanied by Guide or Hearing Dogs, those with Disabilities and Safeguarding of Children and vulnerable persons.
- A copy of the Certificate of Company Registration where applicable.
- Operators' Public Liability Insurance (for offices where the public have access)

10.2.7 In the event of refusal of the licence the specified fee is not refundable.

FOR DRIVER OPERATORS

10.2.8 All relevant checks will have been undertaken at the driver application stage. Applicants must complete the appropriate application form giving all the necessary/applicable information as set out below, accompanied by the required documents and appropriate fee.

10.2.9 In every application, the name and surname and place of abode shall be given of:

- The person applying for a licence
- Only one Operating name is allowed.
- A copy of planning permission obtained for the use of the premises as a Private Hire Vehicle Operation (where applicable)
- Certificate from Ofcom for Radio System, and details of frequencies used (where applicable)
- Details of all telephone numbers intended to be used for bookings and the address to which each one relates.
- Applications are to be made on the prescribed application form.
- A list of all drivers and vehicles operated by you (see prescribed application form).
- In the absence of the Operator, the Name(s) and Address(es) of the Managers who will assume control of the booking of Private Hire Vehicle Drivers and Vehicles.
- A copy of the Company Policy in relation to the carriage of passengers accompanied by Guide or Hearing Dogs, those with Disabilities and Safeguarding of Children and vulnerable persons.
- A copy of the Certificate of Company Registration where applicable.
- Operators' Public Liability Insurance (for offices where the public have access)

10.2.10 In the event of refusal of the licence the specified fee is not refundable.

10.3 FOREIGN NATIONALS

10.3.1 Applicants born outside of the UK and resident in the UK for less than 5 years, who are not a British Citizen will need to provide to the Council a Certificate of Good Conduct which details if the applicant has a criminal record in their own country. This certificate can be obtained from the Embassy, Consulate or High Commission of the Country. If these certificates cannot be obtained in English, they must be translated by an official translator who will be expected to sign a declaration that to the best of their knowledge the information is correct.

10.3.2 A DBS check will also be undertaken along with a Home Office referral to ascertain if the applicant has the right to work within the UK. Where an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom.

10.4 PRIVATE HIRE VEHICLE OPERATORS' ANNUAL DECLARATION PROCEDURE

10.4.1 The Licensing Team will endeavour to send a reminder approximately four weeks before an annual declaration is due. This is a courtesy service. It is the licence holder's responsibility to ensure the declaration is submitted in a timely manner. Should the licence holder let their licence expire they will need to begin the process again as a New Applicant.

10.4.2 The Applicant will need to provide the following documentation:

- In every application, the name and surname and place of abode shall be given of:
  - The person applying for a licence
- Only one Operating name is allowed.
- Details of all telephone numbers intended to be used to invite bookings and addresses to which one relates i.e. the first point of reception for each call.
- Applications are to be made on the prescribed application form
- A list of all drivers and vehicles operated by you (see prescribed application form).
- Operators' Public Liability Insurance (for offices where the public have access)
- A sample of log book/records of journeys undertaken during the last 12 months.

10.4.3 In the event of refusal of the licence the specified fee is not refundable.

10.5 DISCLOSURE AND BARRING SERVICE (DBS) CHECK

10.5.1 The renewal Applicant will be required to undertake an annual Basic DBS check or as required.

10.5.2 When the applicant is required to undergo a DBS check the Licensing Team will write to them. This will be required before any renewal of a licence is considered. Any conviction shown on the DBS check which has not been notified to the Council will result in a Disciplinary Hearing.

11 CONDITIONS OF PRIVATE HIRE OPERATOR LICENCE

11.1 RECORD KEEPING

11.1.1 The records required to be kept by the Operator under Section 56(2) and 56(3) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable format. The Operator shall record before the commencement of each journey, the following particulars of every booking of a Private Hire vehicle invited or accepted by them:

(i) the time and date of the booking;
(ii) the name and address of the hirer;
(iii) how the booking was made (i.e., by telephone, e-mail, or personal call);
(iv) the time of pick-up;
(v) the point of pick-up;
(vi) the destination;
(vii) the time at which a driver was allocated to the booking;
(viii) the registration number of the vehicle allocated for the booking;
(ix) remarks (including details of any sub-contract or fare quoted at time of booking);
(x) the name or appropriate identifier (licence number) of the driver allocated to the booking.
(xi) the name of individual that responded to the request.
(xii) the name of the individual that dispatched the vehicle.

11.1.2 The Operator shall also keep records of the particulars of all Private Hire vehicles operated by them, which shall include details of the owners, registration numbers, plate number, number of seats for passenger, insurance details and drivers of such vehicles.

11.1.3 All records kept by the Operator shall be preserved at the operator address as identified in the licence, for a period of not less than 5 years following the date of the last entry and shall be produced promptly upon request to any authorised Officer of the Council or to a Police Officer.

11.2 INTERNET BOOKINGS AND MOBILE PHONE DIVERSIONS

11.2.1 Where on-line bookings are invited or accepted the point of booking shall be at a computer physically located at the operator base address as identified in the operator licence. Where telephone bookings are made to a landline or virtual (VOIP) number which diverts to a mobile phone away from the bookings office, or the booking is made by text message, the booking must be recorded in the bookings log as soon as practicable.

11.2.2 Conditions relating to the use of a mobile telephone app for operators will be introduced and included in this policy at a later date.

11.3 DRIVER BOOKINGS

11.3.1 The operator shall keep records of the particulars of all drivers of private hire vehicles operated by them pursuant to section 56 (3) of the 1976 Act such details to include the following particulars, namely:

- Details as to the drivers of the vehicles, and their call signs
- Details of when any new driver begins service
- Details of when any driver's service ceases
- Details of any change of address of any driver in service
- If he/she becomes aware that any driver is suffering from any illness, disability or condition which may affect the driver's ability to safely carry out their duties, details of that information
- Expiry dates of driver's badges and vehicle licences

11.3.2 All records maintained by the operator shall be kept for at least 12 months after entry and shall be produced for inspection, on request, by any authorised officer.

11.4 STANDARD OF SERVICE

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

(a) ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed by unforeseen circumstances or prevented by sufficient cause, punctually attend at that appointed time and place;
(b) keep clean, adequately heated, ventilated and lit any premises which the Operator provides and to which the public have access, whether for the purpose of booking or waiting;
(c) put in place and maintain an adequate public liability insurance policy for premises that are open to the public;
(d) ensure that any waiting area provided by the Operator has adequate seating facilities;
(e) ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly;
(f) ensure that drivers and controllers are advised to act in a helpful, polite, and professional manner at all times whilst undertaking their duties.

11.5 CITIZEN BAND RADIO

11.5.1 The Operator shall not cause or permit any Citizen Band (CB) radio to be used for or in connection with the hiring of a private hire vehicle, nor shall any radio scanning equipment be so used.

11.6 CHANGE OF CIRCUMSTANCES

11.6.1 The Operator shall notify the Council in writing of any change affecting the operator's licence including change of drivers, vehicles, and address (including any address from which they operate or otherwise conducts their business as an Operator) also change of any directors or partners involved in the business, as soon as possible and in any event within 7 days of the change taking place.

11.7 DISCLOSURE OF CONVICTIONS, CAUTIONS AND DISCHARGES

11.7.1 The Operator shall disclose in writing to the Council details of any such conviction, caution, charges, or fixed penalty being imposed upon them within 48 hours. If the operator is a Company or Partnership this requirement shall apply, if any directors or partners received any such conviction, caution, charges or fixed penalty. It should be noted that the Police may notify the Council of relevant information or convictions in accordance with the Police Common Law Disclosures Scheme.

11.8 HIRINGS CHARGE

11.8.1 The Operator of a licensed private hire vehicle shall not invite or accept a booking for such vehicle or control or arrange a journey to be undertaken by such vehicle, without first making available in writing, or giving orally, to the person making the booking, information as to the basis of the charge for the hire of the vehicle.

11.9 CODE OF CONDUCT

11.9.1 The operator shall have in place a code of conduct policy for their drivers, which must be regularly reviewed and be in addition to the conditions contained within this policy, which shall be made available to fare-paying passengers, any authorised officer of the Council or any Police Officer.

11.10 ADVERTISING OF PRIVATE HIRE SERVICES

11.10.1 The holder of an Operator's Licence shall not cause or permit any advertising of private hire services to be made in such manner or form of words that is likely to indicate to a member of the travelling public that a private hire vehicle may be available for immediate hire without prior booking. Therefore, such advertising (including cards, notices, and websites) shall not contain such words as 'taxi', 'cab' or similar.

11.10.2 The operator shall disclose to the Council any website used to advertise the operation.

11.11 PARKING OF LICENSED PRIVATE HIRE VEHICLES

11.11.1 The Operator shall ensure that all drivers of licensed private hire vehicle(s) operating under their control are advised to:

(a) Not park in such manner or location so as to cause significant traffic congestion to the detriment of local residents, amenities or general passenger traffic;
(b) Not park so as to form a rank of vehicles, that may cause a member of the travelling public to interpret a private hire vehicle as being available for immediate hire without any prior booking being made;
(c) Not park in such manner or location so as to be in contravention of any applicable laws or regulations; and
(d) Not sound the horn of the vehicle to alert a pre-booked passenger to the arrival of the vehicle, when in a built up area between the hours of 11:30pm and 7:00am, or where such use would be contrary to rule 92 of the Highway Code.

11.11.2 Having due regard to environmental considerations the Council strongly recommend that the Operator advises all drivers of his licensed vehicle(s) to not leave the engine of the vehicle

running for any significant length of time whilst awaiting a booking. It should be noted that powers are available to the Council to make byelaws that may incorporate such matters.

11.12 PRIVATE HIRE DRIVER'S LICENCE

11.12.1 The operator shall satisfy themselves that every driver engaged by them has acquired a Private Hire driver's licence and has a badge issued by the Licensing Team. The operator shall request a copy of the paper counterpart of the licence from each driver.

11.13 COMPANY POLICY FOR DRIVERS/STAFF

11.13.1 The operator shall have in place a company policy relating to:

- The carriage of passengers accompanied by guide/hearing or assistance dogs
- The carriage of passengers with Disabilities and Safeguarding children and vulnerable persons. This policy should be in line with the requirements under the Equality Act 2010 and any disabled or vulnerable passenger **must not** be charged extra for their journey's.
- Smoking and the law (operators must provide training of all staff and drivers detailing what their responsibilities are)
- Standards of service expected from all staff and drivers.

11.13.2 Operators shall provide and maintain a policy on the employment of staff with convictions for offences as detailed in condition 2.3 to 2.14 of the driver application requirement. This will determine the suitability of all staff employed by the operator.

11.13.3 The policy must be regularly reviewed and shall be made available upon request to fare-paying passengers or any authorised officer of the Council or any Police Officer.

11.14 COMPLAINTS

11.14.1 The operator shall notify the Licensing Authority within 7 days in writing of any complaints concerning a contract for hire arising from their business, such notification to include the action taken or proposed as a result of the complaint.

11.15 BOOKING AND DISPATCH STAFF

11.15.1 All operators shall be required to produce and keep updated a register of all staff that will take bookings and or dispatch vehicles.

11.15.2 Operators shall be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register.

11.15.3 DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a 'responsible organisation' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.

11.15.4 Operators may outsource booking and dispatch functions, but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

11.16 DATA PROTECTION

11.16.1 Private Hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

RESPONSE 1:

FOX CARS

Elite Taxis & Private Hire
Wellesley House. 96 East Street, Sudbury, Suffolk. CO10 2TP

Hello Team,

I have several concerns about the new draft policy which will affect my company directly and there are other bits that seem to be more extreme than necessary. Please find my comments or questions in red.

6 VEHICLE SPECIFICATIONS AND CONDITIONS OF LICENCE

6.1.5 Be no more than eight years of age since the date of first registration. IS THIS THE MAX AGE OF A VEHICLE THAT CAN BE LICENSED OR THE MAX AGE OF THE VEHICLE BEFORE IT HAS TO BE TAKEN OFF FLEET?

6.1.11 Any application for a new Hackney Carriage or Private Hire Vehicle for 8 passengers must be Wheelchair accessible. THIS IS NOT GOING TO WORK FOR US. WE DO SCHOOL WORK AND AIRPORT WORK IN OUR 8 SEATERS AND A WHEELCHAIR ACCESSIBLE VEHICLES WOULD NOT BE SUITABLE OR COMFORTABLE FOR THE WORK WE DO. AS A PRIVATE HIRE OPERATOR WHY SHOULD I BE FORCED BY THE COUNCIL TO BUY A VEHICLE WHICH WILL NOT SUIT MY FLEET?

6.1.13 Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes at any time WHAT CLASS OF WRITE OFF? WHAT IF A VEHICLE WAS CLASSED AS NOT FINANCIALY VIABLE TO REPAIR BY AN INSURANCE COMPANY AND WRITTEN OFF, BUT BOUGHT BACK REPAIRED, CERTIFIED AND RETESTED?

6.8.1 An appliance for extinguishing fires must be carried in such a position as to be readily available for use. Such an appliance must be a minimum of either a 2kg ABC General Purpose Powder or 2 litre AFFF Foam and conform to BSEN 3, showing the appropriate kite-mark and must be securely fixed in a position readily accessible to the driver. Three stickers must be fitted to the vehicle; one on the dashboard facing the front seat passenger and one facing out on each of the rear passenger door
windows (on larger vehicles a sticker must be placed on all rear doors) stating a fire extinguisher is carried, all must be clearly visible to passengers. What is it with the council wanting stuff stuck to dashboards? Some of us take pride in our vehicles and we don’t want to be damaging our dash with stickers and signs
6.8.2 All extinguishers must be checked every 12 months, prior to vehicle testing or prior to change of vehicle test. Such a check

shall be carried out in accordance with the requirements of BS5306 Part 3 and Part 8, by a registered competent company. The date of the test and signatures must be clearly visible on a sticker attached to the extinguisher. The extinguisher must be marked with the vehicle registration number. Are the garages so incompetent that they cannot see if an extinguisher is either out of date or the gauge is not in the green? I can only speak for my company as I don't know what others do, but if we have an extinguisher that is out of date or low on pressure, we go to halfords and buy a new one. If this was referring to office extinguishers, I could understand the checks by a competent company as large extinguishers are refillable or serviceable, generally car ones are just throw away.

6.15.4 Self-adhesive identification signs as approved by the Council, indicating that insurance is invalid unless the vehicle is booked by private hire, must be affixed to the drivers' door and front passenger door panels of the vehicle. These signs should not be tampered with in any way and must be displayed at all times whilst the vehicle has current private hire vehicle plate affixed. This is a waste of money and does not work. If a driver picks up of the side of the road, he obviously does not care about the law. I think most of the time when this would be an issue would be late at night, when the public really don't care what the signs say anyway, they just want to get home. A few secret shoppers and fines for drivers caught breaking this law would be better. Also, clarification on booking procedures with regards people who approach drivers kerbside. If the journey is booked in before the passenger gets in the car is it legal?
Can the booking be radioed through to control or must it be by phone?

6.19.4 Testing of the meter will include a run over a measured mile and shall be checked against the Council's table of fares. Where is Babergh's measured mile?

6.22.4 The licensed driver of a wheelchair accessible vehicle must have received suitable and sufficient training to load and convey wheelchair bound passengers. A written record of the training shall be kept by the vehicle proprietor and made available for inspection by an authorised officer of the Licensing Authority upon request. Refresher training shall be undertaken at least once every 36 months, with any new licensed driver undertaking the training prior to their first journey.
IF ALL NEW 8 SEATERS HAVE TO BE WHEELCHAIR ACCESIBLE DO THEIR DRIVERS STIILL HAVE TO HAVE TRAINING EVEN WHEN NO WHEELCHAIR WORK WILL BE TAKEN.

6.23.1 The front side windows and windscreen of any vehicle shall comply with the current Construction and Use Regulations with regard to the level of tint. Except for stretched limousines (see paragraph 7.3.3 below) the remaining windows may have a minimum VLT of 50%. No self-adhesive material
(tinted or clear) shall be affixed to any part of the glass. All vehicles licensed by this Council shall only be fitted with factory

tinted glass by the vehicle manufacturer. This should be left as is with the option for the vehicle owners to get rear windows professionally tinted at their discretion but with regard to minimum VLT. Why shouldn't I try to make my car look better just because I can't afford to go out and buy a top spec vehicle.
6.27.1 The proprietor of a private hire vehicle or hackney carriage shall not allow the vehicle to be driven and used for hire by any person who does not hold a current private hire vehicle or hackney carriage driver's licence, as appropriate, issued by Mid Suffolk District Council in respect of Mid Suffolk licensed vehicles or Babergh District Council in respect of Babergh licensed vehicles. AS BABERGH AND MIDSUFFOLK COUNCILS HAVE JOINED AND WE ARE NOW HAVING A JOINT POLICY, WHY NOT COMBINE THE LICENSING AND ALLOW ALL OF BABERGH MIDSUFFOLK TO WORK AS ONE. THIS MAY HELP WITH THE CURRENT SHORTAGE OF DRIVERS IN BABERGH

6.29 SATELLITE NAVIGATION
HACKNEY CARRIAGE
6.29.1 The proprietor of a hackney carriage is required to affix within the carriage a satellite navigation system of a type suitable for UK roads (UK mapping) and this is to be used at all times when the vehicle is hired.
6.29.2 The satellite navigation system must be fitted in such a position that it does not obstruct the drivers view or in such a way as to distract the driver's concentration from the road. Meter to be started before of after the driver has to program his sat nav for each journey?
6.29.3 The proprietor of a hackney carriage is required to keep the satellite navigation system updated with the latest maps at all times.
A sat nav system is a drivers tool of the trade if the driver needs one. it should not be the responsibility of the proprietor to supply and update. To take this away from the driver's expenditure is one step closer to being "employed"
Other than that, Sat nav is getting to be very outdated. The simple to use phone apps such as google maps and waze are much more reliable and useful. To force investment in old fashioned equipment would be a waste of proprietor's money. How many drivers don't have a smart phone ?

9.4.3 Owners of vehicles will be subject to a re-charge fee in respect of vehicles that have to be resubmitted for a second inspection test on the grounds of mechanical/MOT related re-inspections pertaining to the specified requirements for hackney/private hire vehicles.
Garages have historically included a mot certificate once a hackney or PHV test has been done, will this continue? Historically, retests have been free where any work needed has been carried out at the garage doing the test.

9.5.2 The use of hackney carriage stand/rank is kept under review and may be discontinued in individual instances where a particular stand/rank has fallen into disuse. Conversely, the Council will consider the creation of new stands/ranks where there is a perceived need. Everyone who wishes

the Council to consider the creation of new stands/ranks must write to the Licensing Team, at the address set out at the beginning of this document, giving full details of the proposed location(s), and explaining their reasons in full.

There are around 76 Hackney plates issued over the two councils with a combined number of 15 hackney stand places. How many times do we need to tell the council more spaces are needed? We have even seen plans (although totally inadequate) Do we need to start this process from afresh again?

10.2.3 Applicants are required to undertake the BTEC Level 2 course in an Introduction to the Role of a Professional Taxi and Private Hire Driver. This training is to be carried out at the applicants expense and a pass certificate presented to the Council prior to acquiring a Private Hire Operators Licence. Have the council not realised how difficult it is to get drivers? now they want to add another expense to getting a license and insist on a prospective driver sitting a btec before they will even be considered for a licence.
meter test certificates and fire extinguisher testing, Btecs and refresher courses, more signs, fitting of say nav equipment, etc, etc, all more expense to drivers and operators, are we going to have a licence fee freeze or drop?

Can we have some clarity about the carriage of pushchairs with children in them? It is a regular occurrence that we get calls "have you got a big vehicle that I can just push my pram into?" It seems to be the norm on the rank to allow this, I personally refuse every time as I don't think it is safe to have a pushchair or pram with a child in unsecured in the back of a vehicle whilst in motion.

Luggage and charges, what is the councils view on charging mutiseater rate (when it comes into force) for less than 4 passengers but with luggage or objects that would clearly not fit in a normal saloon car ?

WEDDING AND FUNERAL VEHICLES are not mentioned, what is the new policy regarding these vehicles?

These are my initial concerns with a quick read through of the draft supplied, there may be more issues to be raised on a more in depth read of the document.

Please email me back with your replies about the concerns raised in this email.

Thank you.

Fox Cars
Elite Private Hire

RESPONSE 2:

Good afternoon

After receiving the consultation letter today, i have been online and reviewed the documents Can i have clarification… Is Btec level 2 , are you stating you want this to be compulsory?
Does this start once my licence expires Dec2022 or you wanting this done before?
Expense for this course is around an average of £250… is any or the other expenses we pay yearly is being reviewed at a lower cost to help towards the cost of the course?
Does the council have plans to arrange courses?
Tax check on 4th April 2022, can this be sent earlier as you can now send you returns earlier, as mine have already been sent for 2020-21 , or is this a different check?
My thoughts….
I have been driving now for 40 years, and I don't need to be told to have a btec at my age!!!
Is there any other increases you have planned in the cost structure we should be aware off for next year?

Regards
Mr David Blackery

RESPONSE 3:

FOX CARS

Elite Taxis & Private Hire
Wellesley House. 96 East Street, Sudbury, Suffolk. CO10 2TP

Hello Team,

This email has been updated to include some more important points.

Further to my previous email, I want to stress how much I am against the new policy **6.1.11 Any application for a new Hackney Carriage or Private Hire Vehicle for 8 passengers must be Wheelchair accessible.**

To bring this policy into force will mean that should I want to Increase my private hire 8 seater fleet or replace any of the vehicles I will have a very limited number of options for purchase and a far higher expense per vehicle.
As most wheelchair accessible vehicles are Hackney carriages, these vehicles are usually past their usefull life when they come onto the secondhand market and very expensive to buy new, with long waiting times for purchase.

If one of our existing 8 seaters was to be involved in an accident and written off, and we needed to replace it, by your new rules this would have to be replaced with a wheelchair accessible vehicle. This would mean that the financial burden put on us by your policy could in effect cripple our company. An insurance company will only ever pay out what they have to. They would be paying out for a used, 8 seater private hire vehicle, probably with high mileage, You would be insisting it's replacement would be an expensive or hard to come by (or both) wheelchair accessible vehicle. Where at the moment we can pick up a suitable vehicle between £8000 - £14000 usually within a few days, we would have to be looking at New vehicles that are £30000 + and still have to wait weeks for delivery. This policy change will bring financial hardship to companies that are put in this position

We do a lot of work for Suffolk County Council on school runs where 8 seaters are requested as part of the contract. To limit our fleet to wheelchair accessible vehicles will have a serious detrimental effect on our buisness and our ability to service our current and possible future contracts with Suffolk County Council.

We also do 8 seater work to and from airports and for long distance work. Wheelchair accessible vehicle seats are by design far less comfortable than standard 8 seater seats. A 10 or 20 minute ride is one thing but a few hours on a rear facing fold down seat is not something I would want my customers to endure and in fact is not something my customers would put up with.
With this policy change, eventually all 8 seaters in the district would be wheelchair accessible either due to replacement through age or accident or by new additions to the fleet.

APPENDIX B

We have built up our companies over years through hard work and the supply of decent and comfortable vehicles for our customers. A service that we would no longer be able to provide due to the restrictive policies of the the council.

Needless to say if we cannot do the contracts or we lose long distance work for our 8 seaters, this will have a knock on effect to how many drivers will be required and the companies income and reputation.

In summary, if this part of the policy is put in to force there would be...

1) Unfair control of Private enterprise
2) Forced higher expenditure by the council
3) Reduced availability for Suffolk County Council or other contracts
4) Loss of airport and long distance travel
5) Possible loss of jobs for drivers.
6) Loss of income to Bmsdc as vehicles would not be replaced.
7) Less drivers, and less availability for evenings and weekends.
8) Companies closing down due to the financial burden forcibly imposed upon them to be able to carry on their normal business.

Please email me back to discuss any points raised in this email.

Thank you.

Fox Cars
Elite Private Hire

APPENDIX B

RESPONSE 4:

Hi Katherine.

The Planning, Development & Highways committee noted the details of the Taxi Policy review. They didn't wish to comment.

Kind regards.

Deputy Town Clerk.
Sudbury Town Council, Town Hall, Sudbury, Suffolk. CO10 1TL.

Sudbury
Town of the Year 2019

RESPONSE 5:

To:Licensing Team, Babergh and Mid Suffolk District Councils
Endeavour House
8 Russell road
IPSWICH
IP12BX

Stephen Golynia
2 Windmill Hill
Long Melford
Suffolk
CO10 9AD
1st September 2021

In response to the Draft BMSDC Hackney Carriage, Private Hire Operator, Vehicle & Driver Policy.
I wish to make the following points:

1. This is the 3rd review but we have been unaware of the earlier reviews and their outcome.
2. 2.19.2 Training: I have been driving a taxi in the Sudbury and surrounding area since 1973. I suspect that I am the longest serving driver in the Sudbury area. I have driven daily, both in the UK and Europe, taking all types of clients including many with disabilities and according to Suffolk County Council am extremely qualified to do this and they have merited my work.
   I am 65 years old and don't wish to be trained or educated to be a taxi driver.
   I had planned to continue to work until I was 70 for various reasons including, but not exclusively, due to the last 18 months of little or no earnings due to Covid.
   I don't feel I need to tick a box just because the licensing team wants me to.
   38% of taxi drivers, nationally, are over 60 years old and there is a good chance this forced qualification will mean the loss of many drivers prematurely.

Finally, could you advise why have you decided not to enforce number 20 to be wheelchair accessible in the future? This will devalue plates 1 to 20 and will surely mean you will be financially compensating their owners

I look forward to receiving your response

Stephen Golynia

RESPONSE 6:

Dear Licensing Team

I have been passed your letter dated 18th August, and would like to comment on the Policy Consultation as follows:

Clause 2:19 You refer to training to a BETEC Level 2 'Role of a Professional Taxi and Private Hire Driver' course. I would question whether this training includes safeguarding training? I know that previously, Mid Suffolk/Babergh did not include any safeguarding training for new and existing taxi drivers, and this is the ideal opportunity for this to change. *It is essential that taxi drivers have a good understanding and awareness of safeguarding both to protect their customers and to ensure they do not put themselves in a vulnerable situation.*

Clause 5.3 I welcome the intended consultation on mandatory CCTV in licensed vehicles. We deal with incidents where licensed drivers have complaints made against them, and if CCTV were available, this could help resolve the complaint potentially with more accuracy within a faster timeframe.

Yours faithfully

With kind regards.

Senior Transport Officer - Safeguarding
Growth, Highways and Infrastructure
Suffolk County Council
Constantine House, 5 Constantine Road, Ipswich, Suffolk, IP1 2DH

RESPONSE 7:

Good evening,

From the outset I would like to point out that these are my personal remarks and may not represent the views of my current operator or other cab drivers or operators. I drive a Hackney Carriage in and around Sudbury.

As I currently understand it Hackney Carriages must have wheelchair access in order to operate from the rank, and at no additional charge. This is right and proper. In most cases from the rank there is a curb, making the slope of the wheelchair ramp manageable. However, most Hackney Carriages are used for Private Hire were wheelchairs are concerned, where the wheelchairs are pushed up the ramp off a level surface, making the slope quite steep. Speaking from experience 5 of the last 6 wheelchairs, the wheelchair occupant is heavy. We have assistance with one individual, because the individual is 19 stone. I am now currently 64 years old and I am currently finding in increasingly difficult to undertake wheelchairs. Apart from my own experiences wheeling over weight individuals at whatever Incline of ramp is a health and safety risk to the driver.

This leads to my next point. With all the Taxi operatives in Sudbury, there are only a few that are willing to undertake wheelchairs. The proposed wheelchair fare should be able to ring up any taxi operative/company to book a wheelchair accessible vehicle rather than the chosen few. Without naming names, there is one that overcharges for private hire work. (However, this is of two years ago and may not reflect his current procedure). With the increasing size of the wheelchair individuals, it seems to me that we now need specialised vehicles with hydraulic/electric lifts. The down side of this is that the additional cost will have to be addressed somehow, because the cost will be more than the standard fares. This point is debatable as it falls outside remit of the consultation. But there needs to be more wheelchair accessible vehicles on the rank, as well as the Private Hire operatives.

In your rule book it states that there are 10 Taxi spaces in the Town of Sudbury, this is not enough spaces for the number of Hackney Carriages in Sudbury, and they would have to be able to park safely without hindering other road users. Basically you can only park nine vehicles safely in Sudbury.

These are the only points I would like to raise for the consultation.

Kind Regards,

Andrew Fleming.

RESPONSE 8:

Dear Sir/Madam,

Your letter 18 August 2021 re: Taxi Policies January 2022 and beyond.

Much of the document doesn't relate to me directly as I am a Self-employed Hackney Carriage Driver – Private Hire, Limousines, Fire Engines !?

The main points I should like to make relate to Section 2.19 Training:

I have been driving for over 40 years including the last 7 years as a Hackney Cab Driver.

I understand the need to raise and maintain standards, however the expectations of this section are onerous.

I am 65 years old, I have a clean driving licence and clean DBS check. I also took the Safeguarding test when asked to do so.

Your proposal ignores the time and financial implications of attaining BTEC Level 2 ' An Introduction to the Role of a Professional Taxi and Private Hire Driver'.

My online research suggests that there are inconsistencies in approach across many adjacent licencing authorities. Most authorities have their own testing and many require it only for new drivers.

Even Ipswich Borough Council, Section 6.7 of their 'Hackney Carriage & Private Hire Licencing Policy' 2019-2022, refers to their own test, for new drivers, and only on renewal in exceptional circumstances.

The BTEC Level 2 Courses I have found vary from 2 Full days to up to 150 hours learning and testing, with costs between £150-£280. In addition I would earn no money during this period.

My Self-employed earnings 2020/21 tax year were £4923, compared with Pre-Covid earnings of £14393 2019/20 tax year, during which time you did not discount my personal licence to reflect my reduction in earnings potential during this time.

There will be drivers who are unwilling or unable to undertake this training and I suggest to you that what you are proposing is like 'Taking a Sledge Hammer to Crack a Walnut'.

I look forward to hearing the outcome of your 'Consultation' and request confirmation of the receipt of my comments

Regards

Stephen King (Licence CD0079)

RESPONSE 9:

Having read through the updated Taxi Policy, I have a few questions and comments to make regarding this new proposal.

Section 1.2.3 - Assessing the suitability of an applicant. In this you list 7 key factors, Period of holding a driver's licence, Criminal History, Medical Fitness, Number of endorsed penalty points on the drivers licence, Knowledge of the local area, General Conduct, Right to work?

How are these weighted when deciding on who is suitable or not?

Section 2.18.2 - Knowledge Test. Having been a taxi driver in the Babergh District for nearly 9 years, I never had to take a knowledge test when I first gained my licence. I'd be interested in seeing what the knowledge test comprises of to assess whether or not it is suitable? I hear regularly from some passengers complaints that they are being taken the long way round to certain destinations.

Section 2.19 - Training. - I'm sorry, but I've been doing this job as mentioned above for nearly 9 years. Why do I need training on a job that hasn't changed in the past 9 years. I've checked the prices of these courses and they range from £250-£420. Add into the equation a lost days wage and any travel costs to the training centre. The fact that you're asking drivers in a trade that has been decimated over the past 18 months to pay for this training is scandalous and unfair. I can understand the potential need for someone new in the trade to give them the introduction to how things work, but feel that the council should be subsidising this rather than making them mandatory for everyone. If this is brought in as mandatory you will potentially lose drivers and as there is already a local shortage. A lot of cab drivers do this as a 2nd job to bring in a few extra pounds each week by working weekends. Asking them to fork out £400 for a course is ludicrous.

Section 3.4.2 - If I want to have a drink of water whilst I am driving I will not be seeking permission to do so from any hirer at any time. Driving when dehydrated is as dangerous as someone who has been drinking alcohol as it can effect a persons reaction time and become dangerous. This was documented in a RAC article from February 2020 - From dehydration to Jet Lag: Four everyday things that are almost as bad as drink driving.

Section 5.3.1 - CCTV - Is this solely for cameras operating facing out of the vehicle or for internal cameras? Continuously recording inside a vehicle is unlawful and could have ramifications with GDPR

Section 6 - Is there no longer to be any specifications on vehicle size? There is no mention if LWB WAV's are now allowed as opposed to SWB which we have been previously forced to purchase. SWB WAV's are becoming harder to purchase.

Section 6.1.8 - Electric/hybrid Vehicles - Will the council be subsidising when people require a new car. Currently a Vauxhall Vivaro WAV equivalent to what I have now will cost £34,645. No guarantee that it will be side loading and to have it converted into a proper cab could cost in excess of another £10,000. These vehicles currently only have a range of 140 miles. On a Saturday I regularly do between 230 & 280 miles in a shift. These new vehicles will not be practical. Will the council also put up charging points for local drivers outside their properties. I live on a terraced housed cul-de-sac with no off street parking and putting a charging point outside my home will cause trip hazards and open me up to litigation if someone was to fall an injure themselves and I'm not planning on moving!

APPENDIX B

Section 6.16 - Advertising - There is no mention of advertising inside the vehicle. Is this allowed?

Section 6.22.4 - Please see above under Section 2.19

Section 6.29.1 - Sat Navs - Ridiculous to have to use a sat nav for every journey. This is what having local knowledge is supposed to be about. I use Waze for longer journeys which is a free app on my phone and is updated regularly.

Section 6.30.2 - Repetition of Section 3.4.2 - I will drink if I want to.

Section 9.4.2 - Steam Cleaning my engine before it's plate test. Another additional cost, normally around £50. People may be tempted to do it themselves which can then cause damage to their engine. Even done properly it would have the effect of potentially masking any oil leaks or other issues which would not then be picked up by the mechanic.

Steve Hale

RESPONSE 10:

Driver Policy

1) BTEC Level 2 for existing drivers. Drivers have been leaving the industry across the country during the pandemic, there is now a national shortage of taxi/private hire drivers! Introducing a policy whereby a driver with multiple years in the business is mandated to take time out to "learn the basics" for a job they have been doing will drive more of the experienced drivers out. Yes, we agree, there should be a need for "new" drivers to take the course prior to obtaining their license, but for drivers with over 5(?) years' experience, "Grandfather" rights should be granted.
2) Refresher training for the above - is it online or classroom? Why the need? What will have changed within the three years? Can you tell me who runs a course as we can't find one!
3) HMRC Tax Check. What is this?
4) 3.1.2 If a fixed fare is agreed prior to hiring why the need to drive on the shortest route? The quickest route may be greater in distance but save additional costs. E.g. the shortest route to Heathrow airport goes through the centre of London.

Vehicle Policy

5) No description of what a wheelchair vehicle should be (side or rear loading, wheelchair facing forwards or backwards etc).
6) 6.1.5 implies that the maximum age of the vehicle is eight years, not that the vehicle can only be initially licensed by the council if it is younger than eight.
7) Brand new 7 seat Peugeot 5008 could be only 1.2l so would be excluded by 6.1.7, engine size alone should not be a restrictive policy.
8) New LEVC "London Cab" only has a range of 80 miles on electric (it has a petrol engine which tops up the battery). 6.1.8 would seem to discount this "purpose-built" hackney vehicle!
9) Why the need for an 8 seat private hire to be a wheelchair vehicle. This would imply seating configuration in the rear to be conference style rather than forward facing.
10) 6.1.13 – Is this all types of insurance write-off? Category N?
11) Fire extinguishers –
a. Non-compulsory in many other districts (TfL does not have them in taxi or PHV)
b. Please tell me where to stow a 2KG powder extinguisher where it is readily accessible to the driver but not in their way!
c. It is cheaper to buy a new extinguisher every year than get it tested!
d. Does the mandatory driver training cover fire extinguisher use?
12) 6.9 First Aid Kits again not required for TfL, drivers testing etc.
13) 6.15.1 Why the need for the roof sign to have company name/phone number?
14) 6.15.4 Does the limousine still need to display the identification sign? This would then defeat the object of not having any vehicle markings.
15) 6.15.5 Please let us know how we would operate a "Taxi-Bus" without displaying the word "Taxi"
16) Our company name includes the word "cab" so how can we display our Logo, name or website?
17) 6.16 Too small, a sheet of A4 is 623 sq. cms. So just 2/3 of a sheet either side of the vehicle and nothing at the back.
18) Receipts how can we show what tariff code is shown on the meter if there is not one installed in the vehicle?
19) Does a hackney driver really need to use a sat-nav even after they have passed the knowledge test? Or to go from the rank to Waldingfield Road? Does the sat nav need to be set to shortest route? Do we start the meter before or after setting the sat-nav?

20) 9.1.4 At what age should the vehicle have a MOT certificate? If brand new and straight from the manufacturers does it still require one? TfL rules state “All taxis and private hire vehicles more than 12 months from date of manufacture are required to pass two MoT tests as a condition of continued annual licensing.”
21) 9.2.4 Meter test certificate annually?
22) 9.4.2 Steam clean the engine and chassis?

Operator Policy

23) 11.2 Policy for “virtual numbers” whereby the number called is diverted automatically to VOIP or mobile
24) 11.2 Should this include “Text Message” and mobile phone Message apps ?
25) 11.2 If the mobile the call is diverted to is predominately in district but occasionally goes outside of district is it not allowed to take a booking?
26) 11.2 Cloud based booking and dispatch systems?
27) 11.10 See point 16)
28) Outsourcing of booking and dispatch functions, does this need to be done within the district?

Stuart Armstrong

RESPONSE 11:

Babergh District Council
Licensing Team
Endeavour House
8 Russell Road
Ipswich
Suffolk
IP1 2BX

Dear Team

Draft BMSDC – Hackney Carriage, Private Hire Operator, Vehicle & Driver Policy
You have recently sent notifications to operators and drivers about the above policy, inviting us to visit your website link to download the document and make comments on the contents therein.
I find it unfair that yet again the press were informed of this important matter before you had contacted the operators and drivers like myself. Are we not the very people and organisations you expect to go along with your plans? If you want our support and co-operation please do not treat us like an after-thought.
The length of the document is extensive and for many would have been overwhelming to go through. We have had less than a month to read, digest and compose a response. If you have had a lack of replies I would imagine it is not because people agree with the document but more likely they do not know where to begin or are apathetic to the situation because they feel you will go ahead with your plans regardless of what they say.
Throughout the draft there seems to be extra cost burdens placed on operators and drivers a like. The district and in particular Sudbury is already oversubscribed with licenced vehicles and drivers all chasing what little work is currently available. We have all suffered in the last 18 months with lockdowns and stay at home orders with very little opportunity to earn a reasonable income. Whilst I am lucky enough to be an employed driver I feel for the operators and many drivers that are self-employed that must be struggling to pay their bills and are now faced with the prospect of having to pay out more money for the privilege of trying to earn a living. Perhaps the committee would like to spend a few days or so as a driver or operator to see actually how difficult it is?
The sections of the draft I wish to make comments on are as follows:

2.1 Disclosure and Barring Service Check
2.1.3 The current check lasts for a period of 3 years. Will this change to the update service or annual checks be bought in for all existing licenced drivers when renewing or just for new applicants? This is an added cost for an already low earning profession. If the check is valid for 3 years and Suffolk County Council are happy for Safeguarding purposes for drivers and passenger assistants to only have a 3 yearly check why does Babergh feel the need to have this done annually?

2.2 – 2.14
Will these clauses apply to existing licence holders?

If say an existing licence holder is found guilty of driving under the influence does this mean their taxi driver licence will be revoked and that they will not be able to reapply and be relicensed until after the minimum period mentioned?

2.18 Knowledge Test

If you are only allowed 5 attempts to pass the knowledge test and will then have to wait 12 months before trying again do you perhaps the test is too difficult and not wholly fit for purpose? Is there an allowance for people that struggle to read and write? Colleagues that have taken the test have said some of the local area questions bore no relevance to our local area and reading further in to the document if you expect sat navs to be installed in all hackney carriages and used for every single journey what would be the point of continuing with a local area knowledge test?

2.19 Training

What are you hoping to achieve by forcing existing licenced drivers in to training? Have you not, by granting their licences already deemed them capable of carrying out that role?
Many drivers, like myself, have been licenced with you for many years and you are asking them to take a course that is an 'Introduction to the Role of a Professional Taxi and Private Hire Driver'. I feel like you are saying 'we don't think you can do your job'. Like many others I have not been able to earn my full wage and the extra funds required to take the course is something I simply do not have. You would then damage my earning potential further by removing my licence which would in whole affect the general public as there would be fewer licenced drivers available.
Other licencing districts are not enforcing this requirement and yet again this seems to be an extra cost burden.
Whilst attending training courses I would not able to earn the money needed to fund the course and also not be available to serve the public. The cost of these courses seem to vary depending on providers and what relevant qualifications would the course tutors hold? Would they be licenced drivers themselves or just somebody reading from a book trying to tell me how to do my job?
Perhaps an introductory course would be useful for new applicants or those drivers that have several substantiated complaints against them or have had their licences revoked.
If this BTEC is bought in as a mandatory requirement I would seriously consider my position as a licenced driver and most likely take the decision to not renew my licence.
I don't believe customers will be bothered whether you hold a BTEC qualification or not. They just want to be driven to their chosen destination.

2.22 Tax Checks on Licence Applications and Renewals

For what purpose is a tax check required and which type of tax check are you expecting to be done? I am an employed driver and my tax position is a matter between myself, my employer and HMRC. Whilst I submit a tax return I do not see this is any of your concern. My tax position bares no relevance to my ability to drive a taxi or private hire vehicle.

3.1 General Conduct

3.1.2 It is not always possible to proceed to a particular destination by the shortest route especially when there are road closures and traffic delays. Also this implies that if a customer requests we take a different route to their destination that is not the shortest that we would not be allowed to do this.

3.2 Driver Dress Code
This is very ambiguous. What one person considers to be clean and respectable is not necessarily the same as another person. How far does this stretch? Will bushy beards and visible tattoos be deemed as not acceptable as some people do not like them?

4.1 Assistance Dogs
If a driver were to be allergic to or have a fear of dogs would they be allowed to refuse to carry an assistance dog?

4.2 Wheelchair Passengers
4.2.1 e. How much mobility assistance is deemed as reasonable? Some passengers may just need an arm to steady them but surely I cannot be expected to physically transfer a passenger out of their wheelchair on to a vehicle seat if that is how they wish to travel? My own mother-in-law is wheelchair bound and much prefers to use an ordinary vehicle seat rather than stay in her chair. I know from experience that she can do very little to help move herself and her weight would cause the fittest of drivers a problem. Whilst I do not wish to be discriminatory I have to put my health and safety first.

PART 2: VEHICLE SPECIFICATIONS AND CONDITIONS OF LICENCE
This section of the policy appears to be more aimed towards an operator or vehicle owner rather than a driver so I will briefly summarise my thoughts.
I personally do not believe electric vehicles is the correct way to save the planet as it has been shown their manufacture is less green than a standard vehicle. They are more expensive and more difficult to maintain and do not offer the flexibility that petrol and diesel engines do. Charging will take longer than simply filling up meaning more downtime and less availability for passengers. There are insufficient charging points available in town and again given the lack of income for drivers and operators it is not a financially viable option to switch to these types of vehicles.
Removing the requirement for plates 21+ to be wheelchair accessible is unfair on plates 1-20. Will you be compensating plate holders 1-20 for devaluing their businesses and will plates 21+ if no longer wheelchair accessible be made to pay the higher licence fee. If it was the other way around and wheelchair accessible vehicles were charged a higher licence fee this would be seen to be disability discrimination.
Will there be a cap on licenced vehicles as there is more vehicles than work available.
I am confused as to why rear doors in a minibus do not count in the number of required doors for that vehicle. These vehicles will have been approved by higher authorities than Babergh as safe and fit for purpose. Why are your requirements more than what has already been approved for use?
A 2kg/litre fire extinguisher is the same size as that which is required in a bus. Where in a car would you safely position one that does not impede on the passenger or driver space but is readily available for use?
Whilst a first aid kit should be carried, as a driver I surely should not be expected to administer first aid to a passenger. I have no medical training to be able to do this safely. Surely there should be a policy on this?
Why does it matter about the position of stickers on the vehicles? Surely if they do not contain false information or give a false impression of the vehicle type and are not impeding the visibility of the driver and the passenger and are not covering licence plates it should not matter on their positioning.

The section on size of lettering seems unnecessary. Bigger lettering helps people with poor eyesight.

Who would be responsible for training me if I were to be a driver of a wheelchair accessible vehicle and who would bear the burden of the cost of training?
Sat Navs can be as much of a distraction as they are an assistance. Why should we be forced in to using one if we already know the route to the passengers' destination? Purchase, installation and updates are again another cost being forced upon operators and drivers.

I have no comments to make on the sections relating to limousines and fire engines.

My role within my employment is dual. I am mainly based in the office assisting with bookings and dispatching as well as all aspects of administration associated with the business. Your requirements for record keeping are excessive. Why does it matter who took the booking and who dispatched it and why is important to record the time at which a driver was allocated to the booking. This is unnecessary data recording for the sake of it and will not work in practice. Other member of our office team who are not drivers have no contact with passengers other than a conversation on the phone when they book their journey. Why would these members need to hold a DBS certificate?

If licenced drivers leave the profession because of these increased costs and hoop jumping exercises the council members of the public will be left with a diminished service and the council will ultimately suffer a drop in revenue too. Is this really what you are after?
During the pandemic what assistance did you offer to drivers and operators? Did you consider an extension to their licence period to help with their financial difficulties they must have suffered or any emotional support for those finding it difficult to cope with the uncertain situation we all found ourselves in?

You happily take our money from us in licence fees and now you are looking at proposals that will relieve us of more of our earnings. Will you be transparent and let us know where are licence fees go and what we actually get for our money?

Regards
Teresa Chandler CD0052
18 Meeting Field
Long Melford
Sudbury
Suffolk
CO10 9AD

RESPONSE 12:

BMSDC Hackney and private hire policy review.
Suzanne Warnack – Licence number CD0163
Dear Team,
I am writing to you regarding the recent Vehicle and Driver policy consultation.
First of all, I am quite disappointed that yet again the press seems to get the information before actual operators and drivers do. We are the people who these things affects yet it seems to go into a newspaper before we receive any information about what is happening. Also, you have given us less than 1 month to go through a 38-page document to which is not really a fair amount of time given the importance on our jobs etc.
2.1.3
With regards to the DBS system, we are currently checked every 3 years at a cost to ourselves. You now want the update system or every year at a cost to us. So, this involves increasing costs to us 3-fold. Why is this now needed especially seeing as our earnings have been considerably less over the last nearly 2 years.
2.18
With regards to the Knowledge test, if you are stating that someone may have 5 attempts to pass in the first instance does this not indicate that this test is maybe not suitable for purpose. Speaking to people in the past who have had to do this test say there was little in it that bared resemblance to the job they would be required to do and some questions were nothing to do with our specific area and were never likely to get right. Many people who have approached the company I work for with an interest to becoming a driver have changed their minds when they hear about the knowledge test.
2.19
With regards to BTEC courses, I would strongly disagree to having to do this after I have already had a licence for several years (why should an existing driver have to have an introduction to the role when they already know what their role is and carry it out to the standards expected). I have no desire to go back to a college etc especially at another cost to myself (which with recent earnings is not something I have spare). As already stated, the earnings for a driver have been dramatically reduced during the last couple of years and having to attend the course would not only be a cost to us but we would also lose another couple of days earnings at the same time.
I can agree that maybe in the future for new applicants only that this may be something that could prove useful or for those who have maybe had complaints against them, their license suspended or revoked for some reason. Seeing as other councils across the country are not insisting on this course, it clearly is not a nationwide regulation. If this was a future requirement, I would consider not renewing my license at that time, which talking to many other drivers in the area have all indicated the same feelings and ending up with no experienced drivers instead of all new ones is not helpful to the industry or any industry in most cases.
2.22.1
With regards to tax checks, what does this actually mean? I am an employed person and all my taxes are calculated and paid through my wages. I cannot see what the council needs to know about this. For self-employed people who do their own taxes again why does the council need to know what the details are.
3.2.1
With regards to the dress code, this has always been stated to be of a smart appearance but quite a few of the drivers in our area wear very casual items such as football shirts, slogan T. Shirts etc and I have seen some drivers in quite dirty jeans etc. The company I work for have shirt, ties, logo jumpers and coats for uniforms and those of us who are combined office and driver staff still go out in smart clothes.

6.1.1
With regards to electric vehicles, unfortunately this would be a difficult move for this kind of industry. If you need to fill up with fuel it can be a 5-minute job, if you need to park up at a charging point this could be a matter of missing several fares because of the time difference is having to charge a vehicle. Unfortunately, with the costs of new batteries being in and around £10,000 (that I know of) to replace aswell as difficulties in towing and pushing electric vehicles (when things 'may' go wrong) hopefully the government will see these issues before it gets too late.
6.1.5 6.1.6 6.1.15
With regards the vehicles we have in the company I work for they are all Mercedes and are very well maintained. The industry is not really making enough money to justify the purchase of newer cars all the time. In regards to having to have twice yearly MOTs this seems excessive seeing as they is not required by law for any other vehicle and having a friend in the motor trade who recently had a Sudbury taxi only a few years old in his garage recently which was in poor condition and the driver was warned that his tyres were showing the cords through the rubber. The driver said he would not address the situation as he felt there was nothing wrong with them. If your vehicle is maintained well then this should not be an issue. Our company also has a PCV fleet and if they are over a certain age, they do not require 2 tests a year and these vehicles carry many passengers so do not see the need for cars to have this.
6.8
With regards to a 2kg fire extinguisher being required where is this supposed to go. The company I work for has buses have that have 2kg ones the cars have only had 1kg / 1lt ones which have always been sufficient to pass the yearly taxi MOT test. The testers have never marked a fire extinguisher to say they have been checked either.
6.14.1
With regards to the plate being visible at the rear of the car. Why can't the plates not be attached to the inside of the rear window if they are still visible. As you have previously requested plates to be fixed to the outside of vehicles this involves drilling holes into our vehicles bodywork which in turn will de-value the car because of bodywork damage. The plates used to be supplied with suction cups for rear window instillation so I cannot see what the problem is if they are visible that way.
6.15.1
With regards to signage, why does a hackney carriage need to have an illuminated roof sign. In London (or big cities and towns) where people are wanting to hail down a taxi from the side of the road at night maybe so. We are a rural area that doesn't have that kind of business. If people book a taxi at night the car is going specifically for them and if not maybe on the rank so it is obvious, they are for hire.
6.15.4
I have never seen a private hire vehicle with this information on so when has this ever been needed before? Obviously, a private hire vehicle should not be parked anywhere near a taxi rank so it has never arisen in the company I work for.
6.16
With regards to signage on vehicles you state that private hire vehicles can only have the logo etc on the rear doors of the car. We routinely swap our signage from front to back to prevent fading on the paintwork so as prevent devaluation of our vehicles. Is it also really necessary to be that stern with the size of lettering and numbers being able to be used on signage?

6.22.4
With regards to training of carrying wheelchair passengers, who is authorised to give training. I remember a customer telling me a few years ago that with another company her wheelchair bound husband had booked a taxi with a ramp on the side to take him to a hospital appointment. When the driver pushed him into the vehicle his head hit the roof and was cut quite badly. I personally do not drive vehicles that can carry a wheelchair as I only drive a saloon or hatchback car but that instance is a worry. The vehicles the company I work for that can carry wheelchair users are fitted with lifts so you do not have to push passengers up a gradient ramp.
6.26
With regards to inspections, recently there was an inspection from a council employee at the rank in Sudbury. The person was wearing a badge that stated their role as in the food sector. Is this person trained and knowledgeable in our industry to do such checks?
6.29
With regards to satellite navigation, since when should all vehicles be fitted with this and used on every journey. The drivers I work with all have good knowledge of their local areas and do not need such items and none of our vehicles have these fitted. Some drivers may have their own sat navs but very rarely use them and if they do this would be for the most minimal jobs. Our drivers have access to maps if they need to check something or have access to office staff who could advise them. This requirement is not something I agree with at all and again would incur another substantial cost with no real advantages.
8.1
I have never been asked to drive a fire engine so not sure why this is relevant to a hackney or private hire driver.
9.2.2
With regards to applications not being limited, this has caused problems in our Sudbury area with so many vehicles now being licensed. To the point where is just seems you keep licensing people and vehicles to have more income.
9.5
With regards to the taxi ranks, in Sudbury there is a total of 8 spaces and yes, I am fully aware that is more than others get but at the same time the number of available spaces is nowhere enough for the number of vehicles you have licensed. Where are people supposed to park to ply for business, and because you very often drive round to the rank on Sudbury's one way system there is no space you have to drive by again and again waiting for a space. This is considered bad for the environment not to mention wasting fuel and yet again incurring more costs while not earning. I would suggest maybe halting any more licenses being granted as there is just too many now with a combination of hackney and private hire together.
10.2.21
With regards to applicants not being limited, as mentioned before please stop licensing more and more, we have struggled to get drivers because they do not want to the knowledge test and it's just becoming harder to make enough money to make it a viable living.
11.1
With regards to the details of bookings made, we do not have an electronic booking system therefore we handwrite all bookings that are pre-booked in advance and on the date. Any jobs taken from the rank are noted by the driver in their logs. Why do you need to know dates and times of when the booking was requested? Why do you need to know at what time the driver was given the job? Why do you need to know who took the booking? Why do you need to know the name of the person who gave the job to the driver? This all seems like waste of time overkill. We work in a very busy office if we had to keep making all these notes, we would miss more phone calls the drivers would have to write more down which means they have to be stationery instead of driving to the next location. All our handwritten bookings are kept for several years in accordance with regulations so cannot see why we need to record anything else.

11.8
With regards to charging on a private hire vehicle some of our private have meters and customers accept that the meter price will be what they pay.
11.15
With regards to dispatch and office staff needing a DBS, why? These staff do not come in to contact with passengers other than phone calls so why should that be a need for a DBS, it's just more cost to the company or to an individual again.
……
……..
All in all, most of what the 'council wants' just incurs more cost to the driver or operator without any reimbursement in earnings. In the last couples of years with the pandemic greatly affecting our kind of business, we have earnt next to nothing in this industry which you have offered no help towards. I am very disappointed that you have still wanted the full amount of money required for a personal licence and vehicle license. Was there really not the ability to provide a discount of some kind to help us in that situation. In this case I would ask for a transparency of what our fees are used for. Where does this money go? Also in that instance why is a licence for a saloon/hatchback car so much more than a wheelchair accessible car. If it were the other way round it would be classed discrimination so, why are we not paying the same amount for any vehicle, if anything it should be the larger vehicles with 8 seats be charged more than the smaller cars with 4 seats as they have the capability of charging more for more passengers. Just because a vehicle is classed as accessible does not make them easy to get into. We have several customers that like the use of a 'normal' car rather than having to climb into a vehicle.
The company I work for has been in this business since 1952 (69 years) and nothing has ever been more difficult or unnecessary than all this so-called red tape that just seems a waste of time and money.
I hope this information and any other replies you may receive are read, noted and carefully considered.
Kind regards

Suzanne Warnack

RESPONSE 13:

14thSeptember 2021
Babergh District Council
Licensing Team
Endeavour House8 Windmill Hill
8 Russell RoadLong Melford
IpswichSudbury
SuffolkSuffolk
IP1 2BXCO10 9AD

Dear Team

Draft BMSDC –Hackney Carriage, Private Hire Operator, Vehicle & Driver Policy

You have recently sent notifications to operators and drivers about the above policy, inviting us to visit your website link to download the document and make comments on the contents therein.

Firstly, we would like to register our disappointment that you released details of this and the previous fare increases to the press before sending the correspondence to the operators and drivers. We are the ones these policies effect the most so surely we should be contacted before finding it by chance in a local paper.

It is a lengthy document and the amount of time given to go through it properly was hardly sufficient given many of us were preparing for the new school term and changes to school contracts etc.

Our commentsas an operator to points within the draft document are as follows:

Wenote from page 1 of the document that the requirement for plates 21+ to be wheelchair accessible vehicles will be removed. This will devalue plates 1 –20. If plates 21 + chose not to renew as wheelchair accessible vehicles will these licences then be charged at the same rate as plates 1 –20? How will the council be recompensing plate holders 1 –20 for the devaluation of their business?

PART 1: HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER POLICY

2.1 Disclosure and Barring Service Check

2.1.3 The current check lasts for a period of 3 years. Will this change to the update service or annual checks be bought in for all existing licenced drivers when renewing or just for new applicants? This is an added cost for an already low earning profession.

2.2 –2.14

Will these clauses apply to existing licence holders?

If say an existing licence holder is found guilty of driving under the influence does this mean their taxi driver licence will be revoked and that they will not be able to reapply and be relicensed until after the minimum period mentioned?

2.18 Knowledge Test

What allowance will be made for applicants who struggle to read and write? They may be more than capable of being a taxi driver but would be held back by their struggle to understand the written questions posed to them.

2.19 Training

What is to be gained by forcing existing licenced drivers in to training? Surely by granting their licences you have already deemed them capable of carrying out that role.

Many drivers within the districthave been licenced with you for many years and you are asking them to take a course that is an 'Introduction to the Role of a Professional Taxi and Private Hire Driver'. For the majority of them this will equate to you saying 'we don't think you can do your job'. We foresee many of them deciding to not renew their licences because of this and this will lead to a shortage of experienced drivers throughout the district. Many of our licenced drivers also hold a PCV licence and already have to undertake additional CPC training. They will gain nothing by taking yet another course that probably covers a similar basis to their CPC training. Other licencing districts are not enforcing this requirement and yet again this seems to be an extra cost burden.

Whilst drivers are attending training courses they are not able to earn the money needed to fund the course and they are also then not available to serve the public. The cost of these courses seem to vary depending on providers and what relevant qualifications would the course tutors hold? Would they be licenced drivers themselves or just somebody reading from a book trying to tell an experienced licenced driver how to do their job?

Perhaps an introductory course would be useful for new applicants or those drivers that have several substantiated complaints against them or have had their licences revoked.

2.22 Tax Checks on Licence Applications and Renewals

For what purpose is a tax check required and which type of tax check are you expecting to be done? The tax position of operators and drivers is a matter between the individual/company and HMRC. The tax and financial standing of a driver should be of no concern of the council. You are not employing any of us and you are not responsible for paying our tax, national insurance, class 2 & 4 contributions etc.

As an operator we will not be sharing these details with you.

3.1 General Conduct

3.1.2 It is not always possible to proceed to a particular destination by the shortest route especially when there are road closures and traffic delays. This also implies that if a customer requests we take a different route to their destination that is not the shortest that we would not be allowed to do this.

3.2 Driver Dress Code

All of our drivers are always clean, tidy and respectable with the majority wearing a collar and tie. Unfortunately your wording to this term is ambiguous as everyone has a different idea of what is clean, respectable and befitting. Setting details of expected dress code e.g collared shirt, trousers etc would be better. We are aware that some drivers find it acceptable to wear football shirts or sloganed t-shirts with dirty jeans or beach shorts or jogging bottoms.

3.6 Lost Property

Please define what is a reasonable period. Some operators might consider a reasonable period to be a day or so and others might consider a reasonable period to be 3 months. Also is there a uniform procedure for dealing with lost property after the reasonable period?

4.2 Wheelchair Passengers

Should a wheelchair passenger wish to transfer from their wheelchair to a vehicle seat it is unfair to expect the driver to help them perform that transfer. Personal manual handling should not be undertaken unless there has been proper training and who would be liable should an injury occur to either the passenger or driver?

The current government guidance whilst the world is still suffering from Covid-19 is to keep your distance. Please explain how a driver is supposed to give mobility assistance whilst keeping their distance.

4.3 Medical Exemptions

Exemption from lifting wheelchair passengers. Presumably this does not mean that the driver is expected to physically lift up the passenger.

PART 2: VEHICLE SPECIFICATIONS AND CONDITIONS OF LICENCE

5.3 CCTV

5.3.2 CCTV should not be mandatory. Whilst it may be useful in some circumstances installing CCTV in all vehicles is another cost burden on the operator and would surely raise some privacy issues for customers.

6 Vehicle Specifications and Conditions of Licence

6.1 General

To assist the move to electric/hybrid type vehicles will there be charging points fitted on the rank or strategic points around the district to enable the drivers to charge their vehicles without impacting on the service that they can provide? At the moment a driver can pop to a filling station and purchase fuel in a reasonably short space of time. Having to charge vehicles will take considerably longer and could lead to a shortage of available vehicles while they are being charged and may hamper drivers being able to accommodate longer journeys.

6.1.12 As mentioned previously removing the requirement for plates 21+ to be wheelchair accessible will devalue plates 1-20. As a holder of plates between 1-20 we have always found it unfair that plates 21+ were charged at a vastly lesser rate and there was no cap on the amount of these plates issued.
Going forward there is not enough work in the district for so many licenced hackney carriages nor the appropriate space for them to ply for hire.Will there be a cap on the number of new hackney plates issued especially with the wheelchair element being removed.

6.3 Doors

6.3.1 Why are rear doors not included in the minimum number of doors. If a minibus would pass PCV regulations with the same amount of doors, why is Babergh's requirements so much more demanding. The vehicles have already been deemed safe and fit for purpose when manufactured. Why does Babergh think this is not the case?

6.8 Fire Extinguishers

6.8.1 A 2kg/2litre fire extinguisher is fairly large and is generally the size required for a PCV. Where would you suggest the extinguisher be fixed in a position readily accessible to the driver so that it is ready to use without impeding the minimum space that you deem is required for the passengers? Surely the position of the extinguisher should be away from passengers as they could fiddle with the equipment during their journey causing injury to themselves and or the driver?
6.8.2 Can a fire extinguisher check not be part of the annual taxi test? Annual checking by yet another party is again another cost burden on the operator. We are not suggesting safety should be compromised or ignored but extra costs in one area may mean cutting corners in others for some operators.

6.11 Luggage

8 seater minibus type vehicles do not generally come with boot/luggage spaces. Where would you recommend that luggage be stowed?

6.14 Licence Plates and Stickers

6.14.2 As long as the licence plate is displayed on the rear of the vehicle why should it matter whether it is inside or out.
As long as it does not impede the rear view of the driver and is clearly visible to the public outside surely being positioned inside the vehicle is safer. The plate will remain clean and readable, will not fall off the vehicle whilst in motion and is less likely to be stolen. Affixing it to the inside of the rear window also means no damage to the exterior of the vehicle, which is a requirement at 6.12.

6.15 Signage

6.15.1 The need for the roof sign to be illuminated is another unnecessary extra cost and possible burden on the electrical system of the vehicle.
6.15.4 Are magnetic door signs considered to be self-adhesive and will the council be supplying the exact wording that is to be displayed on these signs?

6.16 Advertising

6.16.5 Why must the lettering be confined to the rear of the vehicle if it is a minibus/transit or people carrier? A minibus is a different type of vehicle to a people carrier. As these types of vehicles are commonly used on school runs being able to display your name on the front of the vehicle helps staff and students at schools easily identify the vehicle they require.

6.22 Disability Access

6.22.4 Who should supply the initial training and refresher training to load and convey wheelchair bound passengers? Does the council have a list of approved trainers and who would bearthe burden of cost for training?

6.29 Satellite Navigation

6.29.1 Why must a 'Sat Nav' be fixed within a hackney carriage and be used on every single journey. Drivers will have regular customers and will know the route to take for those regular journeys. It will often to take longer to set the route for a very local short journey than it will to actually drive and complete the journey.

What is the point of having a knowledge test for potential drivers that requires them to know their local area if you are then insisting that they use a sat nav for every single journey? Will the local area knowledge requirement be removed from the initial test?

These devices can be a distraction to the driver and again this seems to be another unnecessary cost burden.

9 VEHICLE LICENCES: APPLICATION PROCEDURES –(HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES)

9.4 VEHICLE TESTING

9.4.5 Whilst this may be a courtesy service how would we be able to submit a declaration/renewal application if we have not been sent the relevant forms?

9.5 Taxi Ranks

The document shows that there are only 10 rank spaces available in Babergh and all of them are in Sudbury. As there are so few spaces why have the council issued in excess of 20 hackney carriage plates? Where are all of these vehicles supposed to go to ply for trade?

PART 3: PRIVATE HIRE OPERATOR POLICY

10. GENERAL INFORMATION

10.1 General Information.

10.1.3 as per 9.4.5 How would we able to submit the relevant forms in a timely manner if we have not been sent them?

10.1.6 as per 2.22 For what purpose is a tax check required and which type of tax check are you expecting to be done? The tax position of operators and drivers is a matter between the individual/company and HMRC. The tax and financial standing of a driver should be of no concern of the council. You are not employing any of us and you are not responsible for paying our tax, national insurance, class 2 & 4 contributionsetc.

As an operator we will not be sharing these details with you.

10.2.7 If the council refuses a licence application for what purpose would you keep the fee paid by the applicant? You would not accept going in to a shop and handing over money to buy goods and then the shop refuses to pass over the goods to you and also will not refund you the money you have paid to them.
10.2.10 as per 10.2.7 not refunding part of the fee appears unjust.

10.4 PRIVATE HIRE VEHICLE OPERATORS' ANNUAL DECLARATION PROCEDURE

10.4.1 as per 9.4.5 and 10.1.3

11 CONDITIONS OF PRIVATE HIRE OPERATOR LICENCE

11.1 Record Keeping

11.1.1
(iii) why is it necessary to keep a record of how the booking was made?
(vi) why is it necessary to keep a record of the time the driver was allocated to the booking?
(xi) why is it necessary to keep a record of the name of the individual that responded to the request and what is actually meant by this?
(xii) why is it necessary to keep a record of the name of the individual that dispatched the vehicle.

11.15 Booking and Dispatch Staff

Why must booking and dispatch staff have a basic DBS check? They are office based staff and generally have no personal contact with passengers to be conveyed. This seems to be overkill and yet another unnecessary cost burden.
The industry has suffered greatly since the pandemic began in March 2020. Stay at home orders limited the earning potential of every single person and this draft policy seems to be making operators and drivers cash cows for the council in some sort of box ticking exercise. We are all suffering and some of the proposals contained within this draft policy are likely to make already struggling operators and drivers decide not to renew their licences and new applicants are likely to be put off by all the costs and training required. This will lead to a shortage of experienced licence drivers thus leaving the public without a valuable means of transport. In all honesty joe public are not likely to care whether their driver has a BTech qualification. They will just want to get to their destination in a timely safe manner. A college certificate is not going to provide this.
Throughout the draft policy you repeatedly say about keeping records, being open for inspection etc, will this work both ways? Will the council be open and transparent with how are licence fees are spent?
As an operator we simply cannot agree to this draft policy in its current formatand the majority of our staff are unhappy with the training and tax check elements.
Kind regards
Christopher Golynia
Felix Taxis OP0009

RESPONSE 14:

BMDSC Hackney carriage AND Private hire operator vehicle and driver policy
Response from Christopher Golynia (license number CD0075)
To The licensing team,
I would like to ask why are you trying to instigate these changes to our lives and livelihood. We have already had changes come about because Mid Suffolk and Babergh wanted to merge. That in its self has caused us problems i.e., you now don't occupy premises in your own region. Introducing the knowledge test which we already have shortage of people wanting to take this on as a job has caused more problems as people simply did not want to take on this test. The council just seem to want to create hurdles when all they want to do is have a job and earn a living. I have been a professional driver since I was 17 years old and I am now in my 60's, I love what I am doing but it just now means that all these proposed changes are spoiling my remaining working years. I also have a PCV licence and there doesn't seem to be so many hurdles for that industry.
I have no interest in going back to school to do a BTEC in an introduction to the profession when I have been taxi driving as many years as I have. Can any trainer possibly teach me anything about the job I have done for more years than they probably have.
Maybe you should be considering ways to encourage not discourage more people to come into this profession. There is a shortage of drivers for taxis, buses and coaches and nobody seems that interested in coming forward. Maybe some assistance would be helpful for all of us who have tried to endure the last couple of years. We have had no help regarding the fees you charge even when we have been earning virtually nothing.
So many of the changes just seem another way to spend more money without the return in earning or even having less earnings because of time being spent in classrooms or having to purchase things that are not necessary. I do not see why I need to spend money on courses that will almost certainly have no benefit to me or my colleagues. If the course became compulsory, I feel I would then not renew my licence which would make me feel like I am being forced out of my job that I have had since the 1970's.
In my role as a driver, I wear a shirt and tie and smart trousers every day maybe looking at the dress code of others should be taken notice of as some appearances are just not acceptable. Going into the future of having to use electric vehicles I just cannot comprehend how that would work with a job like mine but that is a future worry.
As mentioned, I have a PCV licence and coaches and buses do not need 2 MOTs a year if over a certain age so why does a taxi that takes far less passengers? Why do I need to drill holes in my vehicle, to attached plates when they are perfectly visible from the rear windows? Until recently I cannot remember the last time someone inspected vehicles on the rank but this happened recently to my colleagues and was a little confused as to why the person doing it had a food safety badge on. What did they know about taxis? Why do I need a Sat Nav I have never used one ever, and seeing as I have been a professional driver all my working life and never needed one, I cannot see why I would now? If needed I can map read but my knowledge of the local area and beyond is very comprehensive. I have travelled all over the country since I was 17 and never had the need for a Sat Nav before and I do not see the need now. In the section regarding applicants not being limited maybe it should be because as far as I can see there just seems to be more and more plates Hackney or private hire popping up with no increased demand and people are just sitting on the rank for too long without work. I sometimes work in the office taking bookings and cannot see why all the information you think you need is required. All our jobs are recorded by hand in diaries and daily sheets, its unnecessary for us to record times and dates of when they were booked etc.

The taxi ranks are not really fit for purpose as there are too many cars licensed for the spaces available which means many of us have nowhere to go when the rank is full. This can result in driving around or parking somewhere where we cannot pick up work unless we have booking come in by phone.
As well as a driver I am also the named operator of our company and I feel that some of these changes are just more expense on top of expense for no real benefit to us. The BTEC course has been discussed amongst the employees and no one has any desire to go to college for this, which means I could potentially lose all my current experienced staff which would obviously not be helpful to our business.
As previously stated, I have been in this business since I was 17, joining my family firm once I had acquired a driving license. I have been doing this job ever since, all these years building a well know excellent reputation for our firm with my family. It just seems that the council are not bothered by helping companies or drivers like us to remain the backbone of these services. I now worry for my future role in this business and for our companies and I am hoping to take on board all the responses you may have received.
Regards
Christopher Golynia.
(CD0075)

Training | Fire Extinguisher | First Aid Kit | Wheelchair Vehicle | Chassis | Vehicle Age | Sat-Nav

APPENDIX C

Comment from Consultee	Response by Officer
6.1.5 Be no more than eight years of age since the date of first registration. IS THIS THE MAX AGE OF A VEHICLE THAT CAN BE LICENSED OR THE MAX AGE OF THE VEHICLE BEFORE IT HAS TO BE TAKEN OFF FLEET?	The Vehicle can be no older than 8 years of age when you first apply to licence the vehicle. Once the vehicle reaches 10 years of age more frequent testing is required.
6.1.11 Any application for a new Hackney Carriage or Private Hire Vehicle for 8 passengers must be Wheelchair accessible. THIS IS NOT GOING TO WORK FOR US. WE DO SCHOOL WORK AND AIRPORT WORK IN OUR 8 SEATERS AND A WHEELCHAIR ACCESSIBLE VEHICLES WOULD NOT BE SUITABLE OR COMFORTABLE FOR THE WORK WE DO. AS A PRIVATE HIRE OPERATOR WHY SHOULD I BE FORCED BY THE COUNCIL TO BUY A VEHICLE WHICH WILL NOT SUIT MY FLEET?	The team are not asking for all vehicles to be wheelchair accessible just 8-seater vehicles. The vehicles that the trade currently have licensed as 8 -seaters are mostly wheelchair accessible already. The team are aware that several of these wheelchair accessible vehicles are already used to facilitate school contract work. The Licensing Team need to make sure there is sufficient provision of wheelchair accessible vehicles in the district. As part of this policy review the team approached the Suffolk Disability Forum who undertook a Survey with disabled passengers, and it was identified that more disabled people prebooked their journeys with Private Hire vehicles as these were easier to access however, they identified that this provision is sometimes lacking when they approach operators. As Hackney Carriages are now proposed in Babergh to be all types of vehicles no matter what licence number they hold this will have an impact on the wheelchair accessible provisions available therefore this condition is necessary.
6.1.13 Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes at any time WHAT CLASS OF WRITE OFF? WHAT IF A VEHICLE WAS CLASSED AS NOT FINANCIALY VIABLE TO REPAIR BY AN INSURANCE COMPANY AND WRITTEN OFF, BUT BOUGHT BACK REPAIRED, CERTIFIED AND RETESTED?	Once a vehicle has been written off the safety of the vehicle is called into question as once damaged there would be an inherent weakness within the vehicle. The paramount concern here is public safety and a structurally unsound vehicle is not safe for use as a public service vehicle. The Licensing Team would consider relicensing a Category N only and will propose to reword the condition.

Training | Fire Extinguisher | First Aid Kit | Wheelchair Vehicle | Chassis | Vehicle Age | Sat-Nav

APPENDIX C

Comment from Consultee	Response by Officer
6.8.1 An appliance for extinguishing fires must be carried in such a position as to be readily available for use. Such an appliance must be a minimum of either a 2kg ABC General Purpose Powder or 2 litre AFFF Foam and conform to BSEN 3, showing the appropriate kite-mark and must be securely fixed in a position readily accessible to the driver. Three stickers must be fitted to the vehicle; one on the dashboard facing the front seat passenger and one facing out on each of the rear passenger door windows (on larger vehicles a sticker must be placed on all rear doors) stating a fire extinguisher is carried, all must be clearly visible to passengers. What is it with the council wanting stuff stuck to dashboards? Some of us take pride in our vehicles and we don't want to be damaging our dash with stickers and signs	The Licensing Team agree that the provision of stickers within the vehicle noting the fire extinguisher onboard are unnecessary as it is a condition the vehicle must carry one. It is the responsibility of the driver to maintain and be able to locate their fire extinguisher on board.
6.8.2 All extinguishers must be checked every 12 months, prior to vehicle testing or prior to change of vehicle test. Such a check shall be carried out in accordance with the requirements of BS5306 Part 3 and Part 8, by a registered competent company. The date of the test and signatures must be clearly visible on a sticker attached to the extinguisher. The extinguisher must be marked with the vehicle registration number. Are the garages so incompetent that they cannot see if an extinguisher is either out of date or the gauge is not in the green? I can only speak for my company as I don't know what others do, but if we have an extinguisher that is out of date or low on pressure, we go to halfords and buy a new one. If this was referring to office extinguishers, I could understand the checks by a competent company as large extinguishers are refillable or serviceable, generally car ones are just throw away.	The Team will amend the requirement to have a registered competent company undertake a check on the fire extinguishers prior to the vehicle test as the garages already inspect the fire extinguishers in the vehicle when they test them and are competent to undertake this check.

Training | Fire Extinguisher | First Aid Kit | Wheelchair Vehicle | Chassis | Vehicle Age | Sat-Nav

APPENDIX C

Comment from Consultee	Response by Officer
6.15.4 Self-adhesive identification signs as approved by the Council, indicating that insurance is invalid unless the vehicle is booked by private hire, must be affixed to the drivers' door and front passenger door panels of the vehicle. These signs should not be tampered with in any way and must be displayed at all times whilst the vehicle has current private hire vehicle plate affixed. This is a waste of money and does not work. If a driver picks up of the side of the road, he obviously does not care about the law. I think most of the time when this would be an issue would be late at night, when the public really don't care what the signs say anyway, they just want to get home. A few secret shoppers and fines for drivers caught breaking this law would be better. Also, Clarification on booking procedures with regards people who approach drivers kerbside. If the journey is booked in before the passenger gets in the car is it legal? Can the booking be radioed through to control or must it be by phone?	The Licensing Team having taken on board your comments on this matter agree that the stickers are an unnecessary cost that inevitably have no impact on the illegal hiring of Private Hire Vehicles. The team propose to remove this from the policy. Booked is booked no matter how it is undertaken. As long as a record is made with the operating base taking note of all the required details as per the policy this is sufficient.
6.19.4 Testing of the meter will include a run over a measured mile and shall be checked against the Council's table of fares. Where is Babergh's measured mile?	The metered mile location is to be determined. Once the location has been set all drivers, operators, testing stations and meter agents will be informed.
6.22.4 The licensed driver of a wheelchair accessible vehicle must have received suitable and sufficient training to load and convey wheelchair bound passengers. A written record of the training shall be kept by the vehicle proprietor and made available for inspection by an authorised officer of the Licensing Authority upon request. Refresher training shall be undertaken at least once every 36 months, with any new licensed driver undertaking the training prior to their first journey. IF ALL NEW 8 SEATERS HAVE TO BE WHEELCHAIR ACCESIBLE DO THEIR DRIVERS STIILL HAVE TO HAVE TRAINING EVEN WHEN NO WHEELCHAIR WORK WILL BE TAKEN.	All training concerning passengers who require wheelchair assistance will be required to be undertaken by a driver. The sourcing of this training will be a duty for the Operator/driver. The training would only be required for drivers who would be driving wheelchair accessible vehicles. This means even if they are not undertaking wheelchair accessible bookings the vehicle will still be configured as such so therefore the driver must be trained. The onus of organising and booking these tests would also be on the Operator/ driver.

Training | Fire Extinguisher | First Aid Kit | Wheelchair Vehicle | Chassis | Vehicle Age | Sat-Nav

APPENDIX C

Comment from Consultee	Response by Officer
6.23.1 The front side windows and windscreen of any vehicle shall comply with the current Construction and Use Regulations with regard to the level of tint. Except for stretched limousines (see paragraph 7.3.3 below) the remaining windows may have a minimum VLT of 50%. No self-adhesive material (tinted or clear) shall be affixed to any part of the glass. All vehicles licensed by this Council shall only be fitted with factory tinted glass by the vehicle manufacturer. This should be left as is with the option for the vehicle owners to get rear windows professionally tinted at their discretion but with regard to minimum VLT. Why shouldn't I try to make my car look better just because I can't afford to go out and buy a top spec vehicle.	The current policy is in line with the new policy on this matter. No modifications in regard to vehicle window tinting is permissible beyond the manufacturers original specification.
6.27.1 The proprietor of a private hire vehicle or hackney carriage shall not allow the vehicle to be driven and used for hire by any person who does not hold a current private hire vehicle or hackney carriage driver's licence, as appropriate, issued by Mid Suffolk District Council in respect of Mid Suffolk licensed vehicles or Babergh District Council in respect of Babergh licensed vehicles. AS BABERGH AND MIDSUFFOLK COUNCILS HAVE JOINED AND WE ARE NOW HAVING A JOINT POLICY, WHY NOT COMBINE THE LICENSING AND ALLOW ALL OF BABERGH MIDSUFFOLK TO WORK AS ONE. THIS MAY HELP WITH THE CURRENT SHORTAGE OF DRIVERS IN BABERGH	Babergh & Mid Suffolk are still separate Licensing regimes. The Councils are working together but are not merged. Drivers licensed in Mid Suffolk are not automatically entitled to work in the Babergh District, and this is the same the other way around. The process to be licensed with both is a more streamlined process as the same checks will be appropriate for use for your new badge with the alternative Council. Babergh currently has licensed 200 drivers across the entire district which doesn't appear to the team to constitute a shortage of drivers available.

Training | Fire Extinguisher | First Aid Kit | Wheelchair Vehicle | Chassis | Vehicle Age | Sat-Nav

APPENDIX C

Comment from Consultee	Response by Officer
6.29 SATELLITE NAVIGATION HACKNEY CARRIAGE 6.29.1 The proprietor of a hackney carriage is required to affix within the carriage a satellite navigation system of a type suitable for UK roads (UK mapping) and this is to be used at all times when the vehicle is hired. 6.29.2 The satellite navigation system must be fitted in such a position that it does not obstruct the drivers view or in such a way as to distract the driver's concentration from the road. Meter to be started before or after the driver has to program his sat nav for each journey?	The Licensing Team feel it would be appropriate to make satnav an optional element of this policy as referenced by the operator in his next point. Satnavs are an outdated and quite costly form of technology that are not as reliable as other forms of Satellite Navigation i.e., google maps used on smart phones. The meter should not be started before the journey is ready to commence. All address programming of the Satnav should be done prior to the meter being started.
6.29.3 The proprietor of a hackney carriage is required to keep the satellite navigation system updated with the latest maps at all times. A sat nav system is a drivers tool of the trade if the driver needs one. it should not be the responsibility of the proprietor to supply and update. To take this away from the driver's expenditure is one step closer to being "employed" Other than that, Sat nav is getting to be very outdated. The simple to use phone apps such as google maps and waze are much more reliable and useful. To force investment in old fashioned equipment would be a waste of proprietor's money. How many drivers don't have a smart phone ?	As stated above the Licensing Team are proposing that this is an optional addition if the proprietor of the vehicles chooses to use a Satnav.
9.4.3 Owners of vehicles will be subject to a re-charge fee in respect of vehicles that have to be resubmitted for a second inspection test on the grounds of mechanical/MOT related re-inspections pertaining to the specified requirements for hackney/private hire vehicles. Garages have historically included a mot certificate once a hackney or PHV test has been done, will this continue? Historically, retests have been free where any work needed has been carried out at the garage doing the test.	Many of the nominated garages within the Babergh District do offer a combined MOT check with the taxi test. This however is an independent arrangement between the garage and the driver and isn't part of the agreement the garages have with the Council. This recharge fee is for the 6 monthly checks and if the vehicle receives safety complaints at any time after your annual taxi inspection. The Licensing Team are proposing to reword this condition as it is ambiguous in its meaning.

Training | Fire Extinguisher | First Aid Kit | Wheelchair Vehicle | Chassis | Vehicle Age | Sat-Nav

APPENDIX C

Comment from Consultee	Response by Officer
9.5.2 The use of hackney carriage stand/rank is kept under review and may be discontinued in individual instances where a particular stand/rank has fallen into disuse. Conversely, the Council will consider the creation of new stands/ranks where there is a perceived need. Everyone who wishes the Council to consider the creation of new stands/ranks must write to the Licensing Team, at the address set out at the beginning of this document, giving full details of the proposed location(s), and explaining their reasons in full. There are around 76 Hackney plates issued over the two councils with a combined number of 15 hackney stand places. How many times do we need to tell the council more spaces are needed? We have even seen plans (although totally inadequate) Do we need to start this process from a fresh again?	Suffolk County Council Highways as of 2019 began the process of consulting relevant parties on a review of the parking and general road infrastructure of Sudbury. The Licensing Team were alerted that a new rank was being determined for King Street. As of February 2020, all drivers were consulted by the team on the creation of the new rank in King Street and the Licensing & Regulatory Committee approved the new rank as of June 2020. However, since the Committee approved this Suffolk County Council Highways have begun the process to review again the infrastructure and the Traffic Regulation Order. The new proposed taxi rank has fallen by the wayside. The Licensing Team are waiting instruction from Suffolk County Council Highways as to the next steps.
10.2.3 Applicants are required to undertake the BTEC Level 2 course in an Introduction to the Role of a Professional Taxi and Private Hire Driver. This training is to be carried out at the applicants expense and a pass certificate presented to the Council prior to acquiring a Private Hire Operators Licence. Have the council not realised how difficult it is to get drivers? now they want to add another expense to getting a license and insist on a prospective driver sitting a btec before they will even be considered for a licence.	The Licensing Team acknowledge this is an extra cost to the driver, however the benefits of the course are that all drivers will be trained to a higher standard and this in turn will ensure that the drivers on the road are fit and proper to hold such a licence.
meter test certificates and fire extinguisher testing, Btecs and refresher courses, more signs, fitting of say nav equipment, etc, etc, all more expense to drivers and operators, are we going to have a licence fee freeze or drop?	The Licensing Team are instigating a full fee review as of 2022.

Training | Fire Extinguisher | First Aid Kit | Wheelchair Vehicle | Chassis | Vehicle Age | Sat-Nav

APPENDIX C

Comment from Consultee	Response by Officer
Can we have some clarity about the carriage of pushchairs with children in them? It is a regular occurrence that we get calls "have you got a big vehicle that I can just push my pram into?" It seems to be the norm on the rank to allow this, I personally refuse every time as I don't think it is safe to have a pushchair or pram with a child in unsecured in the back of a vehicle whilst in motion.	All passengers should be secured with the appropriate restraint, and this includes pushchairs/prams/buggies/strollers.
Luggage and charges, what is the councils view on charging mutiseater rate (when it comes into force) for less than 4 passengers but with luggage or objects that would clearly not fit in a normal saloon car ?	The fare review would have encompassed extra charges for luggage. Unfortunately, the opportunity to put forward the question regarding extra charges for luggage has passed as the consultation concluded for Hackney Carriage Fares on the 12 July 2021. The tariff as it stands details no extra charges can be made for luggage.
WEDDING AND FUNERAL VEHICLES are not mentioned, what is the new policy regarding these vehicles?	Wedding and Funeral vehicles are not licensable if you are purely transporting the bridal party/mourners directly to the event. If you were transporting general guests or you were hired to carry the passengers from wedding to reception venue, then you would be required to be licensed.

Training | Fire Extinguisher | First Aid Kit | Wheelchair Vehicle | Chassis | Vehicle Age | Sat-Nav

APPENDIX C

Comment from Consultee	Response by Officer
After receiving the consultation letter today, i have been online and reviewed the documents Can I have clarification… Is Btec level 2 , are you stating you want this to be compulsory?	The course will be compulsory for all new applicants and existing drivers on renewal.
Does this start once my licence expires Dec2022 or you wanting this done before?	You will be required to undertake this on renewal
Expense for this course is around an average of £250… is any or the other expenses we pay yearly is being reviewed at a lower cost to help towards the cost of the course?	The course will be £150. The fees are due for review next year
Does the council have plans to arrange courses?	The driver will approach the appropriate provider and ensure they book with them for the next available training days. To note this will not be implemented until the policy is adopted to take effect from 31 January 2022.
Tax check on 4th April 2022, can this be sent earlier as you can now send you returns earlier, as mine have already been sent for 2020-21 , or is this a different check?	The tax checks don't come in until April 2022. It will be a check that is undertaken to ensure self-employed drivers are registered with HMRC.
My thoughts…. I have been driving now for 40 years, and I don't need to be told to have a btec at my age!!! Is there any other increases you have planned in the cost structure we should be aware off for next year?	The course will ensure all drivers have disability awareness and safeguarding training and other vital information to ensure they are fully compliant with their obligations in relation to protecting the public and compliant with the July 2020 Safeguarding Standards as set by the Department for Transport. The fees, will as the policy is currently doing, go through a full and targeted consultation with both the trade and the general public.

Training | Fire Extinguisher | First Aid Kit | Wheelchair Vehicle | Chassis | Vehicle Age | Sat-Nav

APPENDIX C

Comment from Consultee	Response by Officer
Further to my previous email, I want to stress how much I am against the new policy **6.1.11 Any application for a new Hackney Carriage or Private Hire Vehicle for 8 passengers must be Wheelchair accessible.** To bring this policy into force will mean that should I want to Increase my private hire 8 seater fleet or replace any of the vehicles I will have a very limited number of options for purchase and a far higher expense per vehicle. As most wheelchair accessible vehicles are Hackney carriages, these vehicles are usually past their usefull life when they come onto the secondhand market and very expensive to buy new, with long waiting times for purchase. We do a lot of work for Suffolk County Council on school runs where 8 seaters are requested as part of the contract. To limit our fleet to wheelchair accessible vehicles will have a serious detrimental effect on our buisness and our ability to service our current and possible future contracts with Suffolk County Council. Needless to say if we cannot do the contracts this will have a knock on effect to how many drivers will be required. In summary, if this part of the policy is put in to force there would be... 1) Unfair control of Private enterprise 2) Forced higher expenditure by the council 3) Reduced availability for Suffolk County Council or other contracts 4) Loss of airport and long distance travel 5) Possible loss of jobs for drivers. 6) Loss of income to Bmsdc as vehicles would not be replaced. 7) Less drivers, means less availability on evenings and weekends. 8) Companies closing down due to the financial burden forcibly imposed upon them to be able to carry on their normal business. Please email me back to discuss any points raised in this email.	The team are not asking for all vehicles to be wheelchair accessible just 8-seater vehicles. The vehicles that the trade currently have licensed as 8 -seaters are mostly wheelchair accessible already. The team are aware that several of these wheelchair accessible vehicles are already used to facilitate school contract work. The Licensing Team need to make sure there is sufficient provision of wheelchair accessible vehicles in the district. As part of this policy review the team approached the Suffolk Disability Forum who undertook a Survey with disabled passengers, and it was identified that more disabled people prebooked their journeys with Private Hire vehicles as these were easier to access however, they identified that this provision is sometimes lacking when they approach operators. As Hackney Carriages are now proposed in Babergh to be all types of vehicles no matter what licence number they hold this will have an impact on the wheelchair accessible provisions available therefore this condition is necessary. The Licensing Team had a phone conversation with the consultee on the 1 September 2021 at around 12:30. The team gave the above comments to the consultee, but they still wished to raise this matter as an issue for their business.

Training | Fire Extinguisher | First Aid Kit | Wheelchair Vehicle | Chassis | Vehicle Age | Sat-Nav

APPENDIX C

Comment from Consultee	Response by Officer
If one of our existing 8 seaters was to be involved in an accident and written off, and we needed to replace it, by your new rules this would have to be replaced with a wheelchair accessible vehicle. This would mean that the financial burden put on us by your policy could in effect cripple our company. An insurance company will only ever pay out what they have to. They would be paying out for a used, 8 seater private hire vehicle, probably with high mileage, You would be insisting it's replacement would be an expensive or hard to come by (or both) wheelchair accessible vehicle. Where at the moment we can pick up a suitable vehicle between £8000 - £14000 usually within a few days, we would have to be looking at New vehicles that are £30000 + and still have to wait weeks for delivery. This policy change will bring financial hardship to companies that are put in this position	The type of vehicle is not a consideration for insurance companies as the value they pay out will never completely cover the cost of a replacement vehicle whether it be an 8-seater or a wheelchair accessible vehicle. The costs for Wheelchair accessible vehicles varies. The maximum age when first licensing the vehicle is proposed now to be 8 years of age therefore the driver can purchase a second-hand vehicle that was registered in 2014.
We also do 8 seater work to and from airports and for long distance work. Wheelchair accessible vehicle seats are by design far less comfortable than standard 8 seater seats. A 10 or 20 minute ride is one thing but a few hours on a rear facing fold down seat is not something I would want my customers to endure and in fact is not something my customers would put up with. With this policy change, eventually all 8 seaters in the district would be wheelchair accessible either due to replacement through age or accident or by new additions to the fleet. We have built up our companies over years through hard work and the supply of decent and comfortable vehicles for our customers. A service that we would no longer be able to provide due to the restrictive policies of the the council.	The Licensing Team on researching Wheelchair accessible vehicles found that Wheelchair vehicle passenger seats do not appear to be any different to those found in an 8-seater vehicle. Most that were located through research had forward facing seats rather than rear facing.

Training | Fire Extinguisher | First Aid Kit | Wheelchair Vehicle | Chassis | Vehicle Age | Sat-Nav

APPENDIX C

Comment from Consultee	Response by Officer
This is the third review, but we have been unaware of the earlier reviews and their outcome	Babergh Policies have always remained separate and reviewed and updated accordingly. When collating this combined policy, it appeared this had been the third review of the different elements of the policy. The Council are unable to make changes without first consulting all interested parties so all drivers and operators would have been aware if any changes were being made to the Hackney Carriage Policy, Private Hire Vehicle Policy, Private Hire Operator's Policy and the Combined Hackney Carriage and Private Hire Driver's Policy.
2.19.2 Training: I have been driving a taxi in the Sudbury and surrounding area since 1973. I suspect that I am the longest serving driver in the Sudbury area. I have driven daily, both in the UK and Europe, taking all types of clients including many with disabilities and according to Suffolk County Council am extremely qualified to do this and have merited my work. I am 65 years old and don't wish to be trained or educated to be a taxi driver. I had planned to continue to work until I was 70 for various reasons including, but not exclusively, due to the last 18 months of little or no earnings due to COVID. I don't feel I need to tick a box just because the licensing team wants me to. 38% of taxi drivers nationally are over 60 years old and there is a good chance this forced qualification will mean the loss of many drivers prematurely.	The course will ensure all drivers have disability awareness and safeguarding training and other vital information to ensure they are fully compliant with their obligations in relation to protecting the public and compliant with the July 2020 Safeguarding Standards as set by the Department for Transport. The Licensing Team understand the concerns that testing may discourage drivers but the team currently since 2016 have undertaken a knowledge test and many new applicants range from 20's to their 60's. Since 2020 to September 2021 the following highlights the number of new applicants the team have received in their relevant age bracket who have undertaken the knowledge test: 20's: 2 30's: 2 40's: 4 50's: 11 60's: 3 70's: 1

Training | Fire Extinguisher | First Aid Kit | Wheelchair Vehicle | Chassis | Vehicle Age | Sat-Nav

APPENDIX C

Comment from Consultee	Response by Officer
Finally, could you advise why have you decided not to enforce number 20 to be wheelchair accessible in the future? This will devalue plates 1 to 20 and will surely mean you will be financially compensating their owners.	Babergh Drivers for plates 1-20 have incurred an unfair revenue as this plate belongs to the company/proprietor until they wish to transfer. On transfer the individual sells the plate number on at a high price. This has led to a monopoly by certain operators and individuals which is unfair to other members of the trade. The removal of plates 1-20 removes this financial advantage others have held that other operators have not.
Clause 2:19 You refer to training to a BETEC Level 2 'Role of a Professional Taxi and Private Hire Driver' course. I would question whether this training includes safeguarding training? I know that previously, Mid Suffolk/Babergh did not include any safeguarding training for new and existing taxi drivers, and this is the ideal opportunity for this to change. *It is essential that taxi drivers have a good understanding and awareness of safeguarding both to protect their customers and to ensure they do not put themselves in a vulnerable situation.*	The Licensing Team have contacted the course provider and the slides indicate that the course does cover safeguarding as well as Child Sexual Exploitation, Grooming and PREVENT. The Course will soon be updated to include County Lines information as well.
Clause 5.3 I welcome the intended consultation on mandatory CCTV in licensed vehicles. We deal with incidents where licensed drivers have complaints made against them, and if CCTV were available, this could help resolve the complaint potentially with more accuracy within a faster timeframe.	The Licensing Team are yet to do a full consultation on this matter however the earlier talks with the trade in 2020 did highlight that they were not keen on the provision being made mandatory as it is an additional cost for them.

Training | Fire Extinguisher | First Aid Kit | Wheelchair Vehicle | Chassis | Vehicle Age | Sat-Nav

APPENDIX C

Comment from Consultee	Response by Officer
The main points I should like to make relate to Section 2.19 Training: I have been driving for over 40 years including the last 7 years as a Hackney Cab Driver. I understand the need to raise and maintain standards, however the expectations of this section are onerous. I am 65 years old, I have a clean driving licence and clean DBS check. I also took the Safeguarding test when asked to do so. Your proposal ignores the time and financial implications of attaining BTEC Level 2 ' An Introduction to the Role of a Professional Taxi and Private Hire Driver'. My online research suggests that there are inconsistencies in approach across many adjacent licencing authorities. Most authorities have their own testing and many require it only for new drivers. Even Ipswich Borough Council, Section 6.7 of their 'Hackney Carriage & Private Hire Licencing Policy' 2019-2022, refers to their own test, for new drivers, and only on renewal in exceptional circumstances. The BTEC Level 2 Courses I have found vary from 2 Full days to up to 150 hours learning and testing, with costs between £150-£280. In addition I would earn no money during this period. There will be drivers who are unwilling or unable to undertake this training and I suggest to you that what you are proposing is like 'Taking a Sledge Hammer to Crack a Walnut'.	The course will ensure all drivers have disability awareness and safeguarding training and other vital information to ensure they are fully compliant with their obligations in relation to protecting the public and compliant with the July 2020 Safeguarding Standards as set by the Department for Transport. The Licensing Team are aware that 2 out of the three other Councils in Suffolk undertake the BTEC Level 2 Course. This is detailed under 6.9 of Ipswich Borough's Policy and 2.29 of West Suffolk District Council's. East Suffolk Council are currently looking to implement this course in their district. The course is over 2 days and comes at a cost of £150. The Licensing Team will inform you which colleges will be hosting the course. The Licensing Team understand the concerns that testing may discourage drivers but public safety is a paramount concern.

Training | Fire Extinguisher | First Aid Kit | Wheelchair Vehicle | Chassis | Vehicle Age | Sat-Nav

APPENDIX C

Comment from Consultee	Response by Officer
Section 1.2.3 - Assessing the suitability of an applicant. In this you list 7 key factors, Period of holding a driver's licence, Criminal History, Medical Fitness, Number of endorsed penalty points on the drivers licence, Knowledge of the local area, General Conduct, Right to work? How are these weighted when deciding on who is suitable or not?	All factors contribute to the fit and proper person test therefore they are all weighted equally. If any are in question this is when the matter is taken to the Sub-Committee to make the determination.
Section 2.18.2 - Knowledge Test. Having been a taxi driver in the Babergh District for nearly 9 years, I never had to take a knowledge test when I first gained my licence. I'd be interested in seeing what the knowledge test comprises of to assess whether or not it is suitable? I hear regularly from some passengers complaints that they are being taken the long way round to certain destinations.	The Licensing Team have undertaken knowledge tests since 2016. The reason for these tests is to ensure there is a consistent standard across Suffolk and ensures drivers are well aware of their responsibilities.
Section 2.19 - Training. - I'm sorry, but I've been doing this job as mentioned above for nearly 9 years. Why do I need training on a job that hasn't changed in the past 9 years. I've checked the prices of these courses and they range from £250-£420. Add into the equation a lost days wage and any travel costs to the training centre. The fact that you're asking drivers in a trade that has been decimated over the past 18 months to pay for this training is scandalous and unfair. I can understand the potential need for someone new in the trade to give them the introduction to how things work, but feel that the council should be subsidising this rather than making them mandatory for everyone. If this is brought in as mandatory you will potentially lose drivers and as there is already a local shortage. A lot of cab drivers do this as a 2nd job to bring in a few extra pounds each week by working weekends. Asking them to fork out £400 for a course is ludicrous. Section 6.22.4 - Please see above under Section 2.19	The course will ensure all drivers have disability awareness and safeguarding training and other vital information to ensure they are fully compliant with their obligations in relation to protecting the public and compliant with the July 2020 Safeguarding Standards as set by the Department for Transport. The course is over 2 days and comes at a cost of £150. The Licensing Team will inform you which colleges will be hosting the course. All training concerning passengers who require wheelchair assistance will be required to be undertaken by a driver. The sourcing of this training will be a duty for the Operator/driver. The training would only be required for drivers who would be driving wheelchair accessible vehicles. This means even if they are not undertaking wheelchair accessible bookings the vehicle will still be configured as such so therefore the driver must be trained. The onus of organising and booking these tests would also be on the operator/ driver.

Training | Fire Extinguisher | First Aid Kit | Wheelchair Vehicle | Chassis | Vehicle Age | Sat-Nav

APPENDIX C

Comment from Consultee	Response by Officer
Section 3.4.2 - If I want to have a drink of water whilst I am driving I will not be seeking permission to do so from any hirer at any time. Driving when dehydrated is as dangerous as someone who has been drinking alcohol as it can effect a persons reaction time and become dangerous. This was documented in a RAC article from February 2020 - From dehydration to Jet Lag: Four everyday things that are almost as bad as drink driving.	The Licensing Team are proposing to reword this condition.
Section 5.3.1 - CCTV - Is this solely for cameras operating facing out of the vehicle or for internal cameras? Continuously recording inside a vehicle is unlawful and could have ramifications with GDPR	The Licensing Team are happy for dash cams to be in licensed vehicles as long as there is no audio function. If there is audio then a licence holder will have to be registered with the Information Commissioner's Office (ICO) and comply with all GDPR rules and requirements. CCTV is for internal monitoring of the vehicle and as per the policy the team will review each case on its merits. A stipulation of having CCTV is that you are registered with the ICO as a data controller and in doing so you must comply with all GDPR rules and requirements.
Section 6 - Is there no longer to be any specifications on vehicle size? There is no mention if LWB WAV's are now allowed as opposed to SWB which we have been previously forced to purchase. SWB WAV's are becoming harder to purchase.	This is correct there will no longer be any specifications on vehicle size. As the team are proposing to remove the requirement to make all Hackney Carriages over plate 21 wheelchair accessible this will reduce the risk of rank space being occupied by larger vehicles.
Section 6.1.8 - Electric/hybrid Vehicles - Will the council be subsidising when people require a new car. Currently a Vauxhall Vivaro WAV equivalent to what I have now will cost £34,645. No guarantee that it will be side loading and to have it converted into a proper cab could cost in excess of another £10,000. These vehicles currently only have a range of 140 miles. On a Saturday I regularly do between 230 & 280 miles in a shift. These new vehicles will not be practical. Will the council also put up charging points for local drivers outside their properties. I live on a terraced housed cul-de-sac with no off street parking and putting a charging point outside my home will cause trip hazards and open me up to litigation if someone was to fall an injure themselves and I'm not planning on moving!	There are currently no incentives available from the Council. The Licensing Team are engaging with the dedicated EV/Infrastructure officer at Suffolk County Council to find out how Babergh can help facilitate some of these proposed changes.
Section 6.16 - Advertising - There is no mention of advertising inside the vehicle. Is this allowed?	Advertising is not permitted internally or externally, and the team are proposing to amend this in the policy.

Training | Fire Extinguisher | First Aid Kit | Wheelchair Vehicle | Chassis | Vehicle Age | Sat-Nav

APPENDIX C

Comment from Consultee	Response by Officer
Section 6.29.1 - Sat Navs - Ridiculous to have to use a sat nav for every journey. This is what having local knowledge is supposed to be about. I use Waze for longer journeys which is a free app on my phone and is updated regularly.	The Licensing Team feel it would be appropriate to make satnav an optional element of this policy. This is an outdated and quite costly form of technology that isn't as reliable as other forms of Satellite Navigation i.e., google maps use on smart phones.
Section 9.4.2 - Steam Cleaning my engine before it's plate test. Another additional cost, normally around £50. People may be tempted to do it themselves which can then cause damage to their engine. Even done properly it would have the effect of potentially masking any oil leaks or other issues which would not then be picked up by the mechanic.	The Licensing Team acknowledge the comments made regarding the steam cleaning of the engine. The Team are proposing to remove this condition.
1) BTEC Level 2 for existing drivers. Drivers have been leaving the industry across the country during the pandemic, there is now a national shortage of taxi/private hire drivers! Introducing a policy whereby a driver with multiple years in the business is mandated to take time out to "learn the basics" for a job they have been doing will drive more of the experienced drivers out. Yes, we agree, there should be a need for "new" drivers to take the course prior to obtaining their license, but for drivers with over 5(?) years' experience, "Grandfather" rights should be granted.	The course will ensure all drivers have disability awareness and safeguarding training and other vital information to ensure they are fully compliant with their obligations in relation to protecting the public and compliant with the July 2020 Safeguarding Standards as set by the Department for Transport.
2) Refresher training for the above - is it online or classroom? Why the need? What will have changed within the three years? Can you tell me who runs a course as we can't find one!	Legislation in regard to safeguarding is adapted all the time and drivers need to be aware of the updated information to protect both themselves and the passengers. The Licensing Team are developing the refresher training programme so are unable at this juncture to confirm how this will be facilitated. This will be in conjunction with our neighbouring Suffolk Licensing Authorities
3) HMRC Tax Check. What is this?	The Licensing Team are only required to check that the applicant (new or renewal) have undertaken the HMRC tax check. The Licensing Team are yet to be informed how this check will be undertaken. This is an external check via the HMRC and will be mandatory.
4) 3.1.2 If a fixed fare is agreed prior to hiring why the need to drive on the shortest route? The quickest route may be greater in distance but save additional costs. E.g. the shortest route to Heathrow airport goes through the centre of London.	The Licensing Team are proposing to reword this condition to include quickest alongside shortest so as to prevent drivers from prolonging journeys and incurring higher fares.

Training | Fire Extinguisher | First Aid Kit | Wheelchair Vehicle | Chassis | Vehicle Age | Sat-Nav

APPENDIX C

Comment from Consultee	Response by Officer
5) No description of what a wheelchair vehicle should be (side or rear loading, wheelchair facing forwards or backwards etc).	The Licensing Team have taken on board your concerns and have proposed an amendment to the policy.
6) 6.1.5 implies that the maximum age of the vehicle is eight years, not that the vehicle can only be initially licensed by the council if it is younger than eight.	The Vehicle can be no older than 8 years of age when you first apply to licence the vehicle.
7) Brand new 7 seat Peugeot 5008 could be only 1.2l so would be excluded by 6.1.7, engine size alone should not be a restrictive policy.	The Licensing Team on review of this comment have proposed an amendment to the Policy.
8) New LEVC "London Cab" only has a range of 80 miles on electric (it has a petrol engine which tops up the battery). 6.1.8 would seem to discount this "purpose-built" hackney vehicle!	The Licensing Team on review of this comment have proposed an amendment to the Policy.
9) Why the need for an 8 seat private hire to be a wheelchair vehicle. This would imply seating configuration in the rear to be conference style rather than forward facing.	The Licensing Team need to make sure there is sufficient provision of wheelchair accessible vehicles in the district. As part of this policy review the team approached the Suffolk Disability Forum who undertook a Survey with disabled passengers, and it was identified that more disabled people prebooked their journeys with Private Hire vehicles as these were easier to access however, they identified that this provision is sometimes lacking when they approach operators. The vehicle would need to be configured so as to allow for wheelchair access.
10) 6.1.13 – Is this all types of insurance write-off? Category N?	Once a vehicle has been written off the safety of the vehicle is called into question as once damaged there would be an inherent weakness within the vehicle. The paramount concern here is public safety and a structurally unsound vehicle is not safe for use as a public service vehicle. The Licensing Team would consider relicensing a Category N only and will propose to reword the condition.

Training | Fire Extinguisher | First Aid Kit | Wheelchair Vehicle | Chassis | Vehicle Age | Sat-Nav

APPENDIX C

Comment from Consultee	Response by Officer
11) Fire extinguishers – a. Non-compulsory in many other districts (TfL does not have them in taxi or PHV) b. Please tell me where to stow a 2KG powder extinguisher where it is readily accessible to the driver but not in their way! c. It is cheaper to buy a new extinguisher every year than get it tested! d. Does the mandatory driver training cover fire extinguisher use?	The requirement to carry a fire extinguisher is under the Local Government (Miscellaneous Provisions) Act 1976 and the type required is under this policy. It is a legal requirement to carry this there is no legal requirement to use it. The Licensing Team would advise if your vehicle is on fire to remove yourself to a safe distance and call the emergency services so therefore training on how to use this is not necessary. The fire extinguisher is normally stored within the boot of the vehicle. The Licensing Team have proposed that the nominated garage will check the fire extinguisher.
12) 6.9 First Aid Kits again not required for TfL, drivers testing etc.	The provision of a first aid kit is for your safety and wellbeing under the Health and Safety (First Aid) Regulations 1981 as a self-employed worker. You must not administer First aid to another individual unless you have been first aid trained. This is covered under the BTEC Course.
13) 6.15.1 Why the need for the roof sign to have company name/phone number?	The Licensing Team on review of this comment have proposed an amendment to the Policy.
14) 6.15.4 Does the limousine still need to display the identification sign? This would then defeat the object of not having any vehicle markings.	The Licensing Team have proposed to remove this from the policy.
15) 6.15.5 Please let us know how we would operate a “Taxi-Bus” without displaying the word “Taxi”	A taxi bus would have to be a Hackney Carriage Vehicle as a private Hire vehicle cannot be a taxi.
16) Our company name includes the word “cab” so how can we display our Logo, name or website?	Cabs can be used on all Hackney plate vehicles. Cars or similar wording should be used for Private Hire.
17) 6.16 Too small, a sheet of A4 is 623 sq. cms. So just 2/3 of a sheet either side of the vehicle and nothing at the back.	The Licensing Team take on board your comments and have amended the proposed sizing for Private Hire Advertising.
18) Receipts how can we show what tariff code is shown on the meter if there is not one installed in the vehicle?	If your vehicle is a Private Hire Vehicle (with no meter fitted) then the requirements are just to include date and time and total fare. The Licensing Team will add clarity regarding the other requirements.

Training | Fire Extinguisher | First Aid Kit | Wheelchair Vehicle | Chassis | Vehicle Age | Sat-Nav

APPENDIX C

Comment from Consultee	Response by Officer
19) Does a hackney driver really need to use a sat-nav even after they have passed the knowledge test? Or to go from the rank to Waldingfield Road? Does the sat nav need to be set to shortest route? Do we start the meter before or after setting the sat-nav?	The Licensing Team feel it would be appropriate to make satnav an optional element of this policy as it is a quite costly form of technology that isn't as reliable as other forms of Satellite Navigation i.e., google maps use on smart phones. The meter should not be started before the journey is ready to commence. All address programming of the Satnav should be done prior to the meter being started.
20) 9.1.4 At what age should the vehicle have a MOT certificate? If brand new and straight from the manufacturers does it still require one? TfL rules state "All taxis and private hire vehicles more than 12 months from date of manufacture are required to pass two MoT tests as a condition of continued annual licensing."	The normal procedure for new Private Hire vehicles is a MOT becomes necessary after 3 years therefore this is the rule the team will apply. However new Hackney Carriage Vehicles are required to be tested yearly. The team are proposing to amend the policy to reflect this. If this point is referencing the taxi test that must be undertaken these will be on application and every subsequent renewal until the vehicle reaches 10 years of age where twice yearly checks will be required.
21) 9.2.4 Meter test certificate annually?	The Licensing Team have proposed to remove this from the policy.
22) 9.4.2 Steam clean the engine and chassis?	The Licensing Team have proposed to remove this from the policy.
23) 11.2 Policy for "virtual numbers" whereby the number called is diverted automatically to VOIP or mobile	The Licensing Team on review of this comment have proposed an amendment to the Policy.
24) 11.2 Should this include "Text Message" and mobile phone Message apps ?	The Licensing Team under 11.2.2 is referring to apps such as UBER which are not currently licensed within this District. The Licensing Team on review of this comment have proposed an amendment to the Policy regarding text messages.
25) 11.2 If the mobile the call is diverted to is predominately in district but occasionally goes outside of district is it not allowed to take a booking?	The Licensing Team on review of this comment have proposed an amendment to the Policy.

Training | Fire Extinguisher | First Aid Kit | Wheelchair Vehicle | Chassis | Vehicle Age | Sat-Nav

APPENDIX C

Comment from Consultee	Response by Officer
26) 11.2 Cloud based booking and dispatch systems?	The Licensing Team under 11.2.2 is referring to apps such as UBER which are not currently licensed within this District. This element will be explored in greater detail at a later date.
27) 11.10 See point 16)	Cabs can be used on all Hackney plates vehicles. Cars or similar wording should be used for Private Hire.
28) Outsourcing of booking and dispatch functions, does this need to be done within the district?	Outsourcing of booking and dispatch functions can be carried out by an operator based within the District to another operator whether based in or outside the District providing the booking and the outsourcing are recorded by all parties.
2.1 Disclosure and Barring Service Check 2.1.3 The current check lasts for a period of 3 years. Will this change to the update service or annual checks be bought in for all existing licenced drivers when renewing or just for new applicants? This is an added cost for an already low earning profession. If the check is valid for 3 years and Suffolk County Council are happy for Safeguarding purposes for drivers and passenger assistants to only have a 3 yearly check why does Babergh feel the need to have this done annually?	Under the July 2020 Safeguarding Standards proposed by the Department for Transport all applicants (new or renewal) will be required to either sign up for the DBS update service or undertake a yearly DBS Check.
2.2 – 2.14 Will these clauses apply to existing licence holders? If say an existing licence holder is found guilty of driving under the influence does this mean their taxi driver licence will be revoked and that they will not be able to reapply and be relicensed until after the minimum period mentioned?	Yes these apply equally to new and existing drivers.
2.18 Knowledge Test If you are only allowed 5 attempts to pass the knowledge test and will then have to wait 12 months before trying again do you perhaps the test is too difficult and not wholly fit for purpose? Is there an allowance for people that struggle to read and write? Colleagues that have taken the test have said some of the local area questions bore no relevance to our local area and reading further in to the document if you expect sat navs to be installed in all hackney carriages and used for every single journey what would be the point of continuing with a local area knowledge test?	The Licensing Team have set this limit at 5 but on average most of our applicants pass their test on either their 2nd or 3rd attempt. The test encompasses the entirety of the Babergh District not just the area in which the applicant will drive. The Sat Nav condition has been proposed for amendment.

Training | Fire Extinguisher | First Aid Kit | Wheelchair Vehicle | Chassis | Vehicle Age | Sat-Nav

APPENDIX C

Comment from Consultee	Response by Officer
2.19 Training What are you hoping to achieve by forcing existing licenced drivers in to training? Have you not, by granting their licences already deemed them capable of carrying out that role? Many drivers, like myself, have been licenced with you for many years and you are asking them to take a course that is an 'Introduction to the Role of a Professional Taxi and Private Hire Driver'. I feel like you are saying 'we don't think you can do your job'. Like many others I have not been able to earn my full wage and the extra funds required to take the course is something I simply do not have. You would then damage my earning potential further by removing my licence which would in whole affect the general public as there would be fewer licenced drivers available. Other licencing districts are not enforcing this requirement and yet again this seems to be an extra cost burden. Whilst attending training courses I would not able to earn the money needed to fund the course and also not be available to serve the public. The cost of these courses seem to vary depending on providers and what relevant qualifications would the course tutors hold? Would they be licenced drivers themselves or just somebody reading from a book trying to tell me how to do my job? Perhaps an introductory course would be useful for new applicants or those drivers that have several substantiated complaints against them or have had their licences revoked. If this BTEC is bought in as a mandatory requirement I would seriously consider my position as a licenced driver and most likely take the decision to not renew my licence. I don't believe customers will be bothered whether you hold a BTEC qualification or not. They just want to be driven to their chosen destination.	The course will ensure all drivers have disability awareness and safeguarding training and other vital information to ensure they are fully compliant with their obligations in relation to protecting the public and compliant with the July 2020 Safeguarding Standards as set by the Department for Transport. The Licensing Team are aware that 2 out of the three other Councils in Suffolk undertake the BTEC Level 2 Course. This is detailed under 6.9 of Ipswich Borough's Policy and 2.29 of West Suffolk District Council's. East Suffolk Council are currently looking to implement this course in their district. The course is over 2 days and comes at a cost of £150. The Licensing Team will inform you which colleges will be hosting the course. The Licensing Team understand the concerns that testing may discourage drivers but public safety is a paramount concern.
2.22 Tax Checks on Licence Applications and Renewals For what purpose is a tax check required and which type of tax check are you expecting to be done? I am an employed driver and my tax position is a matter between myself, my employer and HMRC. Whilst I submit a tax return I do not see this is any of your concern. My tax position bares no relevance to my ability to drive a taxi or private hire vehicle.	The Licensing Team are only required to check that the applicant (new or renewal) have undertaken the HMRC tax check. The Licensing Team are yet to be informed how this check will be undertaken. This is an external check via the HMRC and will be mandatory.

Training | Fire Extinguisher | First Aid Kit | Wheelchair Vehicle | Chassis | Vehicle Age | Sat-Nav

APPENDIX C

Comment from Consultee	Response by Officer
3.1 General Conduct 3.1.2 It is not always possible to proceed to a particular destination by the shortest route especially when there are road closures and traffic delays. Also this implies that if a customer requests we take a different route to their destination that is not the shortest that we would not be allowed to do this.	The Licensing Team are proposing to reword this condition to include quickest alongside shortest so as to prevent drivers from prolonging journeys and incurring higher fares.
3.2 Driver Dress Code This is very ambiguous. What one person considers to be clean and respectable is not necessarily the same as another person. How far does this stretch? Will bushy beards and visible tattoos be deemed as not acceptable as some people do not like them?	The Licensing Team feel this section is self explanatory.
4.1 Assistance Dogs If a driver were to be allergic to or have a fear of dogs would they be allowed to refuse to carry an assistance dog?	The driver is able to apply for a medical exemption as per our current policy.
4.2 Wheelchair Passengers 4.2.1 e. How much mobility assistance is deemed as reasonable? Some passengers may just need an arm to steady them but surely I cannot be expected to physically transfer a passenger out of their wheelchair on to a vehicle seat if that is how they wish to travel? My own mother-in-law is wheelchair bound and much prefers to use an ordinary vehicle seat rather than stay in her chair. I know from experience that she can do very little to help move herself and her weight would cause the fittest of drivers a problem. Whilst I do not wish to be discriminatory I have to put my health and safety first.	Drivers of Wheelchair accessible vehicles will have to undertake the relevant training to ensure they are fully compliant.
Removing the requirement for plates 21+ to be wheelchair accessible is unfair on plates 1-20. Will you be compensating plate holders 1-20 for devaluing their businesses and will plates 21+ if no longer wheelchair accessible be made to pay the higher licence fee. If it was the other way around and wheelchair accessible vehicles were charged a higher licence fee this would be seen to be disability discrimination.	The Licensing Team charge for all Hackney Carriage vehicles £344.50. The team are unsure why this driver feels that the cost is higher for plates 1-20 unless they are alluding to the black-market sale of the plates within the trade. The Licensing Team have not been involved in this.
Will there be a cap on licenced vehicles as there is more vehicles than work available.	No
I am confused as to why rear doors in a minibus do not count in the number of required doors for that vehicle. These vehicles will have been approved by higher authorities than Babergh as safe and fit for purpose. Why are your requirements more than what has already been approved for use?	The Licensing Team are stating in this policy that the vehicle must have 3 doors in addition to the rear door for minibuses/transits (8 seats or less). Most minibuses have a sliding door for the back compartment and two doors for the front compartment.

Training | Fire Extinguisher | First Aid Kit | Wheelchair Vehicle | Chassis | Vehicle Age | Sat-Nav

APPENDIX C

Comment from Consultee	Response by Officer
A 2kg/litre fire extinguisher is the same size as that which is required in a bus. Where in a car would you safely position one that does not impede on the passenger or driver space but is readily available for use?	The requirement to carry a fire extinguisher is under the Local Government (Miscellaneous Provisions) Act 1976 and the type required is under this policy. It is a legal requirement to carry this there is no legal requirement to use it. The Licensing Team would advise if your vehicle is on fire to remove yourself to a safe distance and call the emergency services so therefore training on how to use this is not necessary. The fire extinguisher is normally stored within the boot of the vehicle.
Whilst a first aid kit should be carried, as a driver I surely should not be expected to administer first aid to a passenger. I have no medical training to be able to do this safely. Surely there should be a policy on this?	The provision of a first aid kit is for your safety and wellbeing under the Health and Safety (First Aid) Regulations 1981 as a self-employed worker. You must not administer First aid to another individual unless you have been first aid trained. This is covered under the BTEC Course.
Why does it matter about the position of stickers on the vehicles? Surely if they do not contain false information or give a false impression of the vehicle type and are not impeding the visibility of the driver and the passenger and are not covering licence plates it should not matter on their positioning.	The Licensing Team have proposed to remove this from the policy.
Who would be responsible for training me if I were to be a driver of a wheelchair accessible vehicle and who would bear the burden of the cost of training?	The Operator or licensed driver would be responsible for ensuring training is undertaken at their cost.
Sat Navs can be as much of a distraction as they are an assistance. Why should we be forced in to using one if we already know the route to the passengers' destination? Purchase, installation and updates are again another cost being forced upon operators and drivers.	The Sat Nav condition has been proposed for amendment.

Training | Fire Extinguisher | First Aid Kit | Wheelchair Vehicle | Chassis | Vehicle Age | Sat-Nav

APPENDIX C

Comment from Consultee	Response by Officer
My role within my employment is dual. I am mainly based in the office assisting with bookings and dispatching as well as all aspects of administration associated with the business. Your requirements for record keeping are excessive. Why does it matter who took the booking and who dispatched it and why is important to record the time at which a driver was allocated to the booking. This is unnecessary data recording for the sake of it and will not work in practice. Other member of our office team who are not drivers have no contact with passengers other than a conversation on the phone when they book their journey. Why would these members need to hold a DBS certificate?	The July 2020 Safeguarding Standards as set by the Department for Transport have introduced this as a requirement as the booking staff are in a position of trust.
If licenced drivers leave the profession because of these increased costs and hoop jumping exercises the council members of the public will be left with a diminished service and the council will ultimately suffer a drop in revenue too. Is this really what you are after?	The Licensing Team have to balance the needs of the trade and public protection which is the paramount concern. We are not trying to put companies out of business
During the pandemic what assistance did you offer to drivers and operators? Did you consider an extension to their licence period to help with their financial difficulties they must have suffered or any emotional support for those finding it difficult to cope with the uncertain situation we all found ourselves in?	The Council via our economic development team did offer financial grants to licensed operator and drivers over the pandemic.
You happily take our money from us in licence fees and now you are looking at proposals that will relieve us of more of our earnings. Will you be transparent and let us know where are licence fees go and what we actually get for our money?	The Licensing Team are looking to undertake a fee review in 2022 to assess if the fee levels are appropriate at their current level.
I find it unfair that yet again the press were informed of this important matter before you had contacted the operators and drivers like myself. Are we not the very people and organisations you expect to go along with your plans? If you want our support and co-operation please do not treat us like an after-thought.	The Licensing Team attended the meeting on the 16 August 2021 where the general public via YouTube and the Press were in attendance. The consultation letters were sent before the consultation began and 28 days have been given for responses to be made. The press were not informed by the Licensing Team.
2.1.3 With regards to the DBS system, we are currently checked every 3 years at a cost to ourselves. You now want the update system or every year at a cost to us. So, this involves increasing costs to us 3-fold. Why is this now needed especially seeing as our earnings have been considerably less over the last nearly 2 years.	Under the July 2020 Safeguarding Standards proposed by the Department for Transport all applicants (new or renewal) will be required to either sign up for the DBS update service or undertake a yearly DBS Check.

Training | Fire Extinguisher | First Aid Kit | Wheelchair Vehicle | Chassis | Vehicle Age | Sat-Nav

APPENDIX C

Comment from Consultee	Response by Officer
2.18 With regards to the Knowledge test, if you are stating that someone may have 5 attempts to pass in the first instance does this not indicate that this test is maybe not suitable for purpose. Speaking to people in the past who have had to do this test say there was little in it that bared resemblance to the job they would be required to do and some questions were nothing to do with our specific area and were never likely to get right. Many people who have approached the company I work for with an interest to becoming a driver have changed their minds when they hear about the knowledge test.	The Licensing Team have set this limit at 5 but on average most of our applicants pass their test on either their 2nd or 3rd attempt. The test encompasses the entirety of the Babergh District not just the area in which the applicant will drive. The Sat Nav condition has been proposed for amendment.
2.19 With regards to BTEC courses, I would strongly disagree to having to do this after I have already had a licence for several years (why should an existing driver have to have an introduction to the role when they already know what their role is and carry it out to the standards expected). I have no desire to go back to a college etc especially at another cost to myself (which with recent earnings is not something I have spare). As already stated, the earnings for a driver have been dramatically reduced during the last couple of years and having to attend the course would not only be a cost to us but we would also lose another couple of days earnings at the same time. I can agree that maybe in the future for new applicants only that this may be something that could prove useful or for those who have maybe had complaints against them, their license suspended or revoked for some reason. Seeing as other councils across the country are not insisting on this course, it clearly is not a nationwide regulation. If this was a future requirement, I would consider not renewing my license at that time, which talking to many other drivers in the area have all indicated the same feelings and ending up with no experienced drivers instead of all new ones is not helpful to the industry or any industry in most cases.	The course will ensure all drivers have disability awareness and safeguarding training and other vital information to ensure they are fully compliant with their obligations in relation to protecting the public and compliant with the July 2020 Safeguarding Standards as set by the Department for Transport. The Licensing Team are aware that 2 out of the three other Councils in Suffolk undertake the BTEC Level 2 Course. This is detailed under 6.9 of Ipswich Borough's Policy and 2.29 of West Suffolk District Council's. East Suffolk Council are currently looking to implement this course in their district. The course is over 2 days and comes at a cost of £150. The Licensing Team will inform you which colleges will be hosting the course. The Licensing Team understand the concerns that testing may discourage drivers but public safety is a paramount concern.

Training | Fire Extinguisher | First Aid Kit | Wheelchair Vehicle | Chassis | Vehicle Age | Sat-Nav

APPENDIX C

Comment from Consultee	Response by Officer
2.22.1 With regards to tax checks, what does this actually mean? I am an employed person and all my taxes are calculated and paid through my wages. I cannot see what the council needs to know about this. For self-employed people who do their own taxes again why does the council need to know what the details are.	The Licensing Team are only required to check that the applicant (new or renewal) have undertaken the HMRC tax check. The Licensing Team are yet to be informed how this check will be undertaken. This is an external check via the HMRC and will be mandatory.
3.2.1 With regards to the dress code, this has always been stated to be of a smart appearance but quite a few of the drivers in our area wear very casual items such as football shirts, slogan T. Shirts etc and I have seen some drivers in quite dirty jeans etc. The company I work for have shirt, ties, logo jumpers and coats for uniforms and those of us who are combined office and driver staff still go out in smart clothes.	The Licensing Team feel this section is self explanatory.
6.1.1 With regards to electric vehicles, unfortunately this would be a difficult move for this kind of industry. If you need to fill up with fuel it can be a 5-minute job, if you need to park up at a charging point this could be a matter of missing several fares because of the time difference in having to charge a vehicle. Unfortunately, with the costs of new batteries being in and around £10,000 (that I know of) to replace aswell as difficulties in towing and pushing electric vehicles (when things 'may' go wrong) hopefully the government will see these issues before it gets too late.	The Licensing Team recognises the need to move towards a greener fleet for the benefit of the environment. The motor trade is also moving in this direction under the central government direction to cease the sale of all new petrol and diesel cars by 2030. Given the current infrastructure and cost constraints it is impractical to require the trade to change wholesale to greener vehicles in the short term however the Council will look to research and develop an incentive scheme to encourage a move towards carbon reduction in line with the Council's Climate Change Strategy.
6.1.5 6.1.6 6.1.15 With regards the vehicles we have in the company I work for they are all Mercedes and are very well maintained. The industry is not really making enough money to justify the purchase of newer cars all the time. In regards to having to have twice yearly MOTs this seems excessive seeing as they is not required by law for any other vehicle and having a friend in the motor trade who recently had a Sudbury taxi only a few years old in his garage recently which was in poor condition and the driver was warned that his tyres were showing the cords through the rubber. The driver said he would not address the situation as he felt there was nothing wrong with them. If your vehicle is maintained well then this should not be an issue. Our company also has a PCV fleet and if they are over a certain age, they do not require 2 tests a year and these vehicles carry many passengers so do not see the need for cars to have this.	Once the vehicle reaches 10 years of age more frequent Council testing is required. MOTs are only required annually.

Training | Fire Extinguisher | First Aid Kit | Wheelchair Vehicle | Chassis | Vehicle Age | Sat-Nav

APPENDIX C

Comment from Consultee	Response by Officer
6.8 With regards to a 2kg fire extinguisher being required where is this supposed to go. The company I work for has buses have that have 2kg ones the cars have only had 1kg / 1lt ones which have always been sufficient to pass the yearly taxi MOT test. The testers have never marked a fire extinguisher to say they have been checked either.	The requirement to carry a fire extinguisher is under the Local Government (Miscellaneous Provisions) Act 1976 and the type required is under this policy. It is a legal requirement to carry this there is no legal requirement to use it. The Licensing Team would advise if your vehicle is on fire to remove yourself to a safe distance and call the emergency services so therefore training on how to use this is not necessary. The fire extinguisher is normally stored within the boot of the vehicle.
6.14.1 With regards to the plate being visible at the rear of the car. Why can't the plates not be attached to the inside of the rear window if they are still visible. As you have previously requested plates to be fixed to the outside of vehicles this involves drilling holes into our vehicles bodywork which in turn will de-value the car because of bodywork damage. The plates used to be supplied with suction cups for rear window instillation so I cannot see what the problem is if they are visible that way.	The Licensing Team have for purchase plate holders which affix to the number plate without the requirement of drilling holes.
6.15.1 With regards to signage, why does a hackney carriage need to have an illuminated roof sign. In London (or big cities and towns) where people are wanting to hail down a taxi from the side of the road at night maybe so. We are a rural area that doesn't have that kind of business. If people book a taxi at night the car is going specifically for them and if not maybe on the rank so it is obvious, they are for hire.	Hackney Carriages have to have an illuminated sign with the word Taxi on it when available for hire. This must be lit whilst stationed on the rank waiting for a fare. Private Hire Vehicles do not require this.
6.15.4 I have never seen a private hire vehicle with this information on so when has this ever been needed before? Obviously, a private hire vehicle should not be parked anywhere near a taxi rank so it has never arisen in the company I work for.	The Licensing Team have proposed to remove this from the policy.
6.16 With regards to signage on vehicles you state that private hire vehicles can only have the logo etc on the rear doors of the car. We routinely swap our signage from front to back to prevent fading on the paintwork so as prevent devaluation of our vehicles. Is it also really necessary to be that stern with the size of lettering and numbers being able to be used on signage?	The Licensing Team have proposed an amendment to the Policy for this matter.

Training | Fire Extinguisher | First Aid Kit | Wheelchair Vehicle | Chassis | Vehicle Age | Sat-Nav

APPENDIX C

Comment from Consultee	Response by Officer
6.22.4 With regards to training of carrying wheelchair passengers, who is authorised to give training. I remember a customer telling me a few years ago that with another company her wheelchair bound husband had booked a taxi with a ramp on the side to take him to a hospital appointment. When the driver pushed him into the vehicle his head hit the roof and was cut quite badly. I personally do not drive vehicles that can carry a wheelchair as I only drive a saloon or hatchback car but that instance is a worry. The vehicles the company I work for that can carry wheelchair users are fitted with lifts so you do not have to push passengers up a gradient ramp.	Drivers of Wheelchair accessible vehicles will have to undertake the relevant training to ensure they are fully compliant.
6.26 With regards to inspections, recently there was an inspection from a council employee at the rank in Sudbury. The person was wearing a badge that stated their role as in the food sector. Is this person trained and knowledgeable in our industry to do such checks?	The individual referenced in this response was the Assistant Manager of Food Safety & Licensing who is trained and knowledgeable in this area.
6.29 With regards to satellite navigation, since when should all vehicles be fitted with this and used on every journey. The drivers I work with all have good knowledge of their local areas and do not need such items and none of our vehicles have these fitted. Some drivers may have their own sat navs but very rarely use them and if they do this would be for the most minimal jobs. Our drivers have access to maps if they need to check something or have access to office staff who could advise them. This requirement is not something I agree with at all and again would incur another substantial cost with no real advantages.	The Licensing Team have proposed an amendment to the Policy for this matter.
8.1 I have never been asked to drive a fire engine so not sure why this is relevant to a hackney or private hire driver.	A Fire Engine has previously been licensed in our sister Council Mid Suffolk District Council as a special events vehicle and the team felt it would be appropriate to retain this element in case an individual wishes to licence one again.
9.2.2 With regards to applications not being limited, this has caused problems in our Sudbury area with so many vehicles now being licensed. To the point where is just seems you keep licensing people and vehicles to have more income.	It is a free market and there is no intention to cap the number of drivers, vehicles or operators.

Training | Fire Extinguisher | First Aid Kit | Wheelchair Vehicle | Chassis | Vehicle Age | Sat-Nav

APPENDIX C

Comment from Consultee	Response by Officer
9.5 With regards to the taxi ranks, in Sudbury there is a total of 8 spaces and yes, I am fully aware that is more than others get but at the same time the number of available spaces is nowhere enough for the number of vehicles you have licensed. Where are people supposed to park to ply for business, and because you very often drive round to the rank on Sudbury's one way system there is no space you have to drive by again and again waiting for a space. This is considered bad for the environment not to mention wasting fuel and yet again incurring more costs while not earning. I would suggest maybe halting any more licenses being granted as there is just too many now with a combination of hackney and private hire together.	Suffolk County Council Highways as of 2019 began the process of consulting relevant parties on a review of the parking and general road infrastructure of Sudbury. The Licensing Team were alerted that a new rank was being determined for King Street. As of February 2020, all drivers were consulted by the team on the creation of the new rank in King Street and the Licensing & Regulatory Committee approved the new rank as of June 2020. However, since the Committee approved this Suffolk County Council Highways have begun the process to review again the infrastructure and the Traffic Regulation Order. The new proposed taxi rank has fallen by the wayside. The Licensing Team are waiting instruction from Suffolk County Council Highways as to the next steps.
10.2.21 With regards to applicants not being limited, as mentioned before please stop licensing more and more, we have struggled to get drivers because they do not want to the knowledge test and it's just becoming harder to make enough money to make it a viable living.	It is a free market and there is no intention to cap the number of drivers, vehicles or operators.
11.1 With regards to the details of bookings made, we do not have an electronic booking system therefore we handwrite all bookings that are pre-booked in advance and on the date. Any jobs taken from the rank are noted by the driver in their logs. Why do you need to know dates and times of when the booking was requested? Why do you need to know at what time the driver was given the job? Why do you need to know who took the booking? Why do you need to know the name of the person who gave the job to the driver? This all seems like waste of time overkill. We work in a very busy office if we had to keep making all these notes, we would miss more phone calls the drivers would have to write more down which means they have to be stationery instead of driving to the next location. All our handwritten bookings are kept for several years in accordance with regulations so cannot see why we need to record anything else.	Under the July 2020 Safeguarding Standards proposed by the Department for Transport this requirement for additional information with regards to bookings is to ensure public safety and protect the business if a complaint is received.

Training | Fire Extinguisher | First Aid Kit | Wheelchair Vehicle | Chassis | Vehicle Age | Sat-Nav

APPENDIX C

Comment from Consultee	Response by Officer
11.8 With regards to charging on a private hire vehicle some of our private have meters and customers accept that the meter price will be what they pay.	The Licensing Team agree that if a meter is used the fare cannot exceed the fare stated on the meter.
11.15 With regards to dispatch and office staff needing a DBS, why? These staff do not come in to contact with passengers other than phone calls so why should that be a need for a DBS, it's just more cost to the company or to an individual again.	The July 2020 Safeguarding Standards as set by the Department for Transport have introduced this as a requirement as the booking staff are in a position of trust.
We note from page 1 of the document that the requirement for plates 21+ to be wheelchair accessible vehicles will be removed. This will devalue plates 1 –20. If plates 21 + chose not to renew as wheelchair accessible vehicles will these licences then be charged at the same rate as plates 1 –20? How will the council be recompensing plate holders 1 –20 for the devaluation of their business?	The Licensing Team charge for all Hackney Carriage vehicles £344.50. The team are unsure why this driver feels that the cost is higher for plates 1-20 unless they are alluding to the black-market sale of the plates within the trade. The Licensing Team have not been involved in this.
2.1 Disclosure and Barring Service Check 2.1.3 The current check lasts for a period of 3 years. Will this change to the update service or annual checks be bought in for all existing licenced drivers when renewing or just for new applicants? This is an added cost for an already low earning profession.	Under the July 2020 Safeguarding Standards proposed by the Department for Transport all applicants (new or renewal) will be required to either sign up for the DBS update service or undertake a yearly DBS Check.
2.2 –2.14 Will these clauses apply to existing licence holders? If say an existing licence holder is found guilty of driving under the influence does this mean their taxi driver licence will be revoked and that they will not be able to reapply and be relicensed until after the minimum period mentioned?	Yes these apply equally to new and existing drivers.
2.18 Knowledge Test What allowance will be made for applicants who struggle to read and write? They may be more than capable of being a taxi driver but would be held back by their struggle to understand the written questions posed to them.	The Licensing Team offer an independent one to one test with the applicant to ensure those who have difficulty with reading or writing are not disadvantaged. Any difficulties should be disclosed to the team on application to ensure we can facilitate the independent test.

Training | Fire Extinguisher | First Aid Kit | Wheelchair Vehicle | Chassis | Vehicle Age | Sat-Nav

APPENDIX C

Comment from Consultee	Response by Officer
2.19 Training What is to be gained by forcing existing licenced drivers in to training? Surely by granting their licences you have already deemed them capable of carrying out that role. Many drivers within the districthave been licenced with you for many years and you are asking them to take a course that is an 'Introduction to the Role of a Professional Taxi and Private Hire Driver'. For the majority of them this will equate to you saying 'we don't think you can do your job'. We foresee many of them deciding to not renew their licences because of this and this will lead to a shortage of experienced drivers throughout the district. Many of our licenced drivers also hold a PCV licence and already have to undertake additional CPC training. They will gain nothing by taking yet another course that probably covers a similar basis to their CPC training. Other licencing districts are not enforcing this requirement and yet again this seems to be an extra cost burden. Whilst drivers are attending training courses they are not able to earn the money needed to fund the course and they are also then not available to serve the public. The cost of these courses seem to vary depending on providers and what relevant qualifications would the course tutors hold? Would they be licenced drivers themselves or just somebody reading from a book trying to tell an experienced licenced driver how to do their job? Perhaps an introductory course would be useful for new applicants or those drivers that have several substantiated complaints against them or have had their licences revoked.	The course will ensure all drivers have disability awareness and safeguarding training and other vital information to ensure they are fully compliant with their obligations in relation to protecting the public and compliant with the July 2020 Safeguarding Standards as set by the Department for Transport. The Licensing Team are aware that 2 out of the three other Councils in Suffolk undertake the BTEC Level 2 Course. This is detailed under 6.9 of Ipswich Borough's Policy and 2.29 of West Suffolk District Council's. East Suffolk Council are currently looking to implement this course in their district. The course is over 2 days and comes at a cost of £150. The Licensing Team will inform you which colleges will be hosting the course. The Licensing Team understand the concerns that testing may discourage drivers, but public safety is a paramount concern.
2.22 Tax Checks on Licence Applications and Renewals For what purpose is a tax check required and which type of tax check are you expecting to be done? The tax position of operators and drivers is a matter between the individual/company and HMRC. The tax and financial standing of a driver should be of no concern of the council. You are not employing any of us and you are not responsible for paying our tax, national insurance, class 2 & 4 contributions etc. As an operator we will not be sharing these details with you.	The Licensing Team are only required to check that the applicant (new or renewal) have undertaken the HMRC tax check. The Licensing Team are yet to be informed how this check will be undertaken. This is an external check via the HMRC and will be mandatory.
3.1 General Conduct 3.1.2 It is not always possible to proceed to a particular destination by the shortest route especially when there are road closures and traffic delays. This also implies that if a customer requests we take a different route to their destination that is not the shortest that we would not be allowed to do this.	The Licensing Team are proposing to reword this condition to include quickest alongside shortest so as to prevent drivers from prolonging journeys and incurring higher fares.

Training | Fire Extinguisher | First Aid Kit | Wheelchair Vehicle | Chassis | Vehicle Age | Sat-Nav

APPENDIX C

Comment from Consultee	Response by Officer
3.2 Driver Dress Code All of our drivers are always clean, tidy and respectable with the majority wearing a collar and tie. Unfortunately your wording to this term is ambiguous as everyone has a different idea of what is clean, respectable and befitting. Setting details of expected dress code e.g collared shirt, trousers etc would be better. We are aware that some drivers find it acceptable to wear football shirts or sloganed t-shirts with dirty jeans or beach shorts or jogging bottoms.	The Licensing Team feel this section is self explanatory.
3.6 Lost Property Please define what is a reasonable period. Some operators might consider a reasonable period to be a day or so and others might consider a reasonable period to be 3 months. Also is there a uniform procedure for dealing with lost property after the reasonable period?	What a reasonable period is, is to be determined by the business based on the circumstances.
4.2 Wheelchair Passengers Should a wheelchair passenger wish to transfer from their wheelchair to a vehicle seat it is unfair to expect the driver to help them perform that transfer. Personal manual handling should not be undertaken unless there has been proper training and who would be liable should an injury occur to either the passenger or driver? The current government guidance whilst the world is still suffering from Covid-19 is to keep your distance. Please explain how a driver is supposed to give mobility assistance whilst keeping their distance.	Drivers of Wheelchair accessible vehicles will have to undertake the relevant training to ensure they are fully compliant. The liability would lie with the driver or their employer.
4.3 Medical Exemptions Exemption from lifting wheelchair passengers. Presumably this does not mean that the driver is expected to physically lift up the passenger.	If you are exempt you do not have to lift a wheelchair or the passenger.
5.3 CCTV 5.3.2 CCTV should not be mandatory. Whilst it may be useful in some circumstances installing CCTV in all vehicles is another cost burden on the operator and would surely raise some privacy issues for customers.	The Licensing Team are yet to do a full consultation on this matter however the earlier talks with the trade in 2020 did highlight that they were not keen on the provision being made mandatory as it is an additional cost for them.

Training | Fire Extinguisher | First Aid Kit | Wheelchair Vehicle | Chassis | Vehicle Age | Sat-Nav

APPENDIX C

Comment from Consultee	Response by Officer
6 Vehicle Specifications and Conditions of Licence **6.1 General** To assist the move to electric/hybrid type vehicles will there be charging points fitted on the rank or strategic points around the district to enable the drivers to charge their vehicles without impacting on the service that they can provide? At the moment a driver can pop to a filling station and purchase fuel in a reasonably short space of time. Having to charge vehicles will take considerably longer and could lead to a shortage of available vehicles while they are being charged and may hamper drivers being able to accommodate longer journeys.	The Council recognises the need to move towards a greener fleet for the benefit of the environment. The motor trade is also moving in this direction under the central government direction to cease the sale of all new petrol and diesel cars by 2030. Given the current infrastructure and cost constraints it is impractical to require the trade to change wholesale to greener vehicles in the short term however the Council will look to research and develop an incentive scheme to encourage a move towards carbon reduction in line with the Council's Climate Change Strategy.
6.1.12 As mentioned previously removing the requirement for plates 21+ to be wheelchair accessible will devalue plates 1-20. As a holder of plates between 1-20 we have always found it unfair that plates 21+ were charged at a vastly lesser rate and there was no cap on the amount of these plates issued. Going forward there is not enough work in the district for so many licenced hackney carriages nor the appropriate space for them to ply for hire.Will there be a cap on the number of new hackney plates issued especially with the wheelchair element being removed.	The Licensing Team charge for all Hackney Carriage vehicles £344.50. The team are unsure why this driver feels that the cost is higher for plates 1-20 unless they are alluding to the black-market sale of the plates within the trade. The Licensing Team have not been involved in this. It is a free market and there is no intention to cap the number of drivers, vehicles or Operators.
6.3 Doors 6.3.1 Why are rear doors not included in the minimum number of doors. If a minibus would pass PCV regulations with the same amount of doors, why is Babergh's requirements so much more demanding. The vehicles have already been deemed safe and fit for purpose when manufactured. Why does Babergh think this is not the case?	The Licensing Team are stating in this policy that the vehicle must have 3 doors in addition to the rear door for minibuses/transits (8 seats or less). Most minibuses have a sliding door for the back compartment and two doors for the front compartment.
6.8 Fire Extinguishers 6.8.1 A 2kg/2litre fire extinguisher is fairly large and is generally the size required for a PCV. Where would you suggest the extinguisher be fixed in a position readily accessible to the driver so that it is ready to use without impeding the minimum space that you deem is required for the passengers? Surely the position of the extinguisher should be away from passengers as they could fiddle with the equipment during their journey causing injury to themselves and or the driver? 6.8.2 Can a fire extinguisher check not be part of the annual taxi test? Annual checking by yet another party is again another cost burden on the operator. We are not suggesting safety should be compromised or ignored but extra costs in one area may mean cutting corners in others for some operators.	The requirement to carry a fire extinguisher is under the Local Government (Miscellaneous Provisions) Act 1976 and the type required is under this policy. It is a legal requirement to carry this there is no legal requirement to use it. The Licensing Team would advise if your vehicle is on fire to remove yourself to a safe distance and call the emergency services so therefore training on how to use this is not necessary. The fire extinguisher is normally stored within the boot of the vehicle.

Training | Fire Extinguisher | First Aid Kit | Wheelchair Vehicle | Chassis | Vehicle Age | Sat-Nav

APPENDIX C

Comment from Consultee	Response by Officer
6.11 Luggage 8 seater minibus type vehicles do not generally come with boot/luggage spaces. Where would you recommend that luggage be stowed?	The Licensing Team feel this should be an Operator/driver decision based upon the number of passengers seated in the vehicle and how much luggage is to be carried.
6.14 Licence Plates and Stickers 6.14.2 As long as the licence plate is displayed on the rear of the vehicle why should it matter whether it is inside or out. As long as it does not impede the rear view of the driver and is clearly visible to the public outside surely being positioned inside the vehicle is safer. The plate will remain clean and readable, will not fall off the vehicle whilst in motion and is less likely to be stolen. Affixing it to the inside of the rear window also means no damage to the exterior of the vehicle, which is a requirement at 6.12.	The Licensing Team have for purchase plate holders which affix to the number plate without the requirement of drilling holes.
6.15 Signage 6.15.1 The need for the roof sign to be illuminated is another unnecessary extra cost and possible burden on the electrical system of the vehicle.	Hackney Carriages have to have an illuminated sign with the word Taxi on it when available for hire. This must be lit whilst stationed on the rank waiting for a fare. Private Hire Vehicles do not require this.
6.15.4 Are magnetic door signs considered to be self-adhesive and will the council be supplying the exact wording that is to be displayed on these signs?	The Licensing Team have proposed to remove this from the policy.
6.16 Advertising 6.16.5 Why must the lettering be confined to the rear of the vehicle if it is a minibus/transit or people carrier? A minibus is a different type of vehicle to a people carrier. As these types of vehicles are commonly used on school runs being able to display your name on the front of the vehicle helps staff and students at schools easily identify the vehicle they require.	The Licensing Team have proposed an amendment to the Policy for this matter.
6.22 Disability Access 6.22.4 Who should supply the initial training and refresher training to load and convey wheelchair bound passengers? Does the council have a list of approved trainers and who would bearthe burden of cost for training?	All training concerning passengers who require wheelchair assistance will be required to be undertaken by a driver. The sourcing of this training will be a duty for the Operator/driver. The Licensing Team do not currently have an approved list of providers.
6.29 Satellite Navigation 6.29.1 Why must a 'Sat Nav' be fixed within a hackney carriage and be used on every single journey. Drivers will have regular customers and will know the route to take for those regular journeys. It will often to take longer to set the route for a very local short journey than it will to actually drive and complete the journey.	The Licensing Team have proposed an amendment to the Policy for this matter.

Training | Fire Extinguisher | First Aid Kit | Wheelchair Vehicle | Chassis | Vehicle Age | Sat-Nav

APPENDIX C

Comment from Consultee	Response by Officer
Continued What is the point of having a knowledge test for potential drivers that requires them to know their local area if you are then insisting that they use a sat nav for every single journey? Will the local area knowledge requirement be removed from the initial test? These devices can be a distraction to the driver and again this seems to be another unnecessary cost burden.	The Licensing Team have proposed an amendment to the Policy for this matter.
9 VEHICLE LICENCES: APPLICATION PROCEDURES –(HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES) **9.4 VEHICLE TESTING** 9.4.5 Whilst this may be a courtesy service how would we be able to submit a declaration/renewal application if we have not been sent the relevant forms?	The Licensing Team ensure all renewals are sent out a month prior to your vehicle, driver or Operator is required to be renewed. If you do not receive these this is your duty to contact the team and request the paperwork.
9.5 Taxi Ranks The document shows that there are only 10 rank spaces available in Babergh and all of them are in Sudbury. As there are so few spaces why have the council issued in excess of 20 hackney carriage plates? Where are all of these vehicles supposed to go to ply for trade?	Suffolk County Council Highways as of 2019 began the process of consulting relevant parties on a review of the parking and general road infrastructure of Sudbury. The Licensing Team were alerted that a new rank was being determined for King Street. As of February 2020, all drivers were consulted by the team on the creation of the new rank in King Street and the Licensing & Regulatory Committee approved the new rank as of June 2020. However, since the Committee approved this Suffolk County Council Highways have begun the process to review again the infrastructure and the Traffic Regulation Order. The new proposed taxi rank has fallen by the wayside. The Licensing Team are waiting instruction from Suffolk County Council Highways as to the next steps.

Training | Fire Extinguisher | First Aid Kit | Wheelchair Vehicle | Chassis | Vehicle Age | Sat-Nav

APPENDIX C

Comment from Consultee	Response by Officer
PART 3: PRIVATE HIRE OPERATOR POLICY **10. GENERAL INFORMATION** **10.1 General Information.** 10.1.3 as per 9.4.5 How would we able to submit the relevant forms in a timely manner if we have not been sent them?	The Licensing Team ensure all renewals are sent out a month prior to your vehicle, driver or Operator is required to be renewed. If you do not receive these this is your duty to contact the team and request the paperwork.
10.1.6 as per 2.22 For what purpose is a tax check required and which type of tax check are you expecting to be done? The tax position of operators and drivers is a matter between the individual/company and HMRC. The tax and financial standing of a driver should be of no concern of the council. You are not employing any of us and you are not responsible for paying our tax, national insurance, class 2 & 4 contributions etc. As an operator we will not be sharing these details with you.	The Licensing Team are only required to check that the applicant (new or renewal) have undertaken the HMRC tax check. The Licensing Team are yet to be informed how this check will be undertaken. This is an external check via the HMRC and will be mandatory.
10.2.7 If the council refuses a licence application for what purpose would you keep the fee paid by the applicant? You would not accept going into a shop and handing over money to buy goods and then the shop refuses to pass over the goods to you and also will not refund you the money you have paid to them.	The Licensing Team have already had to begin the process and other external bodies require portions of the fee i.e., DBS Checking Service, Garages etc.
10.2.10 as per 10.2.7 not refunding part of the fee appears unjust.	The Licensing Team have already had to begin the process and other external bodies require portions of the fee i.e., DBS Checking Service, Garages etc.
11 CONDITIONS OF PRIVATE HIRE OPERATOR LICENCE **11.1 Record Keeping** 11.1.1 (iii) why is it necessary to keep a record of how the booking was made? (vi) why is it necessary to keep a record of the time the driver was allocated to the booking? (xi) why is it necessary to keep a record of the name of the individual that responded to the request and what is actually meant by this? (xii) why is it necessary to keep a record of the name of the individual that dispatched the vehicle.	Under the July 2020 Safeguarding Standards proposed by the Department for Transport this requirement for additional information with regards to bookings is to ensure public safety and protect the business if a complaint is received.
11.15 Booking and Dispatch Staff Why must booking and dispatch staff have a basic DBS check? They are office based staff and generally have no personal contact with passengers to be conveyed. This seems to be overkill and yet another unnecessary cost burden.	The July 2020 Safeguarding Standards as set by the Department for Transport have introduced this as a requirement as the booking staff are in a position of trust.

Summary of changes

Pre-Consultation Changes

- All personalisation errors and grammatical errors have been reviewed and rectified.

- Cllr's raised a point of clarification regarding the new proposed tax checks in April 2022. It was queried as to whether this is checking income tax. The Licensing Team are only required to check that drivers have undertaken a check with the HMRC before licensing any applicant. The details of how this check will be undertaken are yet to be disclosed to the team.

- Cllr's were unsure of the wording under Section 4 Additional Assistance Requirements. The Licensing Team reviewed this and have reworded under 4.2.1 and 4.3.1 from carry and carrying to transport and transporting.

Post-Consultation Changes

- Under 3.1.2 the Licensing Team are proposing this to be amended to "*The driver when hired to drive to a particular destination shall proceed to that destination by the shortest/quickest route."*

- Under 3.4.2 the Licensing Team are proposing to reword the condition to "*The driver shall not eat in the vehicle unless they have a medical need"*

- Under 6.1.7 the Licensing Team are now proposing to amend the condition to *"Be capable of carrying at least 4 passengers, be fitted in right-hand drive (an exception regarding right hand drive will be made in the case of a stretched limousine) and shall have an engine of capacity which is capable of enough power to carry the number of passengers it is licensed for including luggage*."

- Under 6.1.8 the team are proposing to remove "*Electric Vehicles (EV) shall have a minimum range of 140 miles."* The trade are aware of the needs of their business so therefore we shouldn't stipulate minimum mileage.

- Under 6.1.8 the team are also proposing to amend the condition to "*Hybrids in addition to the above minimum engine size capacity shall be of the following type: Plug-in (PHEV), Self-Charging or Range Extender (REX or Series Hybrid).*" The inclusion of self-charging Hybrids was raised by a Mid Suffolk Driver. The team on review of the consultation response cannot see a reason why it shouldn't be included as it is a vehicle that would be better for the environment than a purely fossil fuelled vehicle.

- The Licensing Team have removed the condition under 6.1.12 that states "*The following categories of vehicle are unacceptable to be licensed: City Cars, Supermini, Small Family (this*

includes SUVs and MPVs of this category/size), and Cabriolets." The already listed conditions regarding, door provision, engine capacity and interior dimensions will prevent any of this type of vehicle from being licensed. The reason for this removal was a consultee response received by a Mid Suffolk Driver.

- Under 6.1.13 the Licensing Team are proposing to reword the condition to "*Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes however category N will be considered on a case-by-case basis with the reasons for write off provided to the team by the relevant insurance underwriter."*

- Under 6.8.1 the Licensing Team are proposing to remove *" Three stickers must be fitted to the vehicle; one on the dashboard facing the front seat passenger and one facing out on each of the rear passenger door windows (on larger vehicles a sticker must be placed on all rear doors) stating a fire extinguisher is carried, all must be clearly visible to passengers."* This feels unnecessary as the general public via this consultation are aware that the fire extinguisher is a mandatory requirement for a licensed vehicle.

- Under 6.8.2 the Licensing Team propose to amend the condition to read *" All extinguishers must be checked every 12 months by one of the Council's nominated garages during the vehicle test. The date of the test and signatures must be clearly visible on a sticker attached to the extinguisher. The extinguisher must be marked with the vehicle registration number."*

- Under 6.15.1 the team are proposing to remove the following wording "*on the side facing the front and the name of the company, or its telephone number, or "TAXI", or any combination of the three on the side facing towards the rear of the vehicle. The roof sign and lettering shall be of an appropriate size to enable it to be read clearly from a distance of 14 metres."*

- Under 6.15.4 the Licensing Team are proposing to remove "*Self-adhesive identification signs as approved by the Council, indicating that insurance is invalid unless the vehicle is booked by private hire, must be affixed to the drivers' door and front passenger door panels of the vehicle. These signs should not be tampered with in any way and must be displayed at all times whilst the vehicle has current private hire vehicle plate affixed."* This proposed condition is unlikely to prevent the illegal hire of private hire as we hoped and would be an unnecessary additional cost for the trade.

- In conjunction with the above the team are proposing to remove *"No signs whatsoever, other than the identification signs approved and supplied by the Council (see 6.15.4 above) must be affixed to the drivers' door and front passenger door panels of the vehicle."*

- Under 6.16 the Licensing Team are proposing to reword the condition to "*Any advertising in or on the vehicle must be restricted to the name, logo or insignia, telephone number, free-phone number, fax number, email address or web site of the owner or operator of the vehicle. Advertising of other businesses or products or services is* ***not*** *permitted, including art works, emblems, symbols, slogans, or other displays of any kind*."

- Under Section 6.16.4 the team are proposing the wording to be amended to *"For minibuses, transits and people carrier type vehicles, the lettering of all advertising/graphics etc must be a maximum height of 25 cm. In addition, the single word "Taxi", to a maximum height of 30 cm, may be displayed.* The positioning of the company advert should be down to the discretion of the trade.

- Under Section 6.16.4 the team are proposing the wording to be amended to *"For saloons and estate cars the lettering of all advertising/graphics etc must be a maximum height of 15 cm*." The positioning of the company advert should be down to the discretion of the trade.

- Under Section 6.16.5 the team are proposing the wording to be amended to *"For minibuses, transits and similar people carrier type vehicles, the lettering of all advertising/graphics etc must be a maximum height of 25cm*." The positioning of the company advert should be down to the discretion of the trade.

- Under Section 6.16.5 the team are proposing the wording be amended to *"For saloons and estate cars the lettering of all advertising/graphics etc must be a maximum height of 15cm."* The positioning of the company advert should be down to the discretion of the trade.

- Under Section 6.20.2 the team are proposing to put "*Hackney Carriage only"* after metered fare, metered extras and tariff code shown on the meter, i.e. tariff 1,2,3 or 4; to ensure this is clear for Private Hire drivers.

- Under 6.22.2 the Licensing Team are proposing to add the following bullet point "*Hackney Carriage vehicles must be side loading"*

- Under 6.22.4 the Licensing Team are proposing to reword the condition to "*The licensed driver of a wheelchair accessible vehicle must have received suitable and sufficient training to load and convey passengers who travel in their wheelchairs. The provision of this training is the responsibility of the Operator/licensed driver."*

- 6.29.1 the Licensing Team are proposing this to be amended to " *If the proprietor of a hackney carriage has affixed within the vehicle a satellite navigation system it must be of a type suitable for UK roads."* The team felt making the satnav usage optional was more beneficial as technology advancements means a greater number of drivers are using google maps on their smart phones instead of Satnav.

- Under Section 9.1.4 the team are proposing to include after MOT testing the following "*after one year from date of registration for Hackney carriages, thereafter annually. After three years of registration for Private Hire Vehicles and thereafter annually)."* The team felt it necessary to clarify the required MOT testing.

- Under 9.2.4 the team are proposing to remove the following " ***METER TEST CERTIFICATE –*** *where the vehicle is a Hackney Carriage or where a Private Hire Vehicle is fitted with a*

meter." The certificate is superfluous and the team in practice do not require this as a matter of course.

- Under 9.4.2 the team are proposing to remove "*Prior to submitting the vehicle for testing owners must ensure that the vehicle is in good condition, i.e., mechanically sound, bodywork in a satisfactory condition and the engine and full chassis steam cleaned."* This condition will potentially cause unnecessary damage to the electrical components of the vehicle.

- Under 9.4.3 the Licensing Team are proposing this to be amended to "*Owners of vehicles will be subject to a re-charge fee if the vehicle is required to undertake either a 6-monthly check or a safety complaint regarding the continued fitness of the vehicle is received before the next annual inspection is due."*

- Under Section 11.2.1 the Licensing Team are proposing to amend to "*Where telephone bookings are made to a landline or virtual (VOIP) number which diverts to a mobile phone away from the bookings office, or a booking is made by text message the booking must be recorded in the bookings log as soon as practicable."* To provide clarity in regard to booking via both landline and virtual methods.

- The Licensing Team jointly received a response from the Mid Suffolk Disability Forum who work in conjunction with the Suffolk Disability forum, and they have suggested the following amendments to ensure the policy is not using any discriminatory wording:

  - The Licensing Team have included the following statement at 2.19.4 "*The BTEC Level 2 course in an Introduction to the Role of a Professional Taxi and Private Hire Driver will incorporate disability awareness and safeguarding."* This has been included as the Mid Suffolk Disability Forum raised that this should be included to ensure Drivers are aware of this obligation.

  - Under Section 3 General conduct the following condition has been added: "*All Reasonable assistance will be afforded to passengers with disabilities*"

  - Under Paragraph 4.1 the title is now "*Passengers with Assistance Dogs"*

  - Under Paragraph 4.2 the title is now "*Passengers who are Wheelchair Users"*

  - Paragraph 4.2.3 has been amended to read "*Before any movement the driver must ensure that a passenger travelling in their wheelchair is wearing a seatbelt unless the passenger is exempt and ensure brakes of the wheelchair have been applied."*

  - Paragraph 4.3.1 has been amended to read " *Exemption from lifting wheelchairs or people who are wheelchair users or have mobility difficulties and from transporting assistance dogs may only be obtained by individual drivers on medical grounds."*

  - Under 6.22.2 now states "*Passengers using a wheelchair"* and helper has been changed to "*assistant"*

  - Under 6.22.4 now states " *Passengers who travel in their Wheelchairs"*

- Under 6.22.5 now states simply "*wheelchair accessible"*

- Under paragraph 11.13.1 now states that "*This policy should be in line with the requirements under the Equality Act 2010 and any disabled and vulnerable passengers* ***must not*** *be charged extra for their journey's."*

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APPENDIX E

Taxi Policy Review: List of Consultees

1. All Babergh Licensed Drivers	2. All Babergh Licensed Operators
3. Libraries in Babergh	4. All Babergh Town and Parish Councils
5. Age UK Tavis House 1-6 Tavistock Square London WC1H 9NA	6. Age UK Suffolk Unit 14 Hillview Business Park Old Ipswich Road Claydon Ipswich IP6 0AJ
7. Suffolk Constabulary Licensing Team Landmark House Ipswich IP	8. Environmental Protection Babergh & Mid Suffolk District Councils Endeavour House 8 Russell Road Ipswich IP1 2BX
9. Suffolk Adult Safeguarding Board Endeavour House 8 Russell Road Ipswich IP1 2BX	10. Suffolk Child Safeguarding Board Endeavour House Floor 3 Gold Block 8 Russell Road Ipswich IP1 2BX
11. Suffolk Chamber of Commerce Felaw Maltings South Kiln 42 Felaw Street Ipswich IP2 8SQ	12. Suffolk Disability Forum disabilityforum@btinternet.com
13. Suffolk County Council Passenger Transport Team Endeavour House 8 Russell Road Ipswich IP1 2BX	14. Sudbury and District Chamber of Commerce Unit 4 Byford Road Sudbury CO10 2YG
15. Communities Babergh & Mid Suffolk District Councils Endeavour House 8 Russell Road Ipswich IP1 2BX	

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