

Notice of Licensing Committee

Date: Thursday, 17 September 2020 at 10.00 am

Venue: Virtual Skype Meeting



Membership:

Chairman:

Cllr D A Flagg

Vice Chairman:

Cllr G Farquhar

Cllr S C Anderson

Cllr J Bagwell

Cllr S Baron

Cllr R Burton

Cllr J J Butt

Cllr N Decent

Cllr B Dion

Cllr B Dove

Cllr B Dunlop

Cllr M Earl

Cllr D Farr

Cllr T Johnson

Cllr D Kelsey

All Members of the Licensing Committee are summoned to attend this meeting to consider the items of business set out on the agenda below.

The press and public are welcome to view the live stream of this meeting at the following link:

<https://democracy.bcpCouncil.gov.uk/ieListDocuments.aspx?MId=4360>

If you would like any further information on the items to be considered at the meeting please contact: Jill Holyoake - Democratic Services or email jill.holyoake@bcpCouncil.gov.uk

Press enquiries should be directed to the Press Office: Tel: 01202 454668 or email press.office@bcpCouncil.gov.uk

This notice and all the papers mentioned within it are available at democracy.bcpCouncil.gov.uk

GRAHAM FARRANT
CHIEF EXECUTIVE

9 September 2020



Available online and
on the Mod.gov app



Maintaining and promoting high standards of conduct

Declaring interests at meetings

Familiarise yourself with the Councillor Code of Conduct which can be found in Part 6 of the Council's Constitution.

Before the meeting, read the agenda and reports to see if the matters to be discussed at the meeting concern your interests

Do any matters being discussed at the meeting relate to your registered interests?

Disclosable Pecuniary Interest

Yes

Declare the nature of the interest

Do NOT participate in the item at the meeting. Do NOT speak or vote on the item EXCEPT where you hold a dispensation

You are advised to leave the room during the debate

Local Interest

Yes

Declare the nature of the interest

Applying the bias and pre-determination tests means you may need to refrain from speaking and voting

You may also need to leave the meeting. Please seek advice from the Monitoring Officer

No

Do you have a personal interest in the matter?

Yes

Consider the bias and pre-determination tests

You may need to refrain from speaking & voting

You may also need to leave the meeting. Please seek advice

No

You can take part in the meeting speak and vote

What are the principles of bias and pre-determination and how do they affect my participation in the meeting?

Bias and predetermination are common law concepts. If they affect you, your participation in the meeting may call into question the decision arrived at on the item.

Bias Test

In all the circumstances, would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased?

Predetermination Test

At the time of making the decision, did the decision maker have a closed mind?

If a councillor appears to be biased or to have predetermined their decision, they must NOT participate in the meeting.

For more information or advice please contact the Monitoring Officer
(anne.brown@bcpcouncil.gov.uk)

Selflessness

Councillors should act solely in terms of the public interest

Integrity

Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships

Objectivity

Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

Accountability

Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this

Openness

Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing

Honesty & Integrity

Councillors should act with honesty and integrity and should not place themselves in situations where their honesty and integrity may be questioned

Leadership

Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs

AGENDA

Items to be considered while the meeting is open to the public

1. Election of Chairman

Councillors are asked to elect a chairman of the Licensing Committee for the 2020/2021 Municipal Year.

2. Election of Vice Chairman

Councillors are asked to elect a vice chairman of the Licensing Committee for the 2020/21 Municipal Year.

3. Apologies

To receive any apologies for absence from Councillors.

4. Substitute Members

To receive information on any changes in the membership of the Committee.

Note – When a member of a Committee is unable to attend a meeting of a Committee or Sub-Committee, the relevant Political Group Leader (or their nominated representative) may, by notice to the Monitoring Officer (or their nominated representative) prior to the meeting, appoint a substitute member from within the same Political Group. The contact details on the front of this agenda should be used for notifications.

5. Declarations of Interests

Councillors are requested to declare any interests on items included in this agenda. Please refer to the workflow on the preceding page for guidance.

Declarations received will be reported at the meeting.

6. Confirmation of Minutes

To confirm and sign as a correct record the minutes of the Licensing Committee held on 4 March 2020, and the minutes of the Licensing Sub Committees held on 24 February, 3 and 17 March, 14 and 28 April, 4 and 20 May, 16 June, 8 and 21 July, and 12 and 19 August 2020.

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7. Public Issues

To receive any public questions, statements or petitions submitted in accordance with the Constitution. Further information on the requirements for submitting these is available to view at the following link:-

<https://democracy.bcpccouncil.gov.uk/ieListMeetings.aspx?CommitteeID=151&Info=1&bcr=1>

The deadline for the submission of public questions is Thursday 10 September 2020.

The deadline for the submission of a statement is 12.00 noon, Wednesday 16 September 2020.

The deadline for the submission of a petition was Wednesday 2 September 2020.

8. Licensing Act 2003 - Review of Statement of Licensing Policy (SOLP)	59 - 158
This is the first Statement of Licensing Policy for BCP Council since the establishment, on the 1st April 2019 of a single local government area for the now dissolved boroughs of Bournemouth, Christchurch and Poole. Following 2 consultation periods, agreed by members of the Licensing Committee and undertaken in accordance with Section 5 of the Licensing Act 2003, the Licensing Committee on behalf of the Licensing Authority must now consider all responses received in respect of the proposed Statement of Licensing Policy and either decide to include them or exclude them and provide reasons for their decision.	
9. Consideration of draft Taxi and Private Hire Policies for BCP Council for public consultation	159 - 406
These are the first Draft Taxi and Private Hire Policies for BCP Council since the establishment, on the 1st April 2019 of a single local government area for the now dissolved boroughs of Bournemouth, Christchurch and Poole.	

No other items of business can be considered unless the Chairman decides the matter is urgent for reasons that must be specified and recorded in the Minutes.

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING COMMITTEE

Minutes of the Meeting held on 04 March 2020 at 10.00 am

Present:-

Cllr D A Flagg – Chairman

Cllr G Farquhar – Vice-Chairman

Present: Cllr S Baron, Cllr D Butler, Cllr J J Butt, Cllr N Decent, Cllr B Dion,
Cllr D Farr, Cllr T Johnson, Cllr D Kelsey, Cllr P Parrish,
Cllr P Broadhead (In place of Cllr B Dove) and Cllr T Trent (In place
of Cllr R Burton)

23. Apologies

Apologies for absence were received from Cllr R Burton and Cllr B Dove.

24. Substitute Members

Notification was received from the nominated representatives of the relevant Political Group Leaders that Cllr T Trent was substituting for Cllr R Burton and Cllr P Broadhead was substituting for Cllr B Dove for this meeting of the Committee.

25. Declarations of Interests

There were no declarations of disclosable pecuniary interest.

26. Confirmation of Minutes

RESOLVED that the minutes of the Licensing Committee on 18 December 2019, and the Licensing Sub Committees on 19 December 2019, 14, 21 and 28 January, and 4 February 2020 be confirmed and signed as a correct record, subject to the following amendments:

Licensing Sub Committee, 28 January 2020 – amend attendance list to read Cllr G Farquhar

Licensing Sub Committee, 21 January 2020 – amend attendance list to include Cllr D Butler present as reserve.

27. Public Issues

There were no formal statements, public questions or petitions submitted to this meeting.

Mr Kevin Diffey and Mr David Lane, representing the Taxi Trade, addressed the Committee to present the Trade's proposals for hackney

carriage fares for 2020/21, as part of Agenda Item 6: Review of Hackney Carriage Fares.

28. Review of Hackney Carriage Fares

The Licensing Manager presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

The Licensing Authority had received a request from the Taxi Trade for a review of the hackney carriage fare structure for the BCP Council area for 2020/21. In summary, the Trade was seeking a 1.4% increase in proposed fares and a reduction in waiting time from 45 to 40 seconds. The Committee was also asked to consider current limit in the maximum extras that can be charged and the soilage rate for cleaning the vehicle. Subject to the Committee's decision an approved formula would be used by the Licensing Authority to calculate the new tariff chart once the necessary details were provided by the Trade.

Mr Kevin Diffey addressed the Committee on behalf of the Taxi Trade to explain the reasons for its request. The proposed fare increase was based on figures published each January and took into account increases in vehicle running costs (0.4%), the consumer index rate (1.4%), the service provider index (1.6%), and the national living wage (6.2%). The reduction in the time allocated for 20 pence increments had not been adjusted in recent years, but Mr Diffey explained that drivers were now unable to undertake as many journeys as in previous years, due to increased traffic congestion across the conurbation. The request to increase the number of clicks for extras was to take into account the number of larger vehicles which could take up to 8 passengers.

Mr Diffey provided the following information in response to questions from the Committee, with clarification provided by the Licensing Manager as required:

- The AA calculated that the cost of running a vehicle had gone up by 0.4%
- Although there was no requirement for the Trade to consult direct with its customers, there was an opportunity to provide feedback to the Licensing Authority when the formal notice of proposed fares was published, Should any objections be received the matter would come back to the Committee for further consideration.
- In keeping the proposed fare increase low at 1.4% the Trade had been mindful of recent increases implemented in the Christchurch Zone to achieve harmonisation of fees.
- BCP taxi fares were traditionally quite high compared to other local authorities (the proposed increase would result in BCP being 14 out of 175). In terms of comparable authorities BCP fares were higher than Bristol but lower than Brighton and Hove. It was noted that there were discrepancies in the fares published in Private Hire and

Taxi Monthly as fares could be increased at different times of the year.

- The charge for additional luggage in a larger vehicle was applied at £1.00 for each extra item, in the form of a large suitcase or equivalent. It was explained that larger vehicles were more expensive to operate.
- Although calculated in slightly different ways the Committee was assured that resulting fares were the same for customers across the BCP area.
- It may not be financially viable for some drivers to continue in the job if the proposed fares were not approved.

There was also a discussion about the use of electric vehicles and hybrids, and the possibility of installing charging points at taxi ranks.

Having considered the report and the representation from Mr Diffey on behalf of the Taxi Trade, Committee members felt that the proposals were fair and reasonable.

RESOLVED that the request by the Taxi Trade for an adjustment to the Hackney Carriage Maximum Fares and Charges tariff 2020/21 as set out in the report and detailed by the representative of the Taxi Trade at the meeting be approved

Voting: Unanimous

29. Taxi and Private Hire policy harmonisation

The Licensing Manager presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'B' to these Minutes in the Minute Book.

There were currently three legacy taxi and private hire policies covering the BCP Council area, which were all different and in need of updating. In order to properly protect passengers and other road users it was proposed to create one new 'fit for purpose' BCP taxi and private hire policy for the Council to use in its operation and decision making. The Committee was asked to consider how it wished to input into the development of the policy.

The Licensing Manager explained that it was intended to separate this work into three main categories, for drivers, vehicles and operators, with each category having its own bespoke policy which would be reviewed every five years. It was noted that the fees charged for the administration of this service would also be harmonised and reviewed under a separate report at a later date to coincide with the implementation of the new policies.

The Committee agreed that it would be useful to set up a working party of councillors to work with Officers and the Taxi Trade to help formulate the policy. The Committee talked about the need to set parameters for the working group including an end date from which to work back from. The Licensing Manager advised that the final policy was intended to be in place by the end of November 2020. She explained that some preparatory work

was already underway, including discussions with the Taxi Trade. It was noted that relevant taxi legislation and guidance would have considerable bearing on what the new policy looked like. It was anticipated that the work would take around four months, including a period of public consultation, and that a timetable for adoption by full Council would need to be factored in.

The Committee agreed that it would be helpful to include a cross section of Committee members in the working group, ideally with a mix of experienced and new members from across the Council area. The Committee felt that no more than five members was an expedient number for this type of work.

RESOLVED that the new Taxi and Private Hire policy documents be drafted as detailed in the report and a Working Party be established to help formulate the policy, with a membership of Cllrs J Butt, G Farquhar, D Flagg, T Johnson and D Kelsey.

Voting: Unanimous

30. Venue for future meetings

The Committee was advised that the Council at its meeting on 17 December 2019 agreed the dates for meetings of the Committee and its Sub Committees for the Municipal Year 2020/21. In doing so it was proposed that each Committee consider the venue(s) for its meetings from May 2020 onwards.

The Committee agreed that it was happy to continue with its current arrangements of rotating the location for its meetings and those of its Sub Committees between Bournemouth, Christchurch and Poole on a monthly basis.

RESOLVED that the location of future meetings of the Licensing Committee and its Sub-Committees be rotated between Bournemouth, Christchurch and Poole on a monthly basis

Voting: Unanimous

31. Any Other Business

Unmet Needs Survey

The Licensing Manager reported that a survey of unmet needs in relation to the Taxi Trade was about to be published on the Council's website. This would assist in shaping the new BCP Taxi and Private Hire Policy. She wished to raise awareness of this work in the context of developing the new policy and agreed to circulate a copy of the survey to Committee members.

Road Closure at Horseshoe Common, Bournemouth

Mr Kevin Diffey, on behalf of the Taxi Trade, wished to raise a number of concerns regarding the Traffic Regulation Order (TRO) which closed the road to traffic at Horseshoe Common between Midnight and 5.00am.

The Licensing Manager reported on known issues associated with the TRO since its introduction in 2015, including the rise in Facebook lift sites, Policing issues, and the demand for a taxi rank in the restricted area. Mr Diffey reported on additional issues including a discrepancy with the signage at each end of the road closure, drivers being unable to fulfil NHS contracts to pick up clients within the restricted area, safety issues, buses, passenger frustrations, and the impact on trade.

The Committee discussed the issues raised and agreed that it was not possible to consider these in isolation. As it was not within the Committee's remit to amend the TRO it was suggested that a meeting be facilitated between the Taxi Trade and the Portfolio Holder to discuss the best way forward. The Committee could also include this issue as a future agenda item to hear from all parties involved before taking a view.

Record of Thanks to Mr Frank Wenzel and Mr Sean Whitney

The Committee was advised that two long serving members of staff in the Licensing team were leaving the Council at the end of March, Mr Frank Wenzel, Licensing Manager, and Sean Whitney, Public Health and Protection Manager.

RESOLVED that the Committee place on record its thanks to Mr Frank Wenzel and Mr Sean Whitney for their services to the Council and its preceding authorities.

Voting: Unanimous

The Chairman agreed to take the above items under any other business in order to keep the Committee apprised of current issues.

The meeting ended at 10.54 am

CHAIRMAN

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BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 24 February 2020 at 10.00 am

Present:-

Cllr D A Flagg – Chairman

Present: Cllr G Farquhar and Cllr D Kelsey

101. Election of Chairman

RESOLVED that Councillor D Flagg be elected Chairman of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

102. Apologies

There were no apologies for absence on this occasion.

103. Declarations of Interests

For transparency Councillor G Farquhar declared that Agenda Item 5 concerned a premises in his Ward. In relation to this Councillor Farquhar advised that he had not had any prior discussions with any party regarding the matter.

There were no other declarations of disclosable pecuniary interest or other interests.

104. Exclusion of Press and Public

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.

105. Application for the Expedited Review of Premises Licence - Bar 7, 702 Christchurch Road, Bournemouth, BH7 6BY

Attendance:

From BCP Council:

Sarah Rogers – Senior Licensing Officer

Nananka Randle – Licensing Manager

Michelle Fletcher – Licensing Technician

Johanne McNamara – Senior Solicitor

Sarah Culwick – Democratic Services Team Lead

On behalf of Dorset Police:

Sergeant Gareth Gosling – Drug and Alcohol Harm Reduction Team

Louise Busfield – Licensing Officer

The Chairman opened the meeting, made introductions and explained the procedure for the hearing, to which all parties agreed. The Sub-Committee were asked to consider an application by Dorset Police for an expedited review of the premises licence for Bar 7, 702 Christchurch Road, following the implementation of interim steps to suspend the licence and remove the designated premises supervisor, and to determine whether the interim steps should be withdrawn or modified.

The Sub-Committee were advised that the licence holder had indicated that they would be surrendering the licence, although formal notification had yet to be received.

Further to the report circulated within the agenda the Sub-Committee were provided with a copy of the following further evidence from Dorset Police:

- Witness Statement from Louise Busfield, Police Licensing Officer
- Photographs of the front aspect, pavement, doorway of Bar 7.

Sergeant Gosling and Ms Busfield responded to questions from the Sub-Committee and the Legal Advisor to the Sub-Committee in relation to the evidence presented, before the Sub-Committee retired to make its decision.

RESOLVED that having considered the revised information from Dorset Police and the Licensing Team and the Licence Holders indication to surrender the licence in these circumstances the Committee consider this is insufficient for these premises. Having considered the written and verbal representations from Dorset Police in relation to its application for an expedited review and the certificate under section 53A 1 (b) of the Licensing Act 2003, the Sub-Committee confirm the removal of the designated premises supervisor from the licence, and that the suspension is now upgraded to revocation on the grounds of public safety and the prevention of crime and disorder.

Reasons for Decision:

The Sub-Committee felt it necessary to revoke the premises licence due to the consistent failure to adhere to the conditions of the licence despite continuous help from the Police and Licensing Authority. The Sub-Committee has no confidence that the premises is able to operate in accordance with the licensing objectives.

Right of Appeal:

The Legal Advisor reported that all parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the applicant is notified by the Licensing Authority of the decision in writing.

The meeting ended at 10.35 am

CHAIRMAN

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 03 March 2020 at 10.00 am

Present: Cllr B Dion, Cllr G Farquhar and Cllr P Parrish

Officers in attendance: Nananka Randle – Licensing Manager, BCP Council
Wesley Freeman – Licensing Technician, BCP Council
Linda Cole – Senior Solicitor, BCP Council
Michelle Cutler – Democratic and Overview & Scrutiny Support Officer, BCP Council

106. Election of Chairman

RESOLVED that Councillor G Farquhar be elected Chairman of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

107. Apologies

There were no apologies for absence.

108. Declarations of Interests

There were no declarations of interest.

109. Exclusion of Press and Public

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.

110. Review of an Application for a Private Hire Driver's Licence

The Applicant was in attendance.

The Chairman made introductions and explained the procedure for the Hearing.

The Sub-Committee considered an application for a Private Hire Drivers Licence in the Christchurch Zone, from the person named in the non-public report for agenda item 5.

The Licensing Manager presented a report, a copy of which had been circulated to each Member and a copy of which appears as an Appendix to these Minutes in the Minute Book.

The Licensing Manager informed the Sub-Committee that the Applicant had disclosed convictions and had previously held a licence that was revoked by New Forest District Council. A recent Disclosure and Barring Certificate showed two convictions had been issued and one caution, these were:-

- a) Driving a motor vehicle with excess alcohol on 8 October 2008,
- b) Battery on 28 July 2012; and
- c) Assault occasioning actual bodily harm on 13 August 2010.

The Applicant had had his licence revoked by New Forest District Council due to complaints about his behaviour and his attitude towards female passengers, his rudeness towards passengers and his unacceptable behaviour to the Council Mechanic and Licensing Manager.

The Sub-Committee was asked whether in light of the disclosures and previous revocation and, having heard from the Applicant, to consider whether or not the Applicant was a 'fit and proper' person to hold a Private Hire Drivers Licence.

The Licensing Manager outlined the test of a 'fit and proper' person and highlighted relevant guidance published by the Institute of Licensing in April 2018 and the options available to the Sub-Committee in determining the case; as detailed in the report.

The Applicant attended the Hearing and addressed the Sub-Committee. The Applicant provided more details regarding the personal circumstances around the two convictions and caution, along with the events that had led to New Forest District Council revoking his Public Carriage Licence. He confirmed that he did not appeal the decision to revoke his Licence.

To support his application, the Applicant advised that he had recently undertaken a two day BTEC course at Brockenhurst College in relation to Taxi Driving and was waiting to hear if he had passed the examination. The Applicant advised that the course had given him further insight in how to deal with difficult customers and situations. The Applicant accepted that he could have dealt with many of the highlighted incidents in a better way.

Members of the Sub-Committee asked various questions of all parties present at the Hearing.

All parties were given the opportunity to sum up before the Sub-Committee retired to make its decision.

The Sub-Committee adjourned at 10:43 to make its deliberations in private. The Sub-Committee reconvened at 11:20am to give its decision.

RESOLVED that:-

The Licensing Sub-Committee, having considered the written report and verbal submissions of the Licensing Manager, and the verbal representations of the Applicant, has determined that the Applicant is not a 'fit and proper' person to hold a Private Hire Driving Licence and therefore should not be allowed to continue with the application process to become a licenced driver.

Reasons for the Decision

The Sub-Committee considered the three previous convictions detailed on the DBS and the Applicant's explanation for them, and noted when considering an application for a Private Hire Drivers Licence, that convictions are never spent and will always need to be considered by the Council.

It became clear during the hearing that the Applicant has difficulty in managing his own emotional state and the Sub-Committee has no confidence that he will be able to behave appropriately when faced with challenging situations, which are common to the role of a Private Hire Driver.

The Sub-Committee noted that the convictions were a number of years ago, but it has also taken into account the behaviour displayed whilst holding a licence issued by New Forest District Council. This Licence has since been revoked on the 29/11/18. The Sub-Committee is concerned that he appears to not take responsibility for the previous incidents and appears quick to apportion blame to another person.

The Sub-Committee has taken into account the guidance issued by the Institute of Licensing, which confirms that the function of licensing and therefore the Council, is to protect the public, and any bar set when considering an applicant should be at the highest level. The Licensing process places a duty on the Council to determine the suitability of any applicant and it has determined that the Applicant is not suitable to be a Private Hire Driver

Right of Appeal

The Legal Advisor reported that all parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the Applicant is notified by the Licensing Authority of the decision in writing.

111. **Review of an Existing Hackney Carriage Driver's Licence**

The Driver was in attendance.

The Chairman made introductions and explained the procedure for the Hearing.

The Sub-Committee considered whether an existing Hackney Carriage and Private Hire Drivers Licence Holder in the Poole Zone, remained to be seen as a 'fit and proper' person following a physical altercation with another licensed driver on 27 January 2020.

The Licensing Technical Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as an Appendix to these Minutes in the Minute Book.

The Licensing Sub-Committee advised that the driver had held a Private Hire Drivers Licence since 15 October 2014 and that there was one previous complaint on file from 2018 regarding the maintenance of his vehicle.

The Taxi Licensing Department was made aware of a physical altercation which took place between two licensed drivers on 27 January 2020 at the George Taxi Rank, Poole. The incident was captured by CCTV which had been submitted to the Sub-Committee.

The Licensing Technical Officer informed the Sub-Committee that the driver had been interviewed by the Taxi Licensing Department on 28 January 2020 regarding the incident. The driver admitted in participating in a fight with another driver. A potential witness to the incident did not wish to disclose observations.

The Sub-Committee was being asked whether in light of the information available, to consider whether or not the driver was a 'fit and proper' person to continue to hold a Hackney Carriage and Private Hire Drivers Licence for BCP Council.

The Licensing Manager outlined the test of a 'fit and proper' person and relevant guidance and the options available to the Sub-Committee in determining the case, as detailed in the report.

The driver attended the Hearing and addressed the Sub-Committee and answered questions asked of him.

The driver provided more detail about the circumstances relating to the altercation with another driver. He explained that the other driver had used bad words and bullying behaviour towards him and that he had acted in self-defence.

The Sub-Committee viewed the CCTV footage of the incident.

Members of the Sub-Committee asked various questions from all parties present at the Hearing.

All parties were given the opportunity to sum up before the Sub-Committee retired to make its decision.

The Sub-Committee adjourned at 12:26 and agreed to defer its decision making in this matter until they had heard from the next driver who was also involved in the incident.

The Sub-Committee reconvened at 3.04pm to give its decision.

RESOLVED that

The Licensing Sub-Committee having considered the written report and verbal submissions of the Licensing Technical Officer and the verbal representations of the driver, and having viewed the CCTV footage of the incident of 27th January 2020 at the George Taxi Rank, has determined that the driver is a ‘fit and proper’ person and remains suitable to continue to hold a Hackney Carriage and Private Hire Drivers Licence with BCP Council, Poole Zone.

The Sub-Committee has taken into account the guidance issued by the Institute of Licensing, which confirms that the function of licensing and therefore the Council is to protect the public, and any bar set when considering a driver should be at the highest level. The Licensing process places a duty on the Council to determine the suitability of any driver.

Reasons for the Decision

The Sub-Committee feel that this was a one-off incident and that no members of the public were at risk. However, it is clear from the Byelaws that drivers should behave in a civil and orderly manner and clearly this was not displayed during this incident.

The Sub-Committee feel that a driver for BCP Council, should behave in an exemplary manner at all times and take a dim view of this type of behaviour. It is not a driver’s role to enforce Council Policy, and actions should be limited to reporting any concerns about other drivers to the Licensing Department, who will make the appropriate investigations.

It is the decision of the Sub-Committee that the Driver be issued with a warning letter to remind him of expected behaviour, the Bylaws contained in the Blue Book and the ‘Taxi Driver Etiquette Guide’. The letter will remain on record and will be referred to in the future should any further incidents occur.

Right of Appeal

There is no right of appeal against this decision.

112. Review of an Existing Hackney Carriage Driver's Licence

The driver was in attendance.

The Chairman made introductions and explained the procedure for the Hearing.

The Sub-Committee considered whether an existing Hackney Carriage and Private Hire Driver Licence Holder, in the Poole Zone, remained to be seen as a ‘fit and proper’ person, following a physical altercation with another licensed driver on 27 January 2020.

The Licensing Technical Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as an Appendix to these Minutes in the Minute Book.

The Licensing Sub-Committee advised that the driver had held a Private Hire Drivers Licence since 19 November 2011 and that there had been previous complaints from drivers and passengers, which included the refusal of short trips, incidents of poor driving and a previous driver dispute. The complaints had all been investigated and resolved.

The Taxi Licensing Department was made aware of a physical altercation which took place between two licensed drivers on 27 January 2020 at the George Taxi Rank, Poole. The incident was captured by CCTV and had submitted to the Sub-Committee.

The Licensing Technical Officer informed the Sub-Committee that the driver had been interviewed by the Taxi Licensing Department on 28 January 2020 regarding the incident. The driver had advised that a verbal altercation had taken place between himself and another driver, followed by a physical altercation, and he had telephoned the Police. Once the call to the Police had ended a further physical altercation had taken place. The driver had advised that he did not hit the other driver or participate in the fight as he had been restrained by a colleague, however, he had used self defence.

Two potential witnesses had been identified by the Taxi Licensing Department, one was a relation to the second driver and the other did not wish to disclose observations.

The Sub-Committee was being asked to consider whether in light of the information available, whether or not the driver was a ‘fit and proper’ person to continue to hold a Hackney Carriage and Private Hire Drivers Licence for BCP Council.

The Licensing Manager outlined the test of a ‘fit and proper’ person, and relevant guidance, and the options available to the Sub-Committee in determining the case, as detailed in the report.

The driver attended the Hearing and addressed the Sub-Committee. He was accompanied by a friend for moral support and who also acted as his translator.

The driver provided more detail about the circumstances relating to the altercation with another driver. He explained that the other driver had sworn

at him and had attacked him. He explained that he had telephoned the Police and that he had visited the hospital for his injuries. The driver submitted photographic evidence of his facial injuries, which had been taken at the hospital.

The Sub-Committee viewed the CCTV footage of the incident.

Members of the Sub-Committee asked various questions to all parties present at the Hearing.

The Legal Adviser asked the Licensing Technical Officer to confirm the number of complaints that had been received against the driver. The Technical Officer confirmed that there had been a total of three past complaints.

The driver informed the Sub-Committee that he had brought a witness to the incident with him and that he was in the waiting room. The Sub-Committee took the view that as the witness had been contacted by the Police and had refused to make a statement, it would not be necessary for him to address the Sub-Committee.

All parties were given the opportunity to sum up before the Sub-Committee retired to make its decision.

The Sub-Committee adjourned at 1.54pm to make its deliberations in private.

The Sub-Committee reconvened at 3.10pm to give its decision.

RESOLVED that

The Licensing Sub-Committee having considered the written report and verbal submissions of the Licensing Technical Officer, the verbal representations of the driver and those made through his translator, and having viewed the CCTV footage of the incident of 27th January 2020 at the George Taxi Rank, has determined that the driver is a ‘fit and proper’ person and remains suitable to continue to hold a Hackney Carriage and Private Hire Drivers Licence with BCP Council, Poole Zone.

The Sub-Committee has taken into account the guidance issued by the Institute of Licensing, which confirms that the function of licensing, and therefore the Council, is to protect the public and any bar set when considering a driver should be at the highest level. The Licensing process places a duty on the Council to determine the suitability of any driver.

Reasons for the Decision

The Sub-Committee feel that this was a one-off incident and that no members of the public were at risk. On this occasion they wish to take no further action against the driver.

The Sub-Committee feel that it would be beneficial if the Licensing Officer met with the driver to reissue the Blue Book and the Taxi Rank Etiquette Guide to remind the driver of how his conduct can be perceived by passengers and other drivers.

Right of Appeal

There is no right of appeal against this decision.

The meeting ended at 3.15 pm

CHAIRMAN

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 17 March 2020 at 10.00 am

Present:-

Cllr D Flagg – Chairman
– Vice-Chairman

Present: Cllr R Burton, Cllr D Butler

Also in attendance: Cllr G Farquhar (observing)

113. Election of Chairman

RESOLVED that Councillor D Flagg be elected Chairman of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

114. Apologies

Apologies for absence were received from Cllr J Butt. Cllr R Burton as the nominated reserve stepped up to be a member of the Sub Committee.

Cllr G Farquhar was present as an observer, having agreed to be the new reserve.

115. Declarations of Interests

There were no declarations of interest.

116. Application for Review of Premises Licence - Xchange Bar, 4 The Triangle, Bournemouth

In Attendance:

From BCP Council:

Sarah Rogers – Senior Licensing Officer

Linda Cole – Senior Solicitor

Jill Holyoake – Senior Democratic and Overview and Scrutiny Officer

Max Reid – Business Support Officer (observing)

On behalf of the Applicant, Dorset Police:

Louise Busfield – Drug and Alcohol Harm Reduction Team

Sergeant Gareth Gosling – Drug and Alcohol Harm Reduction Team

One Police observer

On behalf of the Premises:

Stuart Kimber – Premises Licence Holder and Designated Premises Supervisor

Carol Legg – employed at the premises, representing Mr Kimber

Three members of the public

The Chairman made introductions and the procedure to be followed in considering the review was outlined and agreed by all parties.

The Senior Licensing Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book. The Sub Committee was asked to consider an application by Dorset Police to review the premises licence for Xchange Bar, 4 The Triangle, Bournemouth, on the grounds that the premises was not upholding the prevention of crime and disorder and public safety licensing objectives. A copy of the application was attached to the covering report and provided detailed reasons for why the Police were seeking the review. The premises licence holders had not contacted the Licensing Authority or the Police during the consultation period either directly or through a third party. The options available to the Sub Committee in determining the review were set out in the report's recommendation.

Following the publication of the report Dorset Police provided an additional witness statement from Inspector Jonathan Wasey which had been circulated to all parties in advance of the hearing.

The following persons gave verbal evidence at the hearing:

- Sergeant Gareth Gosling and Louise Busfield, on behalf of the Chief Officer of Dorset Police, the applicant.
- Carol Legg – employed at the premises and representing Mr Stuart Kimber, the Premises Licence Holder and Designated Premises Supervisor.

During the hearing the Sub Committee was advised that part of Mrs Legg's verbal submission was likely to disclose exempt information of a personal nature in respect of her own circumstances and in respect of Mr Kimber.

RESOLVED that under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 the public be excluded for part of Mrs Legg's submission as the Sub Committee considers that the public interest in so doing outweighs the public interest in that part of the hearing taking place in public.

Having considered this part of Mrs Legg's submission the meeting resumed in public session.

Members of the Sub Committee asked various questions to all parties present during the hearing. All parties were given the opportunity to ask questions of one another.

All parties had the opportunity to sum up, before the Sub Committee retired to make its decision.

RESOLVED that having considered the application and having heard representations from Dorset Police and on behalf of the premises, and having regard for the 2003 Licensing Act and accompanying guidance, the Sub Committee decided to revoke the premises licence for XChange Bar, 4 The Triangle, Bournemouth, on the grounds that the premises is not upholding the licensing objectives of the prevention of crime and disorder and public safety.

Reasons for Decision:

The Sub Committee considered the options available as set out in the recommendations of the report. The Sub Committee did not consider that any of the other options would be appropriate in upholding the licensing objectives. The Sub Committee has no confidence in the current management or that being proposed at today's hearing. There are concerns that Mrs Legg, despite having some historic experience in the licensing industry, has no current training or qualifications in running a licensed premises. The Sub Committee shared the concerns of the Police that the current premises licence holders are not exercising the levels of control necessary to ensure that the licensing objectives are being upheld.

There are concerns that the Police have been trying to engage with the premises for a long time without success and there appears to be a disregard for the safety of clientele using the premises. In particular the Sub Committee noted that the steps proposed on 15 January 2020 by Mr Kimber had not been fully implemented, even straightforward, low-cost measures such as staff uniforms and staff meetings have not been introduced. The ID scanner which could have been in place within 5 days had not been implemented.

There are also concerns about the reliability of the CCTV which has been highlighted by the Police through their lengthy engagement with the premises.

The Sub Committee shared the concerns of the Police regarding the widespread use of drugs at the premises and the risk that this poses to the clientele and the community. The Sub Committee was not satisfied with the steps being proposed to address this today, such as the spray bleaching of surfaces.

The Legal Advisor to the Sub Committee advised all parties of the right of appeal against the decision, which may be made to the Magistrates' Court within a period of 21 days beginning with the day that the applicant is notified in writing of the decision.

117. Application to Vary a Premises Licence - Bistro on the Beach, Southbourne, Promenade, Bournemouth, BH6 4BE

The Sub Committee was advised that the premises licence holder for the Bistro on the Beach variation application had contacted the Licensing team seeking an adjournment as they were unable to attend the hearing. The Licensing team had contacted the other party involved, Dorset Police, who had no objection to the application being rescheduled for a later date to enable the applicant to attend.

RESOLVED that with the agreement of all parties and in accordance with the Licensing Act 2003 (Hearings) Regulations 2005, the hearing be opened and adjourned until the Sub Committee meeting on 14 April 2020.

The meeting ended at 12.55 pm

CHAIRMAN

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 14 April 2020 at 10.00 am

Present:-

Cllr D A Flagg – Chairman

Present: Cllr B Dunlop and Cllr G Farquhar

118. Election of Chairman

RESOLVED that Councillor Flagg be elected Chairman of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

119. Apologies

No apologies had been received on this occasion.

120. Declarations of Interests

There were no declarations received on this occasion.

121. Protocol for Public Representation at Virtual Meetings

The Chairman explained the protocol detailing the procedures of the meeting, as attached to the Agenda and asked that it be agreed. All participating parties agreed the procedure.

122. Review of Premises Licence at The Talbot, 559 Wimborne Road, Bournemouth, BH9 2AR

Attendance:

From BCP Council:

Tania Jardin – Licensing Officer

Sarah Rogers – Senior Licensing Officer

Linda Cole – Senior Solicitor

Nicky Hooley – Clerk - Democratic and Overview and Scrutiny Officer

On behalf of the Applicant, Dorset Police:

Sergeant Gareth Gosling – Drug and Alcohol Harm Reduction Team

On behalf of the Premises:

Richard Taylor – legal representative

Salle Wroblewski – regional manager

Observers:

Jill Holyoake – Senior Democratic Services Officer

The Licensing Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book. The Sub Committee was asked to consider an application by Dorset Police for a review of the premises licence for the Talbot at 559 Wimborne Road on the ground of prevention of crime and disorder and public safety licensing objectives.

On behalf of the applicant Sergeant Gosling addressed the Sub-Committee and confirmed that following mediation between the Police and premises, revised conditions had been agreed, which had been circulated to the Sub-Committee before the meeting.

Mr Taylor asked the applicant to clarify that as far as the application was concerned, that two serious breaches highlighted were not correct. One: that the premises traded without a DPS for six hours did not happen; as the DPS transfer application had been received by the Licensing authority in sufficient time; and two: that the suggestion there had been a breach of condition regarding glassware being taken outside was incorrect, as there was no such minor variation in place. Sergeant Gosling confirmed this to be correct in both cases.

Mr Taylor the solicitor for the applicant presented the applicant's case to the Sub-Committee.

The Sub-Committee asked various questions of all parties present at the Hearing. All parties were given the opportunity to ask questions of one another. All parties were then able to sum up before the Sub-Committee retired to make its decision.

Right of Appeal

The Legal Advisor reported that all parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the Applicant is notified by the Licensing Authority of this decision in writing.

Meeting adjourned 11:15

It was RESOLVED that:

Decision

The sub-committee have considered the application to review the Premises Licence of The Talbot, 559 Wimborne Road, Bournemouth, made by Dorset Police and have determined that in order to promote the Licensing Objectives of crime and disorder and public safety, that the conditions on the Premises Licence need to be modified. All of the conditions agreed between Dorset Police, BCP Licensing Officer and the Solicitor acting for El Group Ltd, the licence holder as set out on the Licensing supplement attached to the agenda should be added to the Licence. These include reducing the hours of licensable activity at the premises to 2300 hours Sunday to Monday and to Midnight Friday & Saturday.

In addition the sub- committee have determined that a further condition is necessary to promote these same Licensing Objectives. There must be at least one SIA registered door supervisor present at the premises between 5pm and closing on any day that the premises are open.

Reasons for decision

There is a real concern that the issues raised by Dorset Police and the BCP Licensing Officer will continue and there is potential that the Licensing Objectives of crime and disorder and public safety will continue to be undermined. The agreed conditions, the reduction in opening hours and the condition to engage SIA registered door supervisors when the premises are open, will provide a way for the premises to have some control over who is allowed to enter the premises and to keep the clientele in check.

There have been serious failings at the premises and multiple attempts made by the Licence Holder at finding a suitable DPS. The sub-committee have noted and welcomed that the premises will have a new DPS, but based on the evidence presented by Dorset Police and the Licensing officer in this review application, the sub-committee believe there are ingrained problems at the premises and do not believe that even a new experienced DPS alone can manage these premises responsibly and sufficiently. Despite the cost to the premises they are of the view that it is necessary to engage a SIA registered door supervisor as an extra precaution in order to prevent crime and disorder and to promote public safety.

123. **Application for Full Variation of Premises Licence for Bistro on the Beach, Solent Promenade, Southbourne, Bournemouth**

Attendance:

From BCP Council:

Michelle Fletcher – Licensing Officer

Sarah Rogers – Senior Licensing Officer

Linda Cole – Senior Solicitor

Nicky Hooley – Clerk - Democratic and Overview and Scrutiny Officer

On behalf of the Applicant, Dorset Police:

Sergeant Gareth Gosling – Drug and Alcohol Harm Reduction Team

Louise Busfield – Drug and Alcohol Harm Reduction Team

On behalf of the Premises:

Ian Meads - Premises Manager

Observers:

Jill Holyoake – Senior Democratic Services Officer

The Chairman explained the protocol detailing the procedures of the meeting, as attached to the Agenda and asked that it be agreed. All participating parties agreed the procedure.

The Licensing Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'B' to these Minutes in the Minute Book. The Sub Committee was asked to consider an application by Mr Ian Meads, on behalf of Mr Peter Bruton to vary the Premises Licence for Bistro on The Beach of Solent Promenade, Southbourne on the 28th January 2020. The application seeks to: Increase

the licensable area to include the existing take away area Add off sales for the supply of alcohol / Identify the location of an outdoor temporary bar server area - all in accordance with the current licence schedule and conditions. This is a resubmission of the application as the Licensing Authority rejected the original application due to a technical issue. It was not advertised correctly in accordance with the guidelines of the Licensing Act 2003.

Mr Meads addressed the Sub-Committee on behalf of the premises and advised that Mr Bruton forwarded his apologies, as he was unable to attend the meeting.

Sergeant Gareth Gosling and Louise Busfield addressed the Sub-Committee on behalf of Dorset Police.

The Sub-Committee asked various questions of all parties present at the Hearing. All parties were given the opportunity to ask questions of one another. All parties were then able to sum up before the Sub-Committee retired to make its decision.

Right of Appeal

The Legal Advisor reported that all parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the Applicant is notified by the Licensing Authority of this decision in writing.

It was RESOLVED that:

Decision

The sub-committee have considered the application to vary the Premises Licence of Bistro on the Beach, Solent Promenade, Southbourne and have determined that the Transitional Grandfather rights, conditions 1.8 to 1.18 can be removed from the licence and the conditions agreed with Dorset Police and Environmental Health in 2019 as set out in the agenda be should be added to the Licence.

They refuse the application to increase the licensable area to include the existing kiosk/takeaway area and to allow off sales for the supply of alcohol.

Reasons for Decision

The sub-committee agree with the verbal and written submission off the Dorset Police that the duty of care by the operator and the licencing objectives would be undermined. And they share real concerns that the sale of alcohol as off sales would undermine the Licensing Objectives of Crime and Disorder and Public Safety. Off sales from the existing restaurant or the Kiosk would allow customers to buy alcohol to consume on the expansive beach area and the premises would have real difficulties supervising and controlling this expanse.

The meeting ended at 12.30 pm

CHAIRMAN

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 28 April 2020 at 10.00 am

Present:-

– Chairman

– Vice-Chairman

Present: Cllr G Farquhar, Cllr D A Flagg and Cllr D Kelsey

124. Election of Chairman

RESOLVED that Councillor D Flagg be elected Chairman of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

125. Apologies

Apologies for absence were received from Cllr T Johnson. Cllr G Farquhar as the nominated reserve stepped up to be a member of the Sub Committee.

Cllr R Burton was present as an observer, having agreed to be the new reserve.

126. Declarations of Interests

There were no declarations of interest.

In order to allow connections to be made by all participants for today's meeting, the Sub-Committee agreed to change the running order of the agenda so that items 7 and 8 would be heard prior to item 6.

127. Application for a New Premises Licence - Christchurch Food Festival, High Street Christchurch

The Chairman introduced the item and informed the Sub-Committee that they were being asked to formally open and adjourn the above hearing until 7 May 2020 in order to comply with the requirements of the Hearing Regulations.

RESOLVED that

the Sub-Committee agreed unanimously to formally open and adjourn the hearing for the Application for a New Premises Licence - Christchurch Food Festival, High Street Christchurch until the 7 May 2020.

128. Application for a New Premises Licence - Christchurch Food Festival, Quay Road, Christchurch

The Chairman introduced the item and informed the Sub-Committee that they were being asked to formally open and adjourn the above hearing until 7 May 2020 in order to comply with the requirements of the Hearing Regulations.

RESOLVED that
the Sub-Committee agreed unanimously to formally open and adjourn the hearing for the Application for a New Premises Licence - Christchurch Food Festival, Quay Road, Christchurch until the 7 May 2020.

129. Application for Review of Premises Licence - Supermarket Romania, 515 Christchurch Road

In Attendance:

From BCP Council:

Nananka Randle – Senior Licensing Officer
Michelle Fletcher – Licensing Technician
Linda Cole – Senior Solicitor
Jill Aiken - Strategic Safeguarding and Quality Manager
Joseph Tyler –Democratic and Overview & Scrutiny Officer and Clerk

On behalf of the Applicant, Dorset Police:

Louise Busfield – Drug and Alcohol Harm Reduction Team
Sergeant Gareth Gosling – Drug and Alcohol Harm Reduction Team

On behalf of the Premises:

Robert Mazerski – Premises Licence Holder
Jon Payne – LSL Solicitors, representing Mr Mazerski

The Chairman made introductions and the procedure to be followed in considering the review was outlined and agreed by all parties.

The Licensing Technician presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book. The Sub-Committee was asked to consider an application by Dorset Police to review the premises licence for Supermarket Romania, 515 Christchurch Road, Bournemouth, on the grounds that the premises is not upholding the prevention of crime and disorder. Specifically, that the premises is involved in criminal activity that the Licensing Act 2003 considers particularly serious, namely the sale and storage of smuggled tobacco. Dorset Police no longer had confidence in the DPS or Premises Licence Holder.

A copy of the application was attached to the covering report and provided detailed reasons for why the Police were seeking the review. The options available to the Sub Committee in determining the review were set out in the report's recommendation.

Following the publication of the report Dorset Police provided additional witness statements from Police Officer Alice Fay, Boscombe Police Hub and Officer Huw Morgan Dyer of H M Revenue and Customs, which had been circulated to all parties in advance of the hearing. Following the publication of the agenda, Mr Jon Payne provided additional documentation, in the form of commercial receipts and supporting information, which had been circulated to all parties in advance of the hearing.

The following persons gave verbal evidence at the hearing:

- Sergeant Gareth Gosling and Louise Busfield, on behalf of the Chief Officer of Dorset Police, the applicant.
- Robert Mazerski – Premises Licence Holder
- Jon Payne – LSL Solicitors, representing Mr Mazerski

RESOLVED that: having considered the application, the supporting documentation and the representations from Dorset Police, BCP Council's Children's Services and those on behalf of the premises, and having regard for the 2003 Licensing Act and accompanying guidance, the Sub-Committee decided to revoke the premises licence for Supermarket Romania, 515 Christchurch Road, on the grounds that the premises was not upholding the Licensing Objectives of the prevention of crime and disorder, public safety and the protection of children.

Reasons for Decision:

The Sub-Committee considered the options available as set out in the recommendations of the report. The Sub-Committee did not consider that any of the other options would be appropriate in upholding the Licensing Objectives. The Sub Committee had no confidence in the current management of the premises. They were of the view that the use of the premises for criminal activity had only stopped because the premises licence holder had been caught by HMRC and Dorset Police. The Sub-Committee agreed that the premises licence holder did not appear to realise how serious it was to sell illicit cigarettes and tobacco.

The Sub-Committee were concerned that simply modifying the conditions from those set out in the original licence dated 29 December 2016, would not result in the premises being managed responsibly and the Licensing Objectives being upheld. Members heard that conditions 2.5 and 2.8, had not been complied with, so did not want to add further conditions that may be difficult to enforce.

The Sub-Committee were advised that the current Designated Premises Supervisor (DPS) was to be changed from the Mr Mazerski to his wife. Again, the Sub-Committee had no confidence that this would resolve their concerns as Mr Mazerski would remain the sole director of the limited company, the manager of the premises and have significant role in running the premises.

The Sub Committee took particular account of paragraphs 11.23, 11.27 and 11.28 of the Guidance issued under section 182 of the Licensing Act 2005

and agreed that revocation of the premises licence was the only effective action that could be taken given the particularly serious nature of the criminal activity, in order to deter irresponsible trading and to promote the Licensing Objectives.

The Legal Advisor to the Sub Committee advised all parties of the right of appeal against the decision, which may be made to the Magistrates' Court within a period of 21 days beginning with the day that the applicant is notified in writing of the decision.

130. Application for Review of Premises Licence - Capital Pizza and Kebab, 51 Blandford Road

In Attendance:

From BCP Council:

Nananka Randle – Senior Licensing Officer
Lesley Johnson – Consumer Protection Officer
Linda Cole – Senior Solicitor
Joseph Tyler –Democratic and Overview & Scrutiny Officer and Clerk

On behalf of the Applicant, Dorset Police:

Louise Busfield – Drug and Alcohol Harm Reduction Team
Sergeant Gareth Gosling – Drug and Alcohol Harm Reduction Team

On behalf of the Premises:

Mahmut Gilgil – Premises Licence Holder
Gulsen Hinchley – Bournemouth Interpreters Group, translating for Mr Gilgil

The Chairman made introductions and, following a short adjournment, the procedure to be followed in considering the review was outlined and agreed by all parties.

The Consumer Protection Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'B' to these Minutes in the Minute Book. The Sub-Committee was asked to consider an application by Dorset Police to review the premises licence for Capital Pizza and Kebab, 51 Blandford Road, Poole on the grounds that the premises was not upholding the prevention of crime and disorder licensing objective. Specifically, that the premises was involved in criminal activity that the Licensing Act 2003 considers particularly serious, namely the sale and storage of smuggled tobacco. Dorset Police no longer had confidence in the DPS or Premises Licence Holder.

A copy of the application was attached to the covering report and provided detailed reasons for why the Police were seeking the review. The options available to the Sub Committee in determining the review were set out in the report's recommendation.

Following the publication of the report Dorset Police provided additional witness statements from Philip Briaris Civil Servant, H M Revenue and Customs and Officer Huw Morgan Dyer of H M Revenue and Customs, which had been circulated to all parties in advance of the hearing.

The following persons gave verbal evidence at the hearing:

- Sergeant Gareth Gosling and Louise Busfield, on behalf of the Chief Officer of Dorset Police, the applicant.
- Mahmut Gilgil – Premises Licence Holder

RESOLVED that: having considered the application, the supporting documentation and the representations made by Dorset Police and those on behalf of the premises at the meeting, and having regard for the 2003 Licensing Act and accompanying guidance, the Sub-Committee decided to revoke the premises licence for Capital Pizza and Kebab, 51 Blandford Road, Poole on the grounds that the premises was not upholding the Licensing Objective of the prevention of crime and disorder.

Reasons for Decision:

The Sub-Committee considered the options available as set out in the recommendations of the report and the Licensing Act 2003. The Sub-Committee did not consider that any of the other available options would be appropriate in upholding the Licensing Objectives. The Sub Committee had no confidence in the premises licence holder who is also the owner and manager of the business run from these premises. They were of the view he took no responsibility in how he managed the premises and was quick to blame others for the alleged offences that took place in it.

The Sub-Committee noted that a condition attached to the licence, namely condition 2 of annex 2, about making CCTV recordings available to the Police when requested had not been complied with and were very concerned that Mr Gilgil when questioned, stated he was never told of the conditions, that they were on the licence or what he was required to do in relation to them.

The Sub-Committee were extremely concerned that the seizure of illegal tobacco, dated 7 March 2020 was the second intelligence-led seizure recorded within a 12-month period at the premises. Despite the premises licence holder stating that the premises had been rented out when the first offence took place on the 18 June 2019, he remained the premises licence holder during this period and had been on the premises on the 18 June 2019 when a large volume of illicit tobacco had been seized. As licence holder he remained responsible for the premises and upholding the licensing objectives.

The Sub Committee noted that when the second seizure of illicit tobacco took place on the 7 March 2020, Mr Gilgil, was extremely obstructive and

became increasingly threatening and abusive to the officers who attended. This is in contradiction to the type of behaviour expected from a premises licence holder. It calls into question if he would be able to deal with a stressful situation appropriately and whether he is supportive of working in collaboration with the Responsible Authorities such as Dorset Police in order to uphold the Licensing Objectives.

The Sub Committee took particular account of paragraphs 11.23, 11.27 and 11.28 of the Guidance issued under section 182 of the Licensing Act 2005 and agreed that revocation of the premises licence was the only effective action that could be taken given the particularly serious nature of the criminal activity, in order to deter irresponsible trading and to promote the Licensing Objectives.

The Legal Advisor to the Sub Committee advised all parties of the right of appeal against the decision, which may be made to the Magistrates' Court within a period of 21 days beginning with the day that the applicant is notified in writing of the decision.

The meeting ended at 1.30 pm

CHAIRMAN

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 04 May 2020 at 10.00 am

Present:-

Cllr D A Flagg – Chairman

Present: Cllr D A Flagg, Cllr G Farquhar and Cllr D Kelsey

131. Election of Chairman

RESOLVED that Councillor Flagg be elected Chairman of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

132. Apologies

There were no apologies received on this occasion.

133. Declarations of Interests

There were no declarations received on this occasion.

134. Objection to Temporary Event Notices –

The Chairman explained the protocol detailing the procedures of the meeting, as attached to the Agenda and asked that it be agreed. All participating parties agreed the procedure.

Attendance:

From BCP Council:

Sarah Rogers – Senior Licensing Officer

Linda Cole – Senior Solicitor

Nicky Hooley – Clerk - Democratic and Overview and Scrutiny Officer

On behalf of the Applicant:

Marianne Brown, Applicant's Agent

Anthony Horton, Applicant

On behalf of Dorset Police:

Sergeant Gareth Gosling – Drug and Alcohol Harm Reduction Team

The Senior Licensing Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

The Sub-Committee were asked to consider three Temporary Event Notices (TENS) to permit the supply of alcohol, off the premises, by way of delivery through internet/telephone orders. Dorset Police have submitted an objection notice against all three notices on the grounds that they believe the licensing objectives will be undermined if granted.

Councillors were advised that there was an error in the report, and that where it stated that a 'Regulation' for crime prevention... it should be replaced with an 'objective'.

Ms Brown and Mr Horton addressed the Sub-Committee on behalf of the premises/applicant.

Sergeant Gareth Gosling addressed the Sub-Committee on behalf of Dorset Police.

The Sub-Committee asked various questions of all parties present at the Hearing. All parties were given the opportunity to ask questions of one another. All parties were then able to sum up before the Sub-Committee retired to make its decision.

Right of Appeal

The Legal Advisor reported that all parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the Applicant is notified by the Licensing Authority of this decision in writing. Any appeal has to be made at least 5 days before the event commences.

It was RESOLVED to allow the licensable activities to go ahead as stated in each of the Temporary Event Notices (TENS) because if managed in accordance with the application such activities should not undermine the licensing objectives.

However even though the Sub-Committee is aware they cannot add any conditions to the TENS applied for, there is an expectation that they run their drinks delivery business in accordance with the Alcohol Management Plan attached as part of the applications.

In addition, the sub-committee would expect the business to adhere to the following suggestions:

- a) The delivery driver to check, on delivery of alcohol that the recipient's payment card is the same payment card that was used to pay for the alcohol;**
- b) The delivery driver to make their assessment of whether the recipient is intoxicated before the alcohol is left in reach of the recipient, taking into account the 2m social distancing measures contained in Government Guidance;**
- c) To reconsider high volume orders made specifically for onward delivery at this time, as there are safeguarding concerns in this current climate relating to social distancing; and**
- d) To be mindful of any further alcohol marketing on social media. The sub-committee did not think the recent Grey Goose for sharing competition was appropriate.**

Voting: Unanimous

The meeting ended at 11.15 am

CHAIRMAN

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 20 May 2020 at 10.00 am

Present:-

Cllr G Farquhar – Chairman

Present: Cllr D Kelsey and Cllr R Burton

135. Election of Chairman

RESOLVED that Councillor Farquhar be elected Chairman of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

136. Apologies

There were no apologies received on this occasion.

137. Declarations of Interests

There were no declarations received on this occasion.

138. Exclusion of Press and Public

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.

Voting: unanimous

139. Consideration of Suitability of Renewal of Public Carriage Driver Licence in the Christchurch Zone

This item was restricted by virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

The Licensing Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

Councillors were asked to consider a renewal of Public Carriage Driver Licence in the Christchurch Zone. The driver has recently applied for the renewal of his Private Hire Driver Licence.

140. Consideration of Suitability of Renewal of Public Carriage Driver Licence in the Christchurch Zone

This item was restricted by virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

The Licensing Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'B' to these Minutes in the Minute Book.

Councillors were asked to consider renewal of Public Carriage Driver Licence in the Christchurch Zone. The driver had recently applied for the renewal of his Private Hire Driver Licence.

The meeting ended at 11.00 am

CHAIRMAN

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 16 June 2020 at 10.00 am

Present:-

Cllr D A Flagg – Chairman
– Vice-Chairman

Present: Cllr J J Butt and Cllr D Farr

141. Election of Chairman

RESOLVED that Councillor Flagg be elected Chairman of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

142. Apologies

There were no apologies received on this occasion.

143. Declarations of Interests

There were no declarations received on this occasion.

144. Application for a New Premises Licence - Fox Café, Redhill Avenue

The Chairman explained the protocol detailing the procedures of the meeting, as attached to the Agenda and asked that it be agreed. All participating parties agreed the procedure.

Attendance:

From BCP Council:

Trudi Barlow – Licensing Officer

Nananka Randle – Licensing Manager (observing)

Linda Cole – Legal Advisor to the Sub Committee

Nicky Hooley – Democratic Services Officer and Clerk to the Sub Committee

Darren Roser - Applicant BCP Parks

Michael Rowland - Applicant BCP Parks

Gareth Gosling - Responsible Authority Dorset Police

Louise Busfield - Responsible Authority Dorset Police

Councillor Jackie Edwards - representing residents Mrs Summerell and Mrs Skinner.

The Licensing Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

Councillors were asked to consider an application made by Bournemouth Christchurch and Poole Council Parks Department, for a new premises licence to allow regulated entertainment Monday to Sunday 11:00 to 22:00 hours and the supply of alcohol Monday to Sunday 12:00 to 22:00 hours.

The applicant, Mr Rowland addressed the Sub-Committee.

Councillor Edwards addressed the Sub-Committee, on behalf of two residents, who lived near to the site, who had concerns regarding the application.

The Sub-Committee asked various questions of all parties present at the Hearing. All parties were given the opportunity to ask questions of one another. All parties were then able to sum up before the Sub-Committee retired to make its decision.

Right of Appeal

The Legal Advisor reported that all parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the Applicant is notified by the Licensing Authority of this decision in writing.

It was RESOLVED to grant the application for a premises licence for Fox Café, Redhill Avenue Bournemouth, with conditions as set out in section M of the operating schedule of the application.

In addition the following conditions were added:

- a) **The CCTV provision must cover the whole of the licensed area; and**
- b) **A noise limiter be installed, and a maximum noise level be agreed, in consultation with Pollution Control, for events where amplified music is played.**

Reasons for decision:

The sub-committee were satisfied that the application did not undermine the licensing objectives, and if run in accordance with the operating schedule would not cause noise nuisance or anti-social behaviour to local residents who had raised concerns.

The sub-committee welcomed clarification from the applicant that any drinks supplied to the outdoor area will not be supplied in glass; about the size of the premises and the type of function that may be booked. They noted that no application had been made for supply of alcohol to be consumed off the premises and the applicant was no longer applying to be licensed for indoor sporting events. There is an expectation that any risk assessment undertaken in respect of a pre-booked function will be very thorough and adequate staffing will be in place at all times, to deal responsibly, not only with functions but when the premises are open to the public.

The sub-committee noted that Sgt Gosling's main concern was in respect of any pre-booked evening functions and he advised that the majority of ASB in the recreation ground occurred in the evening. They welcomed the amendments to the application made after the meeting with the Police and set out in paragraph 4 of the report namely to remove the old bowling green from the licensable area and add the following conditions:

- a) The serving of alcohol is ancillary to the purchase of food;
- b) Only food purchased at the Fox Café to be consumed on site;
- c) Any activity after 7pm will be a pre-booked function only, with alcohol served until 10pm only. The premises to be closed by 10.30pm; and
- d) There shall be half hourly checks of the licensed area.

The sub-committee however, felt that concerns raised by the Police during the hearing, in relation to CCTV coverage needed to be addressed within the premises licence to ensure the whole licensable area is covered by CCTV, and to assist staff in keeping control and effectively managing the whole of the premises, where alcohol was to be consumed.

The sub-committee acknowledged concerns raised by local residents in relation to noise levels, especially where amplified music may be played and therefore thought it proportionate that a noise limiter be installed to ensure amplified music levels do not cause a noise nuisance and disturb local residents.

Voting: Unanimous

Concluded hearing: 11:44

145. Exclusion of Press and Public

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.

146. Application to Vary a Premises Licence at 144 Old Christchurch Road, Bournemouth

This item was restricted by virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

The Licensing Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

Councillors were asked to consider an application to vary a premises licence, to extend the current permitted hours for late night refreshment and permit deliveries from the premises after certain hours.

The meeting ended at 11.55 am

CHAIRMAN

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BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 08 July 2020 at 10.00 am

Present:-

Cllr D A Flagg – Chairman

Present: Cllr N Decent and Cllr B Dunlop

1. Election of Chairman

RESOLVED that Councillor Flagg be elected Chairman of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

2. Apologies

There were no apologies received on this occasion.

3. Declarations of Interests

There were no declarations received on this occasion.

4. New Premises Licence Application for Bournemouth Electric Club, Broadway Lane, Bournemouth, BH8 0AA

Attendance:

From BCP Council:

Tania Jardim – Licensing Officer

Linda Cole – Legal Advisor to the Sub Committee

Nicky Hooley – Democratic Services Officer and Clerk to the Sub Committee

Mr Michael Callaghan - Applicant

Mr Ian Crockard/Innpacked – Applicant's Agent

Councillor Derek Borthick – representing some residents

Councillor Lisa Northover – representing some residents

Mr John Shopland - resident

The Licensing Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

Mr Ian Crockard of Innpacked Limited, made an application on behalf of Premier Bar and Catering Limited for a new premises licence at Bournemouth Electric Club, Broadway Lane.

Councillors were asked to consider the application for Live Music, Monday to Sunday 12:00 to 23:00 hours; Recorded Music and Supply of Alcohol on and off the premises, Monday to Sunday 12:00 to 01:00 hours; and the provision of Late Night Refreshments Monday to Sunday 23:00 to 01:00.

The applicant's agent, Mr Crockard addressed the Sub-Committee.

Councillors Borthwick and Northover addressed the Sub-Committee, on behalf of two residents, who lived near to the site, who had concerns regarding the application.

Mr Shopland, a local resident addressed the Sub-Committee, who had concerns regarding the application.

The Sub-Committee asked various questions of all parties present at the Hearing. All parties were given the opportunity to ask questions of one another. All parties were then able to sum up before the Sub-Committee retired to make its decision.

Right of Appeal

The Legal Advisor reported that all parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the Applicant is notified by the Licensing Authority of this decision in writing.

It was RESOLVED to grant the application for a premises licence for Bournemouth Electric Club, Broadway Lane, Bournemouth, with the following amendments:

a) that from Sunday to Thursday, the playing of recorded music and the supply of alcohol be permitted 12:00 to midnight

b) that from Sunday to Thursday, late night refreshment be permitted 23:00 to midnight

In addition, the conditions as set out in section M of the operating schedule of the application and the conditions agreed with Environmental Health Pollution Control and Dorset Police as set out in appendix 4 of the report pack, be added to the licence.

The Sub - Committee felt it was now appropriate that the Club Committee rescind the club premises certificate in light of the granting of the new premises licence.

Reasons for the decision:

The Sub-Committee acknowledged the problems set out in representations made by local residents and ward Councillors representing residents and believe the newly granted premises licence will give the licensing authority, Dorset Police and other responsible authorities more effective and greater control in dealing with issues that may arise, than the current club premises certificate. They expect the premises to be managed by the Applicant and DPS in the professional manner outlined in the application and at the hearing, and in accordance with the comprehensive conditions agreed with Environmental Health and Dorset Police. They hope that this should give some assurance to the local residents. The Committee particularly took on board the proximity of the premises to neighbouring houses and the potential for noise nuisance caused by those leaving the premises. In coming to their decision, the Committee recognised residents' concerns about noise levels after midnight, particularly on weeknights and felt it was proportionate to scale back the licensable activities to midnight Sunday to Thursdays.

Voting: Unanimous

The hearing closed at 11:25

5. Exclusion of Press and Public

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.

6. Review of Private Hire Driver Licence (Christchurch Zone)

This item was restricted by virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

The Licensing Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'B' to these Minutes in the Minute Book.

Councillors were asked to consider an application to review a Private Hire Driver Licence (Christchurch Zone).

The meeting ended at 12.05 pm

CHAIRMAN

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BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 21 July 2020 at 10.00 am

Present:-

Cllr J J Butt – Chairman

Present: Cllr N Decent and Cllr B Dion

7. Election of Chairman

RESOLVED that Councillor Butt be elected Chairman of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

8. Apologies

Apologies had been received from Councillor Parrish and Councillor Decent attended as the substitute member.

9. Declarations of Interests

There were no declarations received on this occasion.

10. Full Variation of a Premises Licence of More the Merrier, 68 Kimberley Road, Bournemouth

Attendance:

From BCP Council:

Michelle Fletcher - Licensing, Presenting Officer

Linda Cole – Legal Advisor to the Sub Committee

Nicky Hooley – Democratic Services Officer and Clerk to the Sub Committee

David Ramsey – Agent

Mr Ismael Gunduz – Applicant

Louise Busfield and Sgt Gareth Gosling – Dorset Police

The Licensing Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

Councillors were asked to consider an application made by Mr David Ramsey, on behalf of Mr Ismael Gunduz to vary the Premises Licence for More the Merrier of Kimberley Road Bournemouth on the 26 May 2020. The application sought to: remove Condition 2.11 to enable Mr Muzaffer Oksuz once again to be responsible for, or authorise, any sale of alcohol at the premises.

The applicant's agent, Mr Ramsey addressed the Sub-Committee.

Sgt Gareth Gosling addressed the Sub-Committee on behalf of Dorset Police.

The Sub-Committee asked various questions of all parties present at the Hearing. All parties were given the opportunity to ask questions of one another. All parties were then able to sum up before the Sub-Committee retired to make its decision.

Right of Appeal

The Legal Advisor reported that all parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the Applicant is notified by the Licensing Authority of this decision in writing.

It was RESOLVED that the application to vary the premises licence of More the Merrier, 68 Kimberley Road, Bournemouth namely to remove Condition 2.11 Muzaffer Oksuz shall not be responsible for, or authorise, any sale of alcohol at the premises be refused.

Reasons for decision:

The Sub Committee considered all of the documents contained in Agenda Item 5, the witness statement taken by Dorset Police from a local resident and submitted and shared with all parties by Dorset Police on the 20 July 2020 and the verbal submissions made at the hearing by Mr David Ramsey on behalf of the applicant, the applicant Mr Ismail Gundez and Sgt Gosling of Dorset Police.

The Sub Committee were mindful that although Mr Oksuz was the owner of the premises, and the condition added to the expense of running the business, it was not something they could take into consideration when taking their decision.

The Sub Committee were of the view that to remove this condition at this time, to enable Mr Muzaffer Oksuz once again to be responsible for, or authorise, any sale of alcohol at the premises would undermine the licensing objective of crime and disorder. They noted that this condition and others had been added to the licence in 2008 in settlement of an appeal against the revocation of the premises licence after a review hearing requested by Dorset Police due to concerns they had about underage sales taking place at the premises.

The premises had been subject to a further review hearing only on the 12 November 2019, again a review requested by Dorset Police because of continuing concerns of how the premises was being managed and alleged breaches of the conditions added in 2008, leading to the licensing objective of prevention of crime and disorder being undermined. The Sub Committee were mindful that as a result of this review, the then sub-committee hearing the matter, modified the licence by adding further conditions agreed by Dorset Police. It was also agreed that Mr Ismail Gunduz would become the Premises Licence Holder instead of Mr Oksuz and also the Designated Premises Supervisor.

The Sub Committee noted that Dorset Police continued to have concerns about the premises and that the premises were still on their radar and subject to their observations and visits. The recent witness statement taken

by Sgt Gosling only highlighted there was still much for the Police to investigate. This gave the Sub Committee no confidence that the sale of alcohol would be managed responsibly if condition 2.11 was removed from the premises licence at this time. They noted that Sgt Gosling had advised the Sub Committee that there were no current concerns regarding underage sales but they noted that Mr Gundeze has been the PLH and the DPS since November and responsible for the premises in this regard.

The Sub Committee were of the view there had been insufficient time since the premises licence review in November 2019, to be confident that this condition could be removed without risk of undermining licensing objectives. They were pleased to hear that Mr Oksuz had been successful in resitting his Award for Premises Licence Holders and had been granted his personal licence. They were of the view that this knowledge should be beneficial going forward assisting him in managing the sale of alcohol and the premises responsibly, when it became appropriate.

Voting: Unanimous

11. Exclusion of Press and Public

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.

12. Application for a Review of a Premises Licence Chicken Express, 144 Old Christchurch Road. Bournemouth

The Sub Committee was asked to open and adjourn this application until 19 August 2020, to comply with the Hearing Regulations. This was due to the premises licence holder being unable to attend, due to a family emergency. **It was RESOLVED to open and adjourn this application until 19 August 2020.**

Voting: unanimous

The meeting ended at 11.10 am

CHAIRMAN

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BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 12 August 2020 at 10.00 am

Present: Cllr G Farquhar, Cllr B Dion.

13. Apologies

Councillor Kelsey gave his apologies and Councillor Dion was present as the substitute member.

Councillor Farr gave his apologies.

14. Full Variation of a Premises Licence The Topsy Cow – 37 Charminster Road, Bournemouth, BH8 8UE.

It was RESOLVED that as the meeting was not quorate, the item be adjourned until the next meeting of the Licensing Sub Committee, which would be held on 19 August 2020.

The meeting ended at 10.15 am

CHAIRMAN

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BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 19 August 2020 at 10.00 am

Present:-

Cllr G Farquhar – Chairman

Present: Cllr R Burton, Cllr B Dion

15. Election of Chairman

RESOLVED that Councillor George Farquhar be elected Chairman of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

16. Apologies

There were no apologies. Councillor Norman Decent was present at the beginning of the meeting as the reserve but was not required to remain.

17. Declarations of Interests

There were no declarations of interest

18. Full Variation of Premises Licence - The Tipsy Cow, 37 Charminster Road, Bournemouth BH8 8UE - Adjourned item

Attendance:

From BCP Council:
Michelle Fletcher, Licensing Officer
Stephen Cox, Environmental Health Officer
Linda Cole, Legal Advisor to the Sub Committee
Jill Holyoake, Clerk to the Sub Committee

Mr Alex Marshall – Applicant
Mr Matt Theodore – Other Person (objecting)
Mr Mark Allen – Other Person (objecting)

The Chairman made introductions and explained the procedure for the hearing which was agreed by all parties.

The Licensing Officer presented a report, a copy of which had been circulated and a copy of which appears as Appendix A to these minutes in the Minute Book. The Sub Committee was asked to consider an application

to vary the premises licence for The Topsy Cow, 37 Charminster Road, Bournemouth, to increase the existing licensed area to include a seating area to the rear of the premises. The application had resulted in four representations being received from 'Other Persons' under the prevention of public nuisance licensing objective. At the hearing the Licensing Officer confirmed that seven letters of support had been received and passed to the applicant.

Following mediation, the Environmental Health Officer had agreed a number of additional conditions with the applicant and was not objecting to the application. The Environmental Health Officer was in attendance to respond to any questions as required.

The following persons attended the hearing and addressed the Sub Committee to expand on the points made in their written submissions:

Mr Alex Marshall – Applicant

Mr Matt Theodore – Other Person (objecting)

Mr Mark Allen – Other Person (objecting)

The Sub Committee asked various questions of all parties present. All parties were given the opportunity to ask questions of each other. All parties were given the opportunity to sum up before the Sub Committee retired to make its decision. Before concluding the Legal Advisor advised all parties of the right of appeal.

RESOLVED – That the application to vary the premises licence for The Topsy Cow, 37 Charminster Road, Bournemouth, to increase the existing licensed area to include a seating area to the rear of the premises, be granted subject to the following conditions:

Conditions agreed with Environmental Health:

- The rear outside area shall only be used between the hours of 10:00 and 22:00 (with the last seating up until 21:00)
- The premises licence holder shall have arrangements in place to ensure any seats unoccupied in the outside rear area after 21:00 are taken out of use
- After 22:00 the outside rear area shall be vacated and not used for any purpose, including smoking until 10:00 the following day
- No amplified or live music shall be played within the rear open area at any time

Conditions on the existing licence which will also apply to the outside rear area:

- Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables

- **Notices shall be prominently displayed at all exits and external areas reminding patrons to respect the needs of local businesses and residents and leave area quietly**
- **Loud speakers shall not be located in the entrance lobby or outside the premises building**
- **A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. The telephone number is to be made available to residents and businesses in the vicinity.**
- **A CCTV system shall be installed to cover all entry and exit points enabling frontal identification of every person in any light condition.**

Reasons for Decision:

The Sub Committee gave detailed consideration to all the written evidence that had been submitted before the meeting and contained in Agenda Item 5, along with the verbal submissions made by Ms Fletcher the Licensing Officer, Mr Cox the Environmental Health officer and Mr Theodore and Mr Allen 'Other Persons' who both made written objections in response to the application to vary the premises licence and Mr Marshall, the DPS of the premises, as well as responses given to questions asked at the meeting by all parties. During their deliberations the Sub-Committee also had sight of the transcript of the verbal presentation made by Mr Theodore.

In granting the application the Sub Committee had regard to the proposed use of the outside seating area at the rear of the premises for dining, with the provision of drinks being ancillary to food, with no provision for vertical drinking. In particular the Sub Committee noted the steps considered and taken by the applicant to promote the licensing objectives in preparing for the use of the rear outside area, including security and control of access/egress, the construction of a breeze block enclosure, the ability to view the premises from the bar and kitchen, and CCTV coverage. From the detail contained in the application the Sub Committee were of the view that the DPS had approached the use of this outside space in a responsible manner and with regard that use of this outdoor area may impact on local residents.

The Sub Committee had regard to the conditions agreed between the applicant and Environmental Health following mediation, resulting in no objection to the application from Environmental Health. The Sub Committee was satisfied that these additional conditions, which ensured that the outside rear area was vacated and not in use for any purpose after 22:00hours, constituted proportionate and reasonable measures which would address the concerns around public nuisance raised in the written and verbal representations made by persons living and owning property in the immediate vicinity.

The reason for the application being made at this current time was to compensate for the loss of internal restaurant space due to Covid-19 social

distancing requirements and to provide a quieter, safer environment for customers to eat outside than the area provided at the front of the premises. It was noted that under the Business and Planning Act 2020 that premises licensed to supply alcohol on sale have automatically been given permission to supply alcohol off sale to 11pm until 30 September 2021 to encourage premises to use space adjacent to their premises such as pavements. This premises is already licensed for off sales and regardless of this application there is nothing to stop this premises automatically using this outside area at the rear of the premises for customers to drink alcohol supplied as off sales. The Sub Committee agreed that the application to vary the licence to increase the licensed area had resulted in conditions which offered the Licensing Authority more in the way of regulatory control over the operation of the outside rear area than had the application not been submitted.

It was noted that the area in question had already been operating under a series of Temporary Event Notices (TENs) from 8 July 2020 with no formal evidence or complaints received since the 'events' had been held. While the Sub Committee acknowledged the concerns expressed in each of the written and verbal representations, it was mindful of the spirit of the Licensing Act 2003 and the case of *Thwaites PLC v Wirral Borough Magistrates' Court* 2008. No evidence of public nuisance was presented to the Sub Committee only concerns raised by local residents of what may happen in the future as a result of the variation, although it was noted that Mr Theodore and his family had experienced some noise and adult language from construction workers when celebrating the completion of works to the outside rear area, which Mr Marshall dealt with once informed.

As the premises is not in a cumulative impact area the onus is on those making representations to show that varying the licence will give rise to negative impact on the licensing objectives, notwithstanding the measures put forward by the applicant in the operating schedule and in agreed conditions. Should there be a specific concern relating to the undermining of one or more of the licensing objectives caused by the premises, the Licensing Act 2003 provides that a responsible authority or any other person may subsequently ask for a review of the premises licence.

Any persons aggrieved by the decision have the right of appeal to the Magistrates Court, and any such appeal should be lodged within 21 days of receiving the decision letter.

19. Exclusion of Press and Public

RESOLVED that under Regulation 14 (2) of the Licensing Act 2003 (Hearings) Regulations 2005, and under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 7 in Part I of Schedule 12A of the Act and that the public interest in being excluded from the hearing and in withholding the information

outweighs such interest in the hearing taking place in public and in disclosing the information.

Description of exempt information:

Paragraph 1: Information relating to any individual

Paragraph 2: Information which is likely to reveal the identity of an individual

Paragraph 7: Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

20. Application for a Review of a Premises Licence Chicken Express, 144 Old Christchurch Road. Bournemouth

Attendance:

From BCP Council:

Trudi Barlow, Licensing Officer

Nananka Randle, Licensing Manager

Linda Cole, Legal Advisor to the Sub Committee

Jill Holyoake, Clerk to the Sub Committee

Sergeant Gareth Gosling, Dorset Police – Applicant

Sarah Rogers, Senior Licensing Officer, BCP Council - representing the Licensing Authority as Responsible Authority in support of the review

Mr Philip Day, Solicitor representing the Premises Licence Holder

The Sub Committee considered a request from Mr Philip Day, representing the Premises Licence Holder, to further adjourn the hearing to enable him to establish contact with his client, take instructions from him and confirm his attendance at the suggested date for the adjourned hearing on 1 September 2020. Mr Day explained the personal circumstances of the Premises Licence Holder which had led to him making this request. He acknowledged that should he not be able to take instructions or confirm the Premises Licence Holder's attendance for the adjourned hearing on 1 September the hearing should proceed in his absence.

Sergeant Gareth Gosling, the applicant, confirmed that in light of the circumstances he would support the request to adjourn on the understanding that the hearing on 1 September would definitely proceed, to avoid any further delay in considering the concerns which had led to his application for review.

Sarah Rogers, representing the Licensing Authority as Responsible Authority, had no objection to the request to adjourn. One Other Person who had made a written representation in support of the review and was due to attend the hearing to give a verbal representation was contacted by the Clerk during the meeting and advised of the proposed adjournment and date.

Based on the information provided, the Legal Advisor to the Sub Committee recommended that the application be further adjourned in the interests of a fair hearing until 1 September 2020.

RESOLVED – That the application to review the premises licence for Chicken Express, 144 Old Christchurch Road, Bournemouth, be further adjourned in the interests of a fair hearing until the next Licensing Sub Committee on 1 September 2020 at 10.00am

The meeting ended at 12.01 pm

The Sub Committee concluded its deliberations at 12.50pm.

CHAIRMAN

LICENSING COMMITTEE



Report subject	Licensing Act 2003 - Review of Statement of Licensing Policy (SOLP)
Meeting date	17 September 2020
Status	Public Report
Executive summary	This is the first Statement of Licensing Policy for BCP Council since the establishment, on the 1st April 2019 of a single local government area for the now dissolved boroughs of Bournemouth, Christchurch and Poole. Following 2 consultation periods, agreed by members of the Licensing Committee and undertaken in accordance with Section 5 of the Licensing Act 2003, the Licensing Committee on behalf of the Licensing Authority must now consider all responses received in respect of the proposed Statement of Licensing Policy and either decide to include them or exclude them and provide reasons for their decision.
Recommendations	It is RECOMMENDED that: Members consider consultation responses and feedback, amend the draft document and recommend a final version of the Statement of Licensing Policy for adoption by Full Council
Reason for recommendations	The new Licensing Authority of BCP Council is required by section 5 of the Licensing Act 2003 , to determine and publish at 5 year intervals, a Statement of licensing policy. The now dissolved boroughs of Bournemouth, Christchurch and Poole have all previously published individual policies. The Local Government (Structural Changes) (General)(Amendment) Regulations 2018 provides that the Licensing Authority has 24 months from the date of reorganisation to prepare and publish a Statement of Licensing Policy for the new local government area. Before determining a revised SOLP the licensing authority must consult with persons listed in Section 5(3) of the 2003 Act. Guidance issued under Section 182 of the 2003 Act states that

	“During the five-year period, the policy must be kept under review and the licensing authority may make any revisions to it as it considers appropriate ...”.

Portfolio Holder(s):	Councillor Lewis Allison – Tourism, Leisure and Communities
Corporate Director	Kate Ryan – Corporate Director for Environment & Community
Report Authors	Nananka Randle, Licensing Manager
Wards	Council-wide
Classification	For Decision

Background

1. On 18th December 2019 Members were presented with the first draft of the proposed SOLP V5, this draft was amended following consultation and V7 is attached at Appendix 1 for your information.

Consultation

2. Public consultation commenced on 1st January 2020 for 12 weeks. This was undertaken via the council's consultation tracker on the website and via email to all parties as stated in appendix B of the policy document.
3. Following significant feedback and proposed amendments an additional 6 week consultation on V6 of the draft SOLP commenced on 18th May 2020, this was sent via email to all persons/bodies as stated in appendix B of the policy document
4. All consultation responses have been collated and are attached in Appendix 2. The results will be discussed at the hearing for full consideration

Options Appraisal

5. To consider each of the responses received which are set out in Appendix 2 and decide in respect of each of them to whether they be accepted and included or disregarded and excluded and subsequently produce the final draft of the reviewed Statement of Licensing Policy to be recommended to Full Council. Reasons should be given for all amendments.

Summary of financial implications

6. Any fees incurred will be absorbed within current budgets. Any costs associated with the review process will be covered by the income from the Licensing Act 2003 fees and/or annual fees received.
7. Paragraph 13.8 of the Section 182 Guidance states "When undertaking consultation exercises, licensing authorities should have regard to cost and time. Fee levels are intended to provide full cost recovery of all licensing functions including the preparation and publication of a statement of licensing policy, but this will be based on the statutory requirements. When licensing authorities exceed these requirements, they will have to absorb these costs themselves."

Summary of legal implications

8. The Licensing Act 2003 requires all authorities to publish a policy and review this policy every 5 years. If the authority does not publish such a policy the authority cannot rely on the policy as part of its decision-making process and could be subject to Judicial review.

Summary of human resources implications

9. Not applicable

Summary of sustainability impact

10. Not applicable

Summary of public health implications

11. Not applicable

Summary of equality implications

12. An equalities impact assessment has been completed in collaboration with Sam Johnson in equalities this has demonstrated positive impacts for race, age and sex.

Summary of risk assessment

13. Not applicable

Background papers

Bournemouth Borough Council's Statement of Licensing Policy:

<http://www.bournemouth.gov.uk/Business/Documents/StatementofLicensingPolicyLA2003.pdf>

Borough of Poole Statement of Licensing Policy

<https://www.poole.gov.uk/business-and-consumers/licences-and-street-trading/licensing-act-2003/>

Christchurch Council Statement of Licensing Policy

<https://www.christchurch.gov.uk/business-consumers/licences/licences-and-permits/alcohol-and-entertainment-licences/pdfs/cbc-statement-of-licensing-policy.pdf>

Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

Appendices

Appendix 1 – Draft SOLP V7

Appendix 2 – Consultation responses

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Statement of Licensing Policy

2020 - 2025

DRAFT

Licensing

Author: [Licensing Manager](#)
Version: V7
Review Date: November 2025



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1. Purpose Statement

- 1.1 BCP Council is the Licensing Authority under the Licensing Act 2003 and is responsible for Premises Licences, Club Premises Certificates, Temporary Event Notices and Personal Licences in its administrative area in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment.
- 1.2 This Policy is prepared under Section 5 of the Licensing Act 2003 and was approved by BCP Council on XXX 2020. It will be kept under review and as a minimum will be reviewed no later than 2025.
- 1.3 Unless otherwise stated any references to the Council are to the BCP Council Licensing Authority.
- 1.4 This policy covers the licensable activities as defined by the Licensing Act 2003. These are:
 - The sale of alcohol by retail
 - Supply of alcohol by or on behalf of a club, or to the order of a member of the club
 - The provision of regulated entertainment
 - The provision of late-night refreshment
- 1.5 This policy has regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
- 1.6 The council will carry out its functions under the Licensing Act 2003 with a view to promoting the licensing objectives namely:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm

Each objective is of equal importance.

- 1.7 This Policy is concerned with the regulation of licensable activities on licensed premises, by qualifying clubs and at temporary events. The conditions that the council attaches to the various licences will focus on matters that are relevant to the four licensing objectives and will centre upon the premises that are being used for licensable activities.
- 1.8 With regards to this policy the council adopts the overall approach of encouraging the responsible promotion of licensed activities, in the interests of its residents and visitors, it will not tolerate irresponsible licensed activity.

2. Who the Policy Applies To

- 2.1 This Statement of Licensing Policy will assist applicants, [officers of the Licensing Authority](#), Responsible Authorities, Members of the Licensing Committee, and persons making representations in the consideration of the relevant issues regarding applications, and ensuring they are dealt with fairly in line with the law.

- 2.2 This Policy also affords members of the Licensing Committee and Officers alike, to consider the concerns of the public and other recognised bodies, and to take appropriate measures where the objectives of the Licensing Act 2003 are put in jeopardy after licences have been issued.

3. This Policy Replaces

- 3.1 This Policy replaces the three previous Licensing Act 2003 Statement of Licensing Policies that covered Bournemouth Borough Council, Christchurch Borough Council and The Borough of Poole.

4. Approval Process

- 4.1 Section 5 of the Licensing 2003 Act requires a Licensing Authority to prepare and publish a Statement of Licensing Policy every five years. Such a Policy must be published before the Licensing Authority carries out any function in respect of individual applications and notices made under the terms of the Act. – **DELETE as repeated at 7.1**
- 4.2 During the five year period, the Policy must be kept under review and the Licensing Authority may make any revisions to it as it considers appropriate, for instance in the light of feedback from the local community on whether the statutory objectives are being met.
- 4.3 Where revisions are made to the Section 182 Statutory Guidance by the Secretary of State, it will be for the Licensing Authority to determine whether revisions to its own Statement of Licensing Policy are appropriate.
- 4.4 BCP Council as the Licensing Authority has delegated the Licensing Committee to oversee the development and review of its Statement of Licensing Policy. Once finalised the policy is presented to the Full Council for ratification.

5. Links to Council Strategies

- 5.1 This Policy supports the BCP Council Corporate Strategy and the Pan Dorset Drug and Alcohol Strategy (2016-2020)
- 5.2 The Licensing Authority aims to meet the BCP Council Corporate priorities regarding dynamic places by ensuring the licensing process supports local businesses. We aim to help them to meet their statutory obligations, and keep residents and visitors to our licensed venues safe, whilst still having an enjoyable leisure experience.
<https://www.bcpCouncil.gov.uk/About-BCP-Council/bcp-council-docs/BCP-Corporate-Strategy.pdf>
<https://www.dorset.police.uk/media/2768/bpd-alcohol-drugs-strategy-2016-2020.pdf>
- 5.3 During the preparation of this policy document due consideration has been given to the following Key BCP Council Strategies:
- Health & Wellbeing Strategy
 - Safeguarding Strategy
 - Communities Engagement Strategy
 - Crime & Disorder Reduction Strategy
 - Equality & Diversity

6. Background Information

- 6.1 Bournemouth Christchurch and Poole Council (BCP Council) is located in Dorset on the Jurassic Coast. It is the 12th largest Council in England with a population in the circa of 400,000 residents. It is predominantly urban with associated suburban areas, beaches, harbours, quay sides, open spaces, parks and gardens.
- 6.2 It has long established road and rail links to London, the Midlands and the South West and benefits from an international airport. It has three Universities, an innovative and business focused college and business strengths in the creative, digital, finance, aerospace, marine and environmental technology sectors.
- 6.3 It is one of the country's main holiday destinations and benefits from 15 miles of coastline with world recognised Blue Flag beaches. It is renowned for its water sports, music and arts festivals and its annual air festival which attracts over a million people a year to the event. Bournemouth's night time economy has also been accredited with the prestigious Purple Flag status for the last 10 years which is awarded to town and city centres that meet or surpass the standards of excellence in managing the evening and night time economy.
- 6.4 The area offers a vibrant mix of entertainment facilities for residents and visitors alike with established theatres, restaurants, cinemas, concert venues, conference facilities, museums and historic sites. The entertainment economy is well served with a wide variety of restaurants, pubs, bars and clubs.
- 6.5 The Council is keen to encourage a wide range of entertainment throughout the conurbation to support local cultural strategies. It recognises that live music, dancing, cinema and theatre enrich the cultural offer and benefit the wider economy.
- 6.6 The Council holds premises licences for a variety of public open spaces, pedestrian areas, the seafront and beaches, town centres, and community halls in the Council's own name. This avoids the need for performers and entertainers to obtain a Premises Licence or give a Temporary Event Notice to perform in such areas. A schedule of the areas of land so licensed is available from the Licensing Department and is also available from the Department of Culture Media and Sport website.
- 6.7 Further information and statistics relating to BCP Council can be found via the following link: <https://www.bcpCouncil.gov.uk/Council-and-Democratic/Consultation-And-Research/Local-Data/Local-Data.aspx>

7. Policy Consultation

- 7.1 Section 5 of the Licensing Act 2003 (<http://www.legislation.gov.uk/ukpga/2003/17/contents>) requires a Licensing Authority to prepare and publish a statement of its licensing policy every five years. Such a policy must be published before the Authority carries out any function in respect of individual applications and notices made under the terms of the 2003 Act. A glossary of terms used within this document and within the Act and guidance can be found in Appendix A.
- 7.2 During the five-year period, the policy must be kept under review and the Licensing Authority may make any revisions to it as it considers appropriate, for instance in the light of feedback

from the local community on whether the statutory objectives are being met. If the Licensing Authority determines and publishes its Policy in this way, a new five year period commences on the date it is published. Where revisions are made to the Section 182 Statutory Guidance by the Secretary of State, it will be for the Licensing Authority to determine whether revisions to its own Statement of Licensing Policy are appropriate.

- 7.3 This policy will commence on **XXXX 2020** and remain in force for five years but will be kept under review subject to further consultation as referred to above.
- 7.4 Before determining its policy, the Licensing Authority consulted with the persons listed in section 5(3) of the 2003 Act. These are:
- The Chief Officer of Police **for the area**;
 - The Fire and Rescue Authority **for the area**;
 - **Each local authority's** Director of Public Health **in England (DPH) or** Local Health Board **in Wales for an area any part of which is in the Licensing Authority's area**;
 - Persons/bodies representative of local Premises Licence Holders;
 - Persons/bodies representative of local Club Premises Certificate Holders;
 - Persons/bodies representative of local Personal Licence Holders; and
 - Persons/bodies representative of businesses and residents in its area.
- 7.5 The views of all these persons or bodies were given appropriate weight when the policy was determined. It is recognised that in some areas, it may be difficult to identify persons or bodies that represent all parts of industry affected by the provisions of the 2003 Act, but Licensing Authorities must make reasonable efforts to do so. The Licensing Authority notes that the terms of the 2003 Act do not prevent them consulting other bodies or persons.
- 7.6 Subject to the statutory requirements, it is for each Licensing Authority to determine the extent of the consultation it should undertake, and whether any particular person or body is representative of the groups described in the 2003 Act. A full list of consultees can be found in Appendix B.
- 7.7 Fees are set by Regulation and are intended to provide full cost recovery of all licensing functions including the preparation and publication of a Statement of Licensing Policy, but this will be based on the statutory requirements. Where a Licensing Authority exceeds these requirements, they will have to absorb those costs themselves.

Further advice can be obtained from:

The Licensing Manager
Licensing Team
BCP Council
Town Hall
Bourne Ave,
Bournemouth BH2 6EB
Tel: 01202 451180
Email: licensing@bcpcouncil.gov.uk

8. Fundamental Principles of the Policy

- 8.1 This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 and the Statutory Guidance issued under Section 182 of the 2003 Act by the Secretary of State. This Policy should be read as a whole and in conjunction with those provisions.

- 8.2 This statement is intended to assist Officers and Members in determining applications and to set out those factors that will normally be taken into consideration. Equally, it seeks to provide clarity for applicants, residents and other occupiers of property and investors, in order to enable them to plan a move to, remain or invest in the area with some measure of certainty.
- 8.3 This Policy sets out a general approach to making licensing decisions; it will not ignore or be inconsistent with provisions of the 2003 Act. For example, a Statement of Licensing Policy must not undermine the right of any person to apply under the terms of the 2003 Act for a variety of permissions and to have any such application considered on its individual merits. Similarly, it will not override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the 2003 Act provided they are **not frivolous or vexatious**.
- 8.4 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act. Conditions attached to various authorisations will be focused on matters which are within the control of individual licence holders and others with relevant authorisations, i.e. relevant to the premises and its vicinity.
- 8.5 Whether or not incidents can be regarded as being "in the vicinity" of licensed premises is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the question will ultimately be decided by the courts. In addressing this matter, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working, or engaged in normal activity in the area concerned.
- 8.6 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of the overall approach to the management of the day time, evening and night-time economy within the conurbation.
- 8.7 Each application will be considered on its own merits and in accordance with this Statement of Licensing Policy. Conditions attached to licences and certificates will be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions will be avoided, and the licensing authority acknowledges it may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

Licensable Activities

- 8.8 The Licensing Authority is responsible for considering all applications for licensable activities as defined in section 1 of the 2003 Act. Licensable activities are:
- The sale of alcohol by retail;
 - The supply of alcohol to club members and their guests;
 - The provision of regulated entertainment; and
 - The provision of late night refreshment.
- 8.9 Schedule 1 to the 2003 Act sets out what activities are regarded as the provision of regulated entertainment and when they are licensable together with those activities which are not and therefore exempt from the regulated entertainment regime. More details regarding the types

of exemption can be found in Chapter 16 of the Section 182 Statutory Guidance by the Secretary of State https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf.

The descriptions of entertainment activities licensable under the 2003 Act are:

- A performance of a play;
- An exhibition of a film;
- An indoor sporting event;
- A boxing or wrestling entertainment;
- A performance of live music; *
- Any playing of recorded music; *
- A performance of dance; and
- Entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance. *

*see Live Music Act 2012 and Legislative Reform (Entertainment Licensing) Order 2014 below

The Live Music Act and Legislative Reform Order made the following changes to the Licensing Act 2003:

- 8.10 The provision of regulated entertainment by or on behalf of local authorities, health care providers, or schools on their own defined premises will be exempt from entertainment licensing between 8am and 11pm on the same day with no audience limit.
- 8.11 Community premises not licensed to supply alcohol will be exempt from entertainment licensing requirements for live and recorded music between 8am and 11pm on the same day for audiences of no more than 500 persons.
- 8.12 The provision of amplified live music taking place on premises authorised by a premises licence or club premises certificate to supply alcohol for consumption on the premises (at a time when those premises are open for the purposes of being used for the supply of alcohol for consumption on the premises) will be exempt from entertainment licensing between 8am and 11pm before audiences of no more than 500 persons. This is subject to the right of a Licensing Authority to impose conditions about live music following a review of a premises licence or club premises certificate.
- 8.13 The provision of amplified live music taking place in a workplace not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment) will be exempt from entertainment licensing between 8am and 11pm of in front of audiences of no more than 500 persons.
- 8.14 The provision of unamplified live music taking place in any place will be exempt from entertainment licensing between 8am and 11pm. This is subject to the right of a Licensing Authority to impose conditions about live music following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises.
- 8.15 The provision of entertainment facilities is exempt from entertainment licensing.

- 8.16 Live and recorded music that is integral to a performance of Morris dancing or dancing of a similar type is exempt from entertainment licensing.
- 8.17 Travelling circuses are exempt from entertainment licensing in respect of all descriptions of entertainment, except an exhibition of a film or a boxing or wrestling entertainment, where the entertainment or sport takes place between 8am and 11pm on the same day, with no audience limit.
- 8.18 Greco-Roman and freestyle wrestling is exempt from licensing between 8am and 11pm for audiences of up to 1000 persons.
- 8.19 An exhibition of film that is incidental to another activity (where that other activity is not itself a description of entertainment set out in paragraph 2 of Schedule 1 to the 2003 Act) is exempt from licensing.

Duplication

- 8.20 The Licensing Authority will actively seek to avoid attaching conditions that duplicate other regulatory regimes as far as possible.
- 8.21 However, these provisions will not always adequately address specific issues that arise on the premises in connection with certain types of licensable activities. Therefore, it may be necessary for the Licensing Authority to consider the imposition of conditions, if not volunteered by the applicant in their operating schedule and following relevant representations, if they are considered appropriate for the promotion of the licensing objectives and are not already provided for in any other legislation

Licence Conditions

- 8.22 Conditions on a premises licence or club premises certificates are important in setting the parameters within which premises can lawfully operate. The use of wording such as "must", "shall" and "will" is considered necessary to emphasise their importance.
- 8.23 Licence conditions:
- Must be appropriate for the promotion of the licensing objectives
 - Must be precise and enforceable
 - Must be unambiguous and clear in what they intend to achieve
 - Should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation
 - Must be tailored to the individual type, location and characteristics of the premises and events concerned
 - Should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case
 - Should not replicate offences set out in the 2003 Act or other legislation
 - Should be proportionate, justifiable and be capable of being met
 - Cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave
 - Should be written in a prescriptive format.

A copy of BCP Council's Model Pool of Licensing Conditions is attached at Appendix D which can be used to assist applicants when considering the four licensing objectives within their proposed operating schedule.

- 8.24 Where responsible authorities and other persons do not raise any representations about the application made to the Licensing Authority, it is the statutory duty of the Authority to grant a licence or certificate subject only to conditions that are consistent with the operating schedule and any mandatory conditions prescribed in the 2003 Act.
- 8.25 It is possible that in certain cases, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions at all are needed or considered appropriate to promote the licensing objectives.
- 8.26 The Licensing Authority wishes to work in partnership with all parties to ensure that the licensing objectives are promoted collectively. To support this aim and to minimise disputes and the necessity for hearings, the Licensing Authority considers it sensible for applicants to seek the views of responsible authorities before formally submitting applications, but it acknowledges that there is no legal requirement to do this.

Mandatory Conditions

- 8.27 The 2003 Act provides for certain mandatory conditions to be applied to premises licences or club premises certificates. The full list of mandatory conditions that apply at the publication date of this statement of licensing policy can be found at:

<https://www.legislation.gov.uk/ukdsi/2014/9780111116906>

<https://www.gov.uk/government/publications/guidance-on-mandatory-licensing-conditions>

- 8.28 The Licensing Authority expects that applicants, licence and certificate holders will familiarise themselves and ensure all staff are familiar with the mandatory conditions and any additional conditions such as those associated with the operating schedule or that may be attached by committee.

Enforcement and Sanctions

- 8.29 [The enforcement and sanctions open to the Licensing Committee are set out in the Licensing Act 2003 and associated regulations.](#)
- 8.30 The Licensing Authority has established a Memorandum of Understanding (MOU) with Dorset Police and other enforcing authorities. This agreement assists officers to prioritise efforts to tackle 'problem' and 'high-risk' premises and forms the basis of an intelligence led approach. In respect of premises which are shown to be well maintained and managed a 'lighter' approach will be applied.
- 8.31 All inspections and enforcement procedures are carried out in accordance with the MOU to ensure that it is effective, well targeted and contributes to economic progress. The Council uses a graduated approach to enforcement in order to achieve compliance.
- 8.32 The Licensing Authority will process personal information in accordance with the Data Protection Act 2018. The personal details provided by applicants will be held on a database and where the law allows, may be shared with other departments within the Council to update details they hold. The Licensing Authority may also be required to disclose personal information to third parties (such as the Police, Department for Work and Pensions, Immigration Enforcement, or the National Fraud Initiative) for the purposes of preventing or detecting crime or apprehending or prosecuting offenders.

- 8.23 When judged necessary to do so, authorised officers of the Licensing Authority and responsible authorities will undertake unannounced inspections or test purchase visits to licensed premises in order to ensure compliance with the provisions of the 2003 Act and any other associated legislation.
- 8.24 The Licensing Authority will receive, from time to time, reports from its officers on any formal enforcement proceedings instigated against licence holders in relation to offences under the 2003 Act.

Entertainment Provisions

- 8.24 The Licensing Authority is committed to facilitating a broad range of entertainment provision within Bournemouth, Christchurch and Poole for the enjoyment by a wide cross-section of the public.
- 8.25 The Licensing Authority in wishing to offer such facilities recognises that a balance needs to be struck between promoting the provision of entertainment and addressing concerns relevant to the licensing objectives. The Licensing Authority is conscious of the risk that a licensing policy may inadvertently deter live music by imposing indirect costs of a disproportionate nature and will therefore only seek to impose conditions, when representations are received, that will be proportionate, justifiable, capable of being met and appropriate for the promotion of the four licensing objectives.

Need for licensed Premises

- 8.26 The Licensing Authority recognises that there can be confusion about the difference between the "need" for premises and the "cumulative impact" of premises on the licensing objectives, for example, on crime and disorder. "Need" concerns the commercial demand for other premises and is a matter for the planning authority and for the market. This is not a matter for the Licensing Authority in discharging its licensing functions or for its Statement of Licensing Policy.

9. The Cumulative Impact of a concentration of licensed premises

- 9.1 In some areas where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.
- 9.2 Queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also attract criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.
- 9.3 In order to address the issue of a high concentration of licensed premises in an area BCP Council may produce a Cumulative Impact Assessment Policy in accordance with the Licensing Act 2003. If such a Policy is produced the Licensing Authority will take this into consideration when determining any applications within the BCP Council area.

- 9.1 This Statement of Policy must take into account any Cumulative Impact Assessment (CIA) published under section 5A of the 2003 Act. The aim of a CIA is to limit the growth of licensed premises where the promotion of the licensing objectives is being compromised.
- 9.2 The cumulative impact of premises on the promotion of the licensing objectives of a concentration of licensed premises by number, type or density in an area is therefore a matter that the council will consider. Where there is good evidence that crime and disorder or public nuisance are happening and are caused by customers of licensed premises located in such an area, consideration will be given to adopting a special policy to help address such issues.
- 9.3 Where the Licensing Authority receives a geographic cluster of complaints, the authority will consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the Licensing Authority will also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement.
- 9.4 Such a special policy will be implemented if the authority is satisfied that there is enough evidence to support such a decision, and that it is proportionate and the most effective measure to address the problems identified.
- 9.5 Types of evidence the licensing authority will take into consideration when considering whether to implement such a special policy include:
- Local crime and disorder statistics, including statistics on specific types of crime and crime hotspots
 - Statistics on local antisocial behaviour offences
 - Health-related statistics such as alcohol-related emergency attendances and admissions
 - Environmental health complaints, particularly in relation to litter and noise complaints recorded by the local authority, which may include complaints by residents or residents' associations
 - Residents' questionnaires
 - Evidence from local councillors
 - Evidence obtained through local consultation
- 9.6 The Licensing Authority will consider:
- The number, type and density of licensed premises and the hours and activities they are licensed for Trends in licence applications, particularly trends in applications by types of premises and terminal hours
 - Changes in the terminal hours of premises
 - Premises' capacities at various times of night and the expected concentrations of drinkers who will be expected to be leaving premises at different times
 - Residential density
 - The number of consumers attracted to the area and the availability of public transport
- 9.7 Bournemouth Borough Council (being the predecessor Licensing Authority for the former Bournemouth Administrative area prior to Local Government Re Organisation in Dorset) adopted a Cumulative Impact Special Policy on 27 February 2007, to deal with the cumulative impact caused by the number, type and density of licensed premises in the Town Centre. By virtue of Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008/2867 this policy continues to apply until such a time as it ceases to have effect. The Special Policy has been kept under review, the areas in the plans at Appendix B, were identified as suffering from the effects of a concentration of licensed premises. The Licensing Authority considered that the principal

impact of the areas shown is upon the prevention of crime and disorder and prevention of public nuisance licensing objectives. In these three 'stress' areas the special policy applies to all premises licences and club premises certificates, for example pubs, restaurants, and takeaway establishments. Off licences also come within this policy as they can contribute to problems of street drinking, proxy purchasing, dispersal issues, preloading and excessive drinking and related disorder.

Any variation application, including minor variations, will potentially come within this special policy, including those for extensions of hours, subject of course to an applicant satisfying the authority that there will be no adverse effect on cumulative impact.

9.8 Where representations are received in respect of applications in the areas identified in Appendix B for new Premises Licences or Club Premises Certificates or variations for premises currently licensed, the following will apply:

- A presumption will be made that the Licensing Authority will **refuse such applications** if a relevant representation is received in regard to the any licensing objective.

9.9 The Licensing Authority will review the CIA Special Policy in early 2020. And this will replace the existing Bournemouth Borough Council Special Policy.

10. Other Mechanisms for Controlling the Impact of Licensed Premises

10.1 Once away from the licensed premises, a minority of customers may behave badly and unlawfully. Other mechanisms exist both within and outside the licensing regime that are available for addressing such issues. For example:

- Planning control
- Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority, including Best Bar None, Pub Watch or BIDs
- Community Alcohol Partnership Scheme (CAP)
- Community Protection Notices
- The provision of CCTV surveillance in town centres, taxi ranks, street cleaning and litter patrols
- Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly
- A Public Spaces Protection Order
- The confiscation of alcohol from adults and children in designated areas
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
- A prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale)
- Closure Notices and Closure Orders
- The power of the police, other responsible authorities or other persons to seek a review of a licence or certificate
- Raising a contribution to policing the late night economy through the Late Night Levy and Early Morning Alcohol Restriction Orders

10.2 The Licensing Authority recognises the importance of initiatives to aid public safety such as the Safe Bus in Bournemouth which has been running since July 2005 and was set up to provide a one stop shop in the town centre to support vulnerable people and deflect any minor injuries away from the ambulance service, unnecessary attendances at the A&E department

and subsequent admissions. The use of Club Nannies also assists in the reduction of persons requiring the attention of the emergency services. The Licensing Authority also uses the Street Pastor schemes, Business Improvement District (BID) and Public Spaces Protection Orders (PSPO) as well as other alcohol related anti social behaviour initiatives. In key areas Community Safety and Accreditation Scheme (CSAS) officers patrol and take action to address street drinking and support council initiatives.

10.3 The Licensing Authority has not considered the use of alternative measures such as fixed closing times, staggered closing times or zoning within its area. Should the Licensing Authority intend to use such measures in order to orchestrate closing times so as to manage problems in the night-time economy based upon the promotion of the licensing objectives, then a review of this aspect of the policy will be undertaken and will justify its reasons for doing so within its Statement of Licensing Policy.

10.4 The Licensing Authority recognises that, as with the creation of a special policy, the use of such mechanisms would create a rebuttable presumption to grant and would apply in the event of representations being received.

Best Bar None, Town Watch and Pub watch

10.5 The Licensing Authority will support organisations such as Best Bar None, Town Watch and Pub Watch which contribute towards providing safer environments for the patrons of premises operating in the evening and night time economy. There are a number of groups covering areas and districts throughout Bournemouth, Christchurch and Poole that seek to improve the network of real time information that allows them to take proactive action to minimise the effects on crime and disorder and anti-social behaviour. The Licensing Authority expects licensees to support and be active members of trade led best practice schemes.

Preventing Glass Injuries

10.6 Glass-related injuries, whether accidental or due to violent crime, can lead to major injury and be life changing. Customers prefer glasses and bottles and using alternatives for glass can place extra financial burdens on businesses. However, glasses and bottles can be used as weapons in the drinking environment and by removing glass from premises, injuries may fall.

10.7 Removing glass from premises will be targeted to those that are considered to carry a higher risk for potential crime and disorder or the nature of the activity increases the risk of glass becoming a risk.

10.8 The Licensing Authority will expect licensees to consider the need for alternatives to glass as part of their application and to have early discussions with Dorset Police on suitable alternatives.

- It may be appropriate to provide alternatives to glass in the following circumstances:
- Where the nature of the event or activity prevents the frequent collection of glass from the venue,
- High volume vertical drinking establishments trading beyond midnight, particularly in any cumulative impact area,
- Large outdoor events,
- Areas where children or vulnerable adults are likely to be present, e.g. play areas, children's parties,
- Where there is a history of glass incidents

- 10.9 Where alternatives to glass bottles are considered they must form part of the operating schedule or supporting information. Licensees will also be expected to maintain an on-going review of the need for alternatives to glass.

Alcohol Deliveries

- 10.10 Premises such as takeaways should make clear on their application if they intend to sell alcohol via a delivery service. Test purchases of alcohol deliveries to an under 18 carried out by the council noted a number of failures to ensure alcohol was not handed directly to those under 18 or if an adult was present on the premises.
- 10.11 An applicant seeking a licence that will enable them to provide alcohol as part of a **n alcohol** delivery service should include in their operating schedule the procedures they intend to operate to ensure that:
- The person they are selling alcohol to is over the age of 18
 - That alcohol is only delivered to a person over the age of 18
 - That a clear document trail of the order process from order, despatch from the licensed premises and delivery to the customer is maintained (with times and signatures) and available for inspection by an authorised officer
 - The time that alcohol is sold on the website/over the phone and the time the alcohol is delivered is within the hours stated on the licence for the sale of alcohol

Licensing hours

- 10.12 With regard to licensing hours the Licensing Authority recognises that the Government acknowledges that different approaches may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the Licensing Authority power to make decisions regarding licensed opening hours as part of the implementation of its Statement of Licensing Policy. **The Licensing Authority expects applicants for all types of licensed premises to consider licensing hours as an important issue when preparing their operating schedules, and to consider the impact of the hours requested on the licensing objectives.**
- 10.13 The Licensing Authority recognises that licensed premises make an important contribution to our local community, and that it has a wide range of tools available to effectively manage the different pressures that licensed premises can bring. In determining any strategies concerning licensing opening hours, the Licensing Authority will not seek to restrict the activities of licensed premises where it is not appropriate for the promotion of the licensing objectives.
- 10.14 **In considering licensing hours each case will be decided on its merits. The Licensing Authority will consider relevant representations received and may limit the hours permitted for licensable activities and impose different hours from those requested. This will be done only if it is necessary to promote the licensing objectives. There will be no general presumption in favour of lengthening licensing hours.**
- 10.15 **The Licensing Authority expects applicants to consider winding down periods when they prepare their operating schedules. Gradual winding down of entertainment such as loud music should take place before the sale of alcohol concludes and the end of trading hours. Such winding down will encourage customers to leave of their own volition and may reduce any potential for nuisance as they leave the licensed premises. Customers may be more likely to leave the premises spasmodically in small groups rather than en masse.**

10.16 The Licensing Authority will always consider an applicant's specific case. If the matter of licensing hours has been raised in a representation, it will take into account any proposals from the applicant to minimise the risk of nuisance and disorder being caused or exacerbated by customers leaving the premises. However, it is unlikely that statement such as "the premises are well managed" or "the applicant is of good character" or that "the style of the premises is intended and likely to attract a discerning clientele" will alone be sufficient to demonstrate that restrictions on hours of trading should not be applied.

11. Integration of Strategies

- 11.1 The Licensing Authority will endeavor to promote proper integration of the Statement of Licensing Policy with local crime prevention, planning, transport, tourism, equality schemes and cultural strategies together with any other plans introduced for the management of town centres' and the night-time economy. Whilst many of these strategies are not directly related to the promotion of the four licensing objectives, they indirectly impact upon them. The Licensing Authority recognises the importance of co-ordination and integration of such policies, strategies and initiatives.
- 11.2 Licensing Authority notes that the Statement of Licensing Policy must have regard to an expectation of preventing crime and disorder pursuant to Section 17 of the Crime and Disorder Act 1998.
- 11.3 The Licensing Authority also recognises the connection between excessive alcohol consumption, poor health and cost to the Health Authority. As part of a wider package of initiatives, the Council is aiming to deal with the negative effects of alcohol consumption through its [The Pan Dorset Drug and Alcohol Strategy \(2016 – 2020\)](#).

Planning and Building Control

- 11.4 Planning permission, building control approval and licensing regimes will be properly separated to avoid duplication **and inefficiency**. Granting of licences will not relieve applicants of the need to apply for planning permission or building control consent and there is an expectation that these issues will have been explored before licensing applications are submitted. Applicants are recommended to obtain correct planning consents prior to applying for a licence to avoid potentially inoperative licenses.
- 11.5 Matters for consideration in licensing applications will not duplicate matters considered as part of any planning application. Licensing decisions will consider any relevant planning decisions either by the Planning Committee or following appeals against decisions taken by that committee and as such licensing applications shall not be a re-run of the planning application and will not cut across decisions taken by the Planning Committee or following appeals against decisions taken by that committee.
- 11.6 The Licensing Sub-Committee is not bound by decisions made by the Planning Committee, and vice versa, but, as set out in Chapter 9 of the Statutory Guidance, will consider discussions with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.
- 11.7 The granting by the licensing sub-committee of any variation of a licence which involves a material alteration to a building will not relieve the applicant of the need to apply for planning permission or building control where appropriate.
- 11.8 In circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes and where those hours are different to the

licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission will be liable to prosecution under planning law.

- 11.9 The Planning Authority may also make representations as a responsible authority as long as they relate to the licensing objectives. The Licensing Authority recognises that nuisance and crime and disorder are matters that share common ground within the planning and licensing regimes. Concerns relating to the character and function of an area and aspects of amenity that do not constitute a public nuisance are outside the scope of the licensing regime and will be dealt with separately by the Planning Authority. The Licensing Authority therefore recognises that a combination of licensing and planning powers together with effective management of the street environment is required to overcome these problems.

Promotion of Equality

- 11.10 The Licensing Authority recognises that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 11.11 The Council is required to publish information at least annually to demonstrate its compliance with the Equality Duty. These details are published on the Council's website. Further guidance is available from Government Equalities Office and the Equality and Human Rights Commission <https://www.gov.uk/government/organisations/government-equalities-office>; <https://www.equalityhumanrights.com/en>

12. The Licence Process and Applications

- 12.1 Applications must be made to the council in the form prescribed by Regulations. Guidance is available to applicants setting out the detail of the process on the BCP Council website.
- 12.2 The Licensing Committee expects applicants to have regard to this statement of licensing policy when completing their operating schedule. Applicants are expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives that they understand:
- The layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
 - Any risk posed to the local area by the applicants' proposed licensable activities; and
 - Any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.
- 12.4 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate:
- An understanding of how the policy impacts on their application
 - Any measures they will take to mitigate the impact
 - Why they consider the application should be an exception to the policy

- 12.5 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.
- 12.6 The majority of information which applicants will require will be available within this statement of licensing policy. However, other publicly available sources which may be of use to applicants include:
- The Home Office Police Crime Mapping website;
 - The Dorset Police websites;
 - Websites or publications by local responsible authorities;
 - Websites or publications by local voluntary schemes and initiatives;
 - Online mapping tools; and
 - Any information made publicly available by Public Health Dorset to identify key facts in relation to alcohol related harm.
- 12.7 While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. The Licensing Committee encourages co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.
- 12.8 Applicants are expected to provide the Licensing Authority with sufficient information in the operating schedule of their application form to clearly demonstrate the extent to which their proposed conditions and actions, are appropriate to promote the licensing objectives. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises. [A copy of BCP Council's Model Pool of Conditions is attached at Appendix D.](#)
- 12.9 In some circumstances, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.
- 12.10 The Licensing Authority would wish to see all parties working together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule of their application, will very often translate directly into conditions that will be attached to licenses or certificates with the minimum of fuss. At the end of the consultation period of the application if no representations have been received or if agreement has been reached by all parties the licence will be deemed granted as applied for and all proposed and agreed conditions will be attached to the licence. – **DELETE and replace with ...**
- 12.10 In the absence of relevant representations from responsible authorities or other persons, the application must be granted, subject only to any mandatory conditions prescribed by the Act and such other conditions consistent with the applicant's operating schedule. In this context "relevant" means: **relating solely to one or more of the licensing objectives.**

12.11 The applicant must ensure that a copy of the application is served on each responsible authority. Where the Council is the responsible authority, the applicant must serve a separate copy of the application on each of the various Council departments – it is not the function of the Licensing Team to do this for the applicant (unless received electronically).

12.12 The responsible authorities are entitled to make representations in relation to applications for the grant, variation or review of a licence in the context of any of the four licensing objectives. Any other persons have the same entitlement and can instigate a premises licence review.

Ward Councillors may make representations themselves or support other persons if asked to do so.

12.13 The Licensing Authority will expect applicants to consider the following matters in the context of promoting the four licensing objectives: -

- The nature of the area where the premises are situated.
- The precise nature, type and frequency of the proposed activities.
- Where alcohol is to be sold for consumption on the premises, the extent of seating available.
- Any measures proposed by the applicant as outlined in the operating schedule to mitigate or prevent any adverse impact upon the licensing objectives, including the proposed hours of operation.
- The nature, principally in terms of the age and orderliness, and number of customers likely to attend the premises.
- Means of access to and exit from the premises.
- The impact of the smoking ban, to include reference to noise pollution.
- Transport provision in the area, and the likely means of public or private transport for customers arriving/leaving the premises.
- Parking provision in the area.
- The potential cumulative impact of licensable activities in the relevant local area.
- Other means and resources available to mitigate any adverse impact particularly to local residents.
- Such other matters as may be relevant to the application.

12.14 The Chairman, Vice-chairman and Members of the Licensing Committee are elected at the annual meeting of the Council. The Licensing Authority will ensure that Board Members and Officers are appropriately trained to carry out their duties under the Licensing Act 2003.

12.15 In cases where applicants and anyone making a representation **or objection** against the application cannot reach agreement the matter will be referred to the Licensing Committee or Sub Committee **for consideration** to decide whether the granting of the application would result in the licensing objectives being undermined. It may refuse an application it subject to conditions that are needed to promote the licensing objectives or take such other action as set out in the Act. A copy of the Procedure of Hearings is attached at Appendix F and Protocol of Virtual Hearings Appendix G

13. Care, Control and Supervision of Premises

13.1 Within all licensed premises, whether or not alcohol is to be sold, the Licensing Authority will expect to see evidence of proper management both in practice and in the Operating Schedule. All persons involved in the management of the premises must ensure that a sufficient number of responsible and trained persons are at the licensed premises at all times. They have the responsibility to monitor and manage the activities taking place. They must ensure that all statutory responsibilities and the terms and conditions of the licence

are complied with. The applicant's operating schedule must address the issue of the management of the licensed premises.

13.2 The operating schedule for premises in which alcohol will be sold must appoint a Designated Premises Supervisor (DPS). The Licensing Authority will normally expect the premises licence holder to give the DPS day-to-day responsibility for running the premises. As such, the DPS should normally be present on the licensed premises on a regular basis. When not on the premises, the Licensing Authority will expect the DPS to be readily contactable and able to deal quickly with any problems that arise.

13.3 The Licensing Authority also recommends that the DPS undergoes additional training or has experience relevant to the nature and scope of the licensable activities taking place on the premises.

14. The Licensing Objectives

Prevention of Crime and Disorder

- 14.1 The Licensing Committee will look to Dorset Police as the main source of advice on crime and disorder.
- 14.2 Conditions, if imposed, will be targeted on deterrence and preventing crime and disorder. For example, where there is a good reason to suppose that disorder may take place, the presence of CCTV cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may choose to use CCTV for the prevention of crime directed against the business itself, its staff, or its customers, but any condition may require a broader approach to the overall promotion of the prevention of crime and disorder objective. **The Licensing Committee would wish to ensure that the precise locations of cameras are identified on plans to ensure that certain areas are properly covered and to avoid any uncertainty/dispute as to the terms of any condition imposed.**
- 14.3 The inclusion of radio links and ring-round systems should be considered by applicants for public houses, bars and nightclubs operating in the town centres and other leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the Police and each other which can facilitate a rapid response to any disorder which may be endangering the customers and staff at premises.

Public Safety

- 14.4 Licence holders have a responsibility to ensure the safety of those persons using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result **as customers become more vulnerable** from alcohol consumption. **such as unconsciousness or alcohol poisoning.**
- 14.5 Conditions relating to public safety may also promote the crime and disorder objective as noted above.
- 14.6 Applicants should give consideration to a number of matters in relation to public safety which may include:

- Reference should be made to the guidance on requirements under the Regulatory Reform (Fire Safety) Order 2005 which are available from Dorset & Wiltshire Fire and Rescue Service www.dwfire.org.uk
- Ensuring appropriate access for emergency services such as ambulances
- Good communication with local authorities and emergency services, for example communications networks with the Dorset Police and signing up for local incident alerts
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late night transportation)
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles
- Ensuring appropriate limits on the maximum capacity of the premises
- Consider the use of CCTV in and around the premises (which may also assist with promoting the crime and disorder objective)
- [Provision of a defibrillator](#)
- [Ensuring use of toughened or plastic drinking vessels if appropriate](#)

14.7 It is recognised that measures that are appropriate to promote public safety will vary between premises and the examples listed above may not be applicable in all cases. Applicants should give due consideration when making their application which steps are appropriate to promote the public safety objective and demonstrate how they intend to achieve that.

14.8 Applicants should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local **licensed** taxi companies who can provide **safe** transportation home
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks

14.9 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

Prevention of Public Nuisance

14.10 **The Licensing Authority and responsible authorities will focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. – ~~DELETE~~ and ~~REPLACE~~ with Licensed premises, particularly those operating after 23:00 hours and into the early morning, can adversely affect people living or working in the vicinity of the premises. The applicant's operating schedule must therefore contain practical steps to prevent disturbance to local residents.** The issues will mainly concern nuisance from noise, light, odour and litter.

14.11 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated design measures to mitigate sound escape from the premises may be appropriate where individual circumstances dictate. Any conditions appropriate to promote the prevention of public nuisance will be tailored to the type, nature and characteristics of the specific premises and its licensable activities.

14.12 Where applications have given rise to representations, any appropriate conditions shall normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a licensing requirement for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

14.13 The Licensing Authority is mindful of the potential for noise nuisance from amplified sound and live music. Where there are relevant representations on this issue, the Licensing Authority will normally impose appropriate conditions on variations or new licences or refuse consent if necessary for the promotion of the licensing objective. A condition to prevent noise nuisance could be imposed in such circumstances

14.14 Applicants must demonstrate that they have considered those factors that cause or add to public nuisance. It is good practice to consult with a noise expert to ensure the effectiveness of measures undertaken. The Council's [Pollution Control Team](#) can also be consulted to assist in developing a Noise Management Plan.

Factors to consider include:

- Location of the premises and use of associated outside areas, for example, particularly for smoking (see paragraphs 14.17 – 14.23)
- Customer age and behavioural profile
- Hours of operation
- Nature of activities to be provided - temporary or permanent
- Location of activities - inside or outside
- Design and layout of the premises
- Use of noise limiting devices
- Number of people attending the premises
- Availability of public transport and parking provision
- Winding down period between the end of the licensable activities and closure of the premises
- Last admission time
- Fliers and other advertising material (The Council operates a licensing scheme to regulate distributors, further details can be obtained [here](#)).

14.15 Measures to control light nuisance will also be given careful consideration. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light nuisance for some neighbours. Applicants, the Licensing Authority and responsible authorities will need to balance these issues.

14.16 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour are accountable for their own actions. However, it is considered perfectly reasonable for the Licensing Committee to impose a condition, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of other external areas, and to respect the rights of people living nearby to a peaceful night.

Outdoor Areas and Smoking Areas

14.17 Where applicants propose to provide seating, tables or other facilities in any outdoor area, whether covered or not, or to permit the use of outdoor areas as smoking areas, applicants will be expected to demonstrate in their operating schedule that:

- (a) Suitable and sufficient measures will be in place to prevent the escape of noise and other public nuisance from that outdoor area, from the licensed premises or from any of the licensable activities
- (b) Effective management controls and other measures such as removal of seating/tables, presence of staff and installation of CCTV are in place to ensure that licensable activities and the use of such areas by customers or other persons, ceases at such time as may be prescribed as a condition on the licence.

14.18 After 2300 consideration should be given to the impact of patrons using outside smoking areas. The Licensing Authority will normally expect the public use of external areas in the licensee's control to cease at 23.00 hours, or addition controls of patrons put in place.

14.19 Following the implementation of the smoking ban in July 2007 the Licensing Authority recognises that smokers wishing to smoke will have to go outside the licensed premises. They may also want to take alcohol purchased inside for consumption outside.

14.20 In some cases smoking will be in garden areas. In others, it may be on other parts of the licensed premises. The premises may provide some form of shelter but these must not be fully or substantially enclosed in accordance with the Health Act 2006. Licensees should be aware of their responsibilities to prevent public nuisance.

14.21 Noise is likely to be caused not only from persons outside, but from the licensed premises if doors are continually opened or left open as customers go in and out.

14.22 If relevant representations are received, the Licensing Authority may consider conditions restricting the use of outside areas. Such conditions may include the prevention of drinks within the external area, restricting the carrying of any receptacle outside, prohibiting re-entry to premises after customers have left or restrictions on the number of people allowed at any one time in the outside areas and having dedicated staff to monitor the smoking area and take action where necessary.

14.23 The Licensing Authority may impose conditions on licences requiring the operators to provide cigarette disposal units in the vicinity of the premises and to carry out regular cleaning of the area as necessary in order to prevent public nuisance.

Night Cafes and Takeaway Premises

14.24 Premises open after 23:00 hours supplying hot food or hot drink for consumption on or off the premises can attract large groups of customers many of whom have already consumed alcohol. The gathering of people around takeaways can lead to additional noise, disturbance and litter. Concerns have been raised about the level of crime, disorder and nuisance outside takeaway food premises late at night. Model pool of conditions available for applicants to ensure steps are taken include in order to address these concerns.

Protection of Children from Harm

13.15 The 2003 Act sets out a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the police and other relevant agencies to

ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.

13.16 It is an offence under the 2003 Act to:

- Permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or where that activity is carried on under the authority of a TEN
- To permit the presence of children under 16 who are not accompanied by an adult between midnight and 5 am at other premises supplying alcohol for consumption on the premises under the authority of any premises licence, club premises certificate or TEN

13.17 Outside of these hours, the offence does not prevent the admission of unaccompanied children under 16 to the wide variety of premises where the consumption of alcohol is not the exclusive or primary activity. This does not mean that children should automatically be admitted to such premises.

13.18 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films, music and music videos or adult entertainment). The Licensing Committee will also consider the need to protect children from sexual exploitation when undertaking licensing functions.

13.19 The Licensing Committee will give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers.

13.20 Where a responsible authority, or other person, presents evidence to the Licensing Committee linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the Licensing Committee will also consider taking appropriate action.

13.21 In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, the Licensing Committee will consider imposing conditions ensure that this objective is promoted effectively.

13.22 The Licensing Authority notes the Home Office guidance to Health Authorities to enable them to carry out their role as a responsible authority and the non-statutory guidance can be found at the link below:

<https://www.gov.uk/government/publications/additional-guidance-for-health-bodies-on-exercising-functions> .

13.23 The Licensing Authority will expect an applicant to be precise and clear about the measures proposed to be taken in relation to the protection of children from harm. Consideration should be given to the following matters:

- Applicants shall ensure all frontline staff undertakes training with regard to age restricted sales and the Licensing Act 2003 and that this has been properly documented. It is also expected that licence holders will ensure that all frontline staff

receive refresher training every six months or where there is an identified need to do so

- It is recommended that no member of staff should be permitted to sell alcohol until such time as they have successfully completed this training
- It is further recommended that training should cover the topics below as a minimum:
- Sale of alcohol to persons under 18 (penalties)
- Age verification policies and acceptable forms of identification
- Signs of drunkenness and intoxication
- Recording refusals
- The Licensing Objectives
- Applicants and Premises Licence Holders will be expected to take reasonable steps to prevent underage drinking and proxy sales of alcohol to children, both within the licensed premises itself and in the vicinity

13.24 In the case of premises giving film exhibitions, the Licensing Authority expects licence holders or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification ("BBFC") or the Licensing Authority itself.

13.25 The 2003 Act provides that it is mandatory for a condition to be included in all premises licenses and club premises certificates authorising the exhibition of films for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by a body designated under section 4 of the Video Recordings Act 1984. The BBFC is the only body which has been so designated or by the Licensing Authority itself.

DELETE and REPLACE with

14.25 The applicant's operating schedules must demonstrate that suitable measures are in place to protect children from harm.

14.26 Where children are expected to attend a licensed event, or an event held on licensed premises even though alcohol is not being served, appropriate adult supervision will be required if considered necessary by way of risk assessment. Supervision should comprise one adult member of staff for every 50 children. Where the entertainment is music and dancing, two door supervisors licensed by the Security Industry Authority must be employed for every 50. Nothing in this Policy shall seek to override child supervision requirements contained in other legislation.

14.27 For premises that give rise to particular concern, there will be a presumption against permitting any access for those under 18 years of age. Premises that give particular concern include those where:

- Entertainment or services of an adult or sexual nature are commonly provided
- There have been convictions of members of the current staff at the premises for serving alcohol to minors, or premises where clear evidence is produced by a Responsible Authority to prove underage drinking has been permitted by the premises licence holder or the operator
- There is known association with drug taking or dealing
- There is a strong element of gambling on the premises, excluding premises which have a limited number of cash prize gaming machines only
- The supply of alcohol for consumption on the premises is the exclusive or primary purpose of the service provided at the premises.

- 14.28 The protection of children from harm and their welfare is of paramount importance. Family-friendly and food led premises are encouraged, but the risk of harm to children is an essential consideration when determining applications.
- 14.29 With accompanied children having greater access to licensed premises there is an opportunity to have more family-friendly leisure. Clearly, this places additional responsibilities upon licence holders. It is recognised too that parents and others accompanying children have responsibilities to ensure the welfare and protection of children.
- 14.30 The protection of children from harm includes the protection of children from moral, psychological and physical dangers. Specifically, in relation to the exhibition of films, or transmission of programmes or videos, this includes protection from exposure to strong language, sexual expletives and portrayals of sexual activity.
- 14.31 **circumstances** children are more vulnerable, and their needs will require special consideration. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their actions due to their age, and the lack of understanding of danger.
- 14.32 Where no licensing restriction is necessary, admission of children remains entirely a matter at the discretion of the individual licensee or club. Conditions requiring the admission of children will not be imposed.
- 14.33 Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. When addressing the issue of protecting children from harm, applicants are advised to demonstrate what practical measures they will take where appropriate.
- 14.34 The following examples of control measures are given to assist applicants. They should be taken into account when producing any operating schedule:
- Provision of a sufficient number of staff employed or engaged to secure the protection of children from harm
 - Complete exclusion of children and limitations on the hours when they may be present whether or not accompanied by a responsible adult
 - Restrictions to certain parts of the premises, or exclusion of children from certain activities
 - Imposition of requirements for children to be accompanied by a responsible adult
 - Adoption of “Challenge 25” or other similar initiative to require sight of evidence of age from any person under 25 who is attempting to buy alcohol or have **alcohol delivered**.
 - Acceptance of “proof of age” documentation, by means from time to time recognised by the Licensing Authority in consultation with the Police and Trading Standards. (The PASS accreditation system of the British Retail Consortium is commended)
 - The Licensing Authority commends the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks, and compliance with the terms of that Code
 - Measures to ensure that children do not purchase, acquire or consume alcohol, including keeping a refusals register in English and in accordance with any **relevant and reasonable** requirements of Trading Standards
 - Measures to avoid children being exposed to incidents of violence or disorder.
- 14.35 The Licensing Authority supports the following measures to reduce alcohol-related anti social behaviour by those under 18:

- Police powers under the Confiscation of Alcohol (Young Persons) Act 1997 to remove alcohol from young people in any public place where the public have access
- Police and Trading Standards powers to implement test purchasing to target on and off licences selling to under 18 year olds, and carry out age challenges to reduce underage drinking from supermarkets, off licences, in pubs and other licensed venues.
- Further promotion of proof of age schemes
- Prosecution of those persistently selling alcohol to children, under the Violent Crime Reduction Act 2006.

14.36 The Licensing Authority will expect applicants to ensure that children are not allowed access into premises when licensable activities involving entertainment or services of an adult or sexual nature take place.

14.37 Licensees' operating schedules for premises showing films must include arrangements to prevent children from viewing age-restricted films as classified by the British Board of Film Classification. Uncertified films must be brought to the attention of the Licensing Authority for classification.

15 Public Health

15.1 Whilst public health is not a licensing objective, health bodies are deemed to be responsible authorities under the 2003 Act. They may now make representations in respect of applications and call for the review of a premises licence or club premises certificate where they have appropriate evidence to do so and can demonstrate how an applicant's proposals at the specific premises will undermine one or more of the licensing objectives.

15.2 The Licensing Authority recognises that the health and wellbeing of communities can be adversely affected by drinking excess alcohol. National evidence shows that whilst there is little difference in alcohol consumption between people living in more or less deprived areas, people living in the most deprived areas has an almost two-fold greater risk of an alcohol-related death than people living in the least deprived areas.
(see <https://bmcpublichealth.biomedcentral.com>)

15.3 Public Health Dorset supports safeguarding initiatives which include vulnerable adults. Ensuring robust staff training as part of any application and setting out training and identification of vulnerable or intoxicated people and ensuring they are safe when on and as they leave the premises.

15.4 Public Health Dorset as a responsible authority works closely with the other responsible authorities and plays an active part in contributing to the licensing policy and assisting applicants promote the licensing objectives. Health bodies may hold information which other responsible authorities do not, but which would assist the Licensing Authority in exercising its functions. This information may be used by the health body to make representations in its own right or to support representations.

15.5 There is also potential for health bodies to participate in the licensing process in relation to the protection of children from harm. This objective not only concerns the physical safety of children, but also their moral and psychological well being.

15.6 Evidence relating to under-18 alcohol-related emergency department attendance, hospital admissions and underage sales of alcohol could potentially have implications for both the protection of children from harm and the crime and disorder objectives. Consumption of

alcohol by under 18s can lead to serious and acute health impacts. Health bodies can provide evidence to lead or support representations in relation to this objective. In relation to proxy purchases, data collected by health bodies could be used to inform other responsible authorities, including the police and the licensing authority, about a prevalence of proxy purchasing in a particular area.

- 15.7 Although less obvious, health bodies may also have a role to play in the prevention of public nuisance where its effect is prejudicial to health and where they hold relevant data.
- 15.8 The Licensing Authority seeks to encourage and support any voluntary initiatives that premises may wish to adopt to help reduce alcohol harm within our communities. Such initiatives may include:
- Avoiding the sale of beers, lagers and ciders over 6.5% ABV which are sold in plastic bottles or metallic cans (note: this does not include premium, craft or specialist products as these are not a target for problem drinkers)
 - Taking steps to consider the display of alcohol in such a manner that will not unduly encourage people to drink irresponsibly and equally limit the exposure children have to alcohol advertising
 - Refraining from placing alcohol products amongst, near or next to confectionary that would usually be consumed by children or young people (which would include till point toys or stickers)
 - The use of breathalysers as a means of determining intoxication and supporting door staff decisions not to admit, or serve customers who are already intoxicated

16 Temporary Event Notices

- 16.1 The system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the Licensing Authority on an application. Instead a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the Licensing Authority of the event (a “Temporary Event Notice” or TEN). – **DELETE and MOVE to 16.4 below.**
- 16.2 Temporary Event Notices are subject to various rules which are set out in the home office guidance using this link.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/118375/tens.pdf
- 16.3 **Standard TEN** - The Licensing Authority encourages applicants to give as much notice as possible of such events in excess of the minimum statutory period of ten working days so that appropriate advice and guidance can be given to organisers. Ten working days’ notice means ten working days exclusive of the day on which the event is to start and exclusive of the day on which the notice is given.

Late TEN - Applicants can apply for a ‘late TEN’ up to 5 working days before the event; and can apply for up to 10 late TENs per calendar year.

- 16.4 The most important aspect of the system of temporary event notices is that no permission is required for these events from the council. Instead a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the Licensing Authority of the event (a “Temporary Event Notice” or TEN). Once notification is received only the Police or Environmental Health (EH) may intervene to prevent such an event or modify the arrangements for such an event. The Licensing Authority will only intervene itself if the limits on the number of notices that may be given in various circumstances would be exceeded.

- 16.5 It is recognised that many applicants submitting a Temporary Event Notice will not have a commercial background or ready access to legal advice. They will include, for example, people acting on behalf of charities, community and voluntary groups, all of which may stage public events to raise funds, and usually the event will include licensable activities. The Licensing Authority will ensure that applicants are guided and supported through the process.
- 16.6 In exceptional circumstances, the Police or Environmental Health may issue an objection notice because they believe the event would undermine the one or more of the four licensing objectives set out in the 2003 Act.
- 16.7 The Police or Environmental Health must issue an objection notice within three working days of being notified, they can subsequently withdraw the notice if the applicants can provide robust assurances. The issuing of such an objection notice requires the consideration of the objection by the Licensing Committee or Sub Committee. If an objection notice is issued in relation to a late notification (between 9 – 5 working days) before the event the notification is cancelled, and licensable activities are not authorised.
- 16.8 The ability of the Police and Environmental Health to serve such a notice is a further reason why event organisers are strongly encouraged by the Licensing Authority not to rely on giving the minimum amount of notice and to contact the local Police and Environmental Health at the earliest possible opportunity about their proposals.

17 Outside Events

- 17.1 The Licensing Authority advises applicants for outside events to plan well in advance and contact a licensing officer to discuss the need for a premises licence or other permission.
- 17.2 Where events may be of large, diverse or contentious in nature, the Licensing Authority advise that the organisers discuss the event with the responsible authorities to consider potential issues relating to the licensing objectives that could result in representations being made. The event may be referred to a Safety Advisory Group (SAG) which is made up of the responsible authorities, emergency services and other relevant bodies that advise on the safety and local impact of events within BCP Council.
- 17.3 An Event Management Plan (EMP) should be drawn up for final approval by the SAG members and should include details regarding drug testing if appropriate. <https://www.bournemouth.co.uk/dbimgs/Event-guidelines-update-joint-2020.pdf>
- 17.4 Any advice given by the Safety Advisory Group will not preclude responsible authorities and interested parties from making representations relating to the event.
- 17.5 The Licensing Authority advises any applicant for an outside event to be aware of and take note of the Purple Guide and Managing Crowds Safely (HSG 154) to ensure the safety of the public attending the event.

18 The Review Process

- 18.1 The proceedings set out in the 2003 Act for reviewing premises licenses and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.

- 18.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the Licensing Committee to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives. [In incidents of serious crime and/or disorder the Police may apply for an Expedited/Summary Review of a premises licence.](#)
- 18.3 An application for review may be made electronically as long as it is on the required form [and in accordance with the Regulations.](#)
- 18.4 In addition, the Licensing Authority must review a licence if the premises to which it relates was made the subject of a closure order by the Police based on nuisance or disorder and the Magistrates' Court has sent the Authority the relevant notice of its determination, or if the Police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 18.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the Licensing Authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that Licensing Authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review of a licence in their own right if they have grounds to do so. It is also reasonable for the Licensing Authority to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the Police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 18.7 Where the Licensing Authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. Further information on how the Licensing Authority should achieve this separation of responsibilities can be found in Chapter 9 of the Statutory Guidance. (<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>)
- 18.8 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders' early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review.
- 18.9 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the Licensing Authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 11 of the Statutory Guidance. (<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>)

18.10 When the Licensing Authority receives an application for a review it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website. www.legislation.gov.uk It is particularly important that the premises licence holder **or club premises certificate holder** is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of the Licensing Authority on the Determination of a Review

18.11 Where the Licensing Committee considers that action under its statutory powers is appropriate, it may take any of the following steps:

- Modify the conditions of the premises licence **(which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours or opening or by requiring door supervisors at particular times – Delete as not entirely accurate**
- Exclude a licensable activity from the scope of the licence, **for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption) – Delete as this example is dealt with by removal of the deregulation under S177A under a review application**
- Remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management
- Suspend the licence for a period not exceeding three months
- Revoke the licence

18.12 In deciding which of these powers to invoke, the Licensing Committee will seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken will generally be directed at these causes and will always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

19 Responsible Retailing for Off-Sales

19.1 The Licensing Authority is concerned that the irresponsible consumption of alcohol from off-sales is a significant problem **in some council areas** and adversely affects the licensing objectives as it gives rise to problems of drunkenness, disorderly behaviour and a higher risk of alcohol sales to children.

19.2 **Bournemouth have established a Community Alcohol Partnership (CAP) scheme which is run by a locally managed multi-agency partnership and whose aim is to reduce alcohol harm in local communities from drinking by young people under 25, with a particular emphasis on preventing underage drinking.**

19.3 The Licensing Authority therefore wishes to minimise the negative impact on the licensing objectives created by this irresponsible consumption of alcohol from retail alcohol sales. Some parts of Bournemouth, Christchurch and Poole have Public Spaces Protection Orders (PSPOs) in place to help address problems of drinking alcohol in public areas. Drinking in public spaces can be a major source of anti-social behaviour, often involving young persons, and it can lead to crime or the fear of crime.

19.4 When considering an application or review where evidence indicates problems relating to problem drinking from off-sales the Licensing Committee will consider the design and layout of premises wishing off-sales. In such areas all new applications must:

- Specify the area to be used for the sale or exposure for sale of alcohol
- Displays should conform to the guidance issued by the British Retail Consortium or any other future guidance issued by trade bodies, Government departments or locally adopted standards to provide a 'responsible display' of alcohol
- Applicants should note that a display will not be considered suitable at entrance/exit points of premises where it might interfere with customer flow, near check outs, entrances or exits where shop lifting may become easier
- By using advertising that does not conform to the Portman Group Code or promote irresponsible drinking
- Consisting of significant amounts of high strength alcohol or give undue prominence to high strength alcohol

19.5 In cases where representations are made against applications for off sales of alcohol for premises that are:

- In areas where Public Spaces Protection Orders (PSPOs) are in place
- Near to alcohol addiction recovery activities or buildings held in hospital or clinic settings
- In areas where drinking in public spaces affects any of the licensing objectives

Local information including areas of deprivation, population and crime statistics can be found via this link

<https://www.bcpccouncil.gov.uk/Council-and-Democratic/Consultation-And-Research/Local-Data/Local-Data.aspx>

The Licensing Authority may not support such applications and may refuse dependant on the evidence presented to support the representations.

20 Late Night Levy

20.1 The Licensing Authority acknowledges that the Police Reform and Social Responsibility Act 2011 enables a Licensing Authority to charge a levy on premises who are licensed to sell alcohol late at night in the conurbation (between midnight and 06:00 hours), as a means of raising a contribution towards the costs of policing the late-night economy. BCP Council has not introduced such a levy but the option of introducing such a levy may be kept under review by the Licensing Committee.

21 Early Morning Restriction Orders (EMROs)

21.1 In addition to the provisions contained within the Police Reform and Social Responsibility Act 2011 for the Late Night Levy, there is an additional power for the Licensing Authority to restrict sales of alcohol in the whole or part of their areas for any specified period between midnight and 06:00 hours if it considers it appropriate for the promotion of the licensing objectives, the option of introducing an EMRO may be reviewed by the Licensing Committee.

22 Personal Licenses

22.1 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a Personal Licence. The Act does not require the presence of a Personal Licence Holder at all times but if any sales are made when a Personal Licence Holder Designated Premises Supervisor (DPS) is not present, then they must have been authorised by somebody who holds a Personal Licence. Regardless of whether a Personal Licence holder is present or not he will not be able to escape responsibility for the actions of those authorised to make such sales.

22.2 The Licensing Authority recommends that the DPS authorises authorisations for the sale of alcohol be made by other staff members to be in writing to ensure that those authorised are clear what their legal responsibilities are. Any premises at which alcohol is sold or supplied may employ one or more Personal Licence Holders.

22.3 The Council recognises it has no discretion regarding the granting of personal licences where:

- the applicant is 18 or over
- possesses a licensing qualification
- has not had a licence forfeited in the last five years and
- has not been convicted of a relevant offence

22.4 An application for a personal licence to sell alcohol must be made in the form specified in government guidance or regulations. The application form must be accompanied by the requisite fee. The applicant should also produce evidence of the relevant qualifications and their right to work in the UK.

22.5 Applicants should produce a Disclosure and Barring Service (DBS) certificate along with the application form. The certificate must be current (produced within 1 month of application) and comply with the Regulations on personal licence applications. Applicants are also expected to make a clear statement as to whether or not they have been convicted outside England and Wales of a relevant offence or a similar offence.

22.6 Where the application discloses relevant unspent convictions the Licensing Authority will notify the Police of the application and the convictions. The police may make objection on the grounds of crime and disorder. If an objection is lodged a hearing must be held. The Licensing Authority will, at such a hearing, consider carefully whether the grant of the licence will compromise the promotion of the crime prevention objective. It will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The Licensing Authority will normally refuse the application unless there are exceptional and compelling circumstances which justify granting it.

23 Suspension of Licence

23.1 Licensing Authorities will suspend a Premises Licence, or Club Premises Certificate, if the annual fee is not paid on the renewal date (this is the anniversary of the date the licence or certificate was first issued).

23.2 However, this does not apply immediately in cases where it can be shown that payment was not made because of an administrative error, or because the holder disputed liability for the fee before, or at the time of the due date. In these cases there is a grace period of 21 days. To allow the Licensing Authority and the licence or certificate holder, an opportunity to resolve the dispute or error. If the dispute or error is not resolved during this 21 day period, the licence will be suspended.

23.3 If the Licensing Authority intends to suspend a licence or certificate, it will notify the holder in writing and specify the date on which the suspension will take effect.

23.4 A suspension ceases to have effect on the day on which the Licensing Authority receives payment of the outstanding fee.

23.5 For premises where the licence has been suspended all licensable activity should cease immediately. Should licensable activities continue on the premises following suspension; then action will be taken against those person or persons responsible.

DELETE – NOT NECESSARY TO INCLUDE IN STATEMENT OF LICENSING POLICY

23 How to use this Policy

23.1 This policy is a guidance document for applicants and members to assist the decision making process in line with the licensing act 2003. Failure to have reference to this policy could result in an appeal to the magistrate's court and costs being awarded to either party depending on the outcome of the appeal .

23.2 This statement of licensing policy should be used in conjunction with the following documents:

- The Licensing Act 2003 <http://www.legislation.gov.uk/ukpga/2003/17/contents>
- The revised guidance issued under section 182 of the Licensing Act 2003 <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>
- The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 <http://www.legislation.gov.uk/uksi/2005/42/contents/made>
- The Licensing Act 2003 (Hearings) Regulations 2005 <http://www.legislation.gov.uk/uksi/2005/44/contents/made>
- The Licensing Act 2003 (Fees) Regulations 2005 <http://www.legislation.gov.uk/uksi/2005/79/contents/made>
- Alcohol Licensing Guidance <https://www.gov.uk/guidance/alcohol-licensing>
- Live Music Act 2012 <http://www.legislation.gov.uk/ukpga/2012/2/contents/enacted>
- Entertainment Licensing Reform https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/328492/Entertainment_Licensing_Legislative_Reform_Order_Explanatory_Document.pdf

24 Roles and Responsibilities

24.1 The 2003 Act provides that the functions of the Licensing Authority are to be taken or carried out by its Licensing Committee. Many of the decisions and functions will be purely administrative in nature, and in the interests of speed, efficiency and cost effectiveness, the Licensing Authority shall undertake a process of delegation of its functions. <https://democracy.bcpccouncil.gov.uk/documents/s12892/Part%203%20-%20Responsibility%20for%20Functions.pdf>

24.2 In accordance with the Licensing Act 2003, BCP Council has established a Licensing Committee consisting of 15 Council members. Where relevant representations are made against an application (and not withdrawn) or review requested, the application shall be determined at either a Licensing Committee or Sub Committee which will constitute three members of the Licensing Committee.

24.3 The list of responsible authorities can be found in Appendix C.

25 Enforcement and Sanctions

25.1 This policy is a guidance document for applicants and members to assist the decision making process in line with the licensing act 2003. Failure to have reference to this policy

could result in an appeal to the magistrate's court and costs being awarded against. – **Move to 23.1**

25.2 The enforcement and sanctions open to the Licensing Committee are set out in the Licensing Act 2003 and associated regulation. – **Move to 8.29**

25 Further Information and Evidence

25.1 Further information relating to this policy can be found at the following sites:

- <https://www.bcpccouncil.gov.uk/About-BCP-Council/bcp/your-place-bcp-facts.aspx>
- <https://www.bcpccouncil.gov.uk/About-BCP-Council/EIA/Equality-Impact-Assessments.aspx>
- <https://www.bcpccouncil.gov.uk/Council-and-Democratic/Consultation-And-Research/Local-Data/Local-Data.aspx>
- <https://democracy.bcpccouncil.gov.uk/ieListMeetings.aspx?Committeeld=288>

Appendix A – Glossary

Appendix B – List of Consultees

Appendix C – Responsible Authority Contact List

Appendix D – Model Pool of Conditions

Appendix E – Enforcement Memorandum of Understanding

Appendix F – Procedure at Hearing

Appendix A

Glossary

This section explains the key terms used in the policy statement. These terms are all defined in the Licensing Act 2003 and Guidance. This glossary is only intended to clarify the general meaning of each of the terms. This list is not exhaustive nor are the definitions legally comprehensive.

TO BE ARRANGED ALPHABETICALLY

ACPO	Association of Chief Police Officers (see www.acpo.police.uk)
Applicant	A person making an application in respect of a Premises Licence or Club Premises Certificate.
Application to vary a Premises Licence	Where a Premises Licence holder wishes to amend the licence the Act allows, in most cases, for an application to vary to be made rather than requiring an application for a new Premises Licence.

ASB	Anti social behaviour.
British Beer and Pub Association (BBP)	See www.beerandpub.com
British Board of Film Classification (BBFC)	The national body responsible for the classification of cinema films and videos.
CCTV	Closed Circuit Television.
Child	The Licensing Act 2003, s145(2) defines child as an individual under the age of 16
Club Premises Certificate	Club Premises Certificates are authorisations needed by clubs to carry on certain activities (eg. selling alcohol to members and their guests). They may be granted to clubs that meet the special requirements set out in Part 4 of the 2003 Act (regarding membership, that the club is established and conducted in good faith and special conditions where the club supplies alcohol to its members). The application process is similar to that for a Premises Licence; for example, there are similar provisions about advertising applications and making representations. However, a key difference is that, unlike a Premises Licence, there is no requirement to identify a designated premises supervisor to allow the supply of alcohol under a Club Premises Certificate.
Community Alcohol Partnership Scheme (CAP)	CAP is the national co-ordinating organisation for the establishment of local Community Alcohol Partnerships.
Community Safety and Accreditation Scheme (CSASS)	Officers who have been given some police powers who patrol key areas within the BCP Council Area
Community Protection Notices (CPN)	A Community Protection Notice (CPN) is aimed to prevent unreasonable behaviour that is having a negative impact on the local community's quality of life.
Conditions/ Conditions consistent with the Operating Schedule	Conditions include any limitations or restrictions attached to a licence or certificate and essentially they are the steps or actions the holder of the Premises Licence or the Club Premises Certificate will be required to take or refrain from taking at all times when licensable activities are taking place at the premises in question.
Conditions consistent with the operating schedule	Conditions include any limitations or restrictions attached to a licence or certificate and essentially they are the steps or actions the holder of the Premises Licence or the Club Premises Certificate will be required to take or refrain from taking at all times when licensable activities are taking place at the premises in question. – DELETE as duplicated above
Councillor	An elected member of the Council.
CSE	Child Sexual Exploitation
Decile	Ten equal groups into which a population can be divided according to the distribution of values of a particular variable. Such as "the lowest income decile of the population".
DPS	The Designated premises Supervisor is a personal licence holder specified in the Premises Licence. All premises licensed to sell alcohol will have an identified personal licence holder, known as the DPS. The purpose of the DPS is to ensure there is always one

	specified individual who can be identified as a person in a position of authority on the premises.
Early Morning Alcohol Restriction Order (EMRO)	An additional power for the Licensing Authority to restrict sales of alcohol in the whole or part of their areas for any specified period between midnight and 06:00 hours if it considers it appropriate for the promotion of the licensing objectives.
Expedited/Summary Review	An application undertaken when the Police consider that the premises concerned are associated with serious crime and/or disorder.
Guidance	Section 182 of the Licensing Act 2003 provides that the Secretary of State must issue, and from time to time may revise, guidance to licensing authorities on the discharge of their functions under the 2003 Act. The Guidance is provided for Licensing Authorities carrying out their functions. It also provides information for magistrates hearing appeals against licensing decisions and has been made widely available for the benefit of operators of licensed premises, their legal advisers and the general public. It is a key mechanism for promoting best practice, ensuring consistent application of licensing powers across the country and for promoting fairness, equal treatment and proportionality.
In the vicinity	Whether somebody lives or works 'in the vicinity' of a premises is a matter that will be decided by the relevant licensing authority. The word has no particular technical meaning and in licensing matters should be interpreted as an ordinary English word and in a common sense fashion. In doing this, licensing authorities might take into account whether the party is likely to be affected by any disorder or disturbance occurring or potentially occurring at those premises.
Irresponsible Promotions	An irresponsible promotion is one that encourages the sale or supply of alcohol for consumption on the premises and carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children. This is dealt with by mandatory conditions which are attached to all premises authorised for the sale of alcohol on the premises.
Late Night Levy	A means of raising a contribution towards the costs of policing the late-night economy.
Late-night refreshment	The provision of late-night refreshment means the supply of hot food or hot drink to the public, for consumption on or off the premises, between 11pm and 5am, or the supply of hot food or hot drink to anyone between 11pm and 5am, on or from premises to which the public has access. However, there are a number of exemptions in Schedule 2 of the Licensing Act 2003 (eg. vending machines in certain circumstances, where the hot food or hot drink is supplied free of charge, or where it is supplied by a registered charity).
Licensable activities	Licensable activities are the sale of alcohol, the supply of alcohol by or on behalf of a club to, or to the order of,

	a member of the club, the provision of regulated entertainment and the provision of late-night refreshment. If you carry on any of these activities, you are likely to need an authorisation (a Premises Licence, a Club Premises Certificate or a temporary event notice).
Licensee	Generally refers to the holder of a Premises Licence but also includes in this policy an applicant for a Premises Licence or applicant for a provisional statement unless otherwise stated.
Licensing Act 2003	The Licensing Act 2003 became law on 24 November 2005. The Licensing Act 2003 introduced a single licence scheme for licensing premises that: – Supply alcohol – Provide regulated entertainment – Provide late-night refreshment.
Licensing Authority	This refers to Bournemouth Christchurch and Poole Council as the body responsible for licensing under the Licensing Act 2003.
Licensing objectives	Licensing authorities must carry out their functions with a view to promoting four licensing objectives. These are: – The prevention of crime and disorder – Public safety – The prevention of public nuisance – The protection of children from harm. Licensing authorities must decide applications in connection with Premises Licences and Club Premises Certificates on the basis of the steps it considers appropriate to promote these objectives. Each objective is of equal importance.
Licensing Policy	See Statement of Licensing Policy.
Licensing subcommittee	Full licensing committees delegate a number of their functions to one or more 'licensing subcommittees'. These are made up of three members of the full licensing committee.
Lower Super Output Areas (LSOA)	LSOA is a geographic area used by the NHS to highlight statistical health data. Also known as Lower Layer Super Output Areas they are a geographic hierarchy designed to improve the reporting of small area statistics in England and Wales.
Mandatory Conditions	The 2003 Act provides for Mandatory Conditions to be included in every licence and/or Club Premises Certificate. See Mandatory Condition section for conditions.
Memorandum of Understanding (MOU)	An MOU is an agreement between two or more parties. It expresses a convergence of will between the parties, indicating an intended common line of action.
Minor variation	Small variations that will not impact adversely on the licensing objectives are subject to a simplified 'minor variations' process. Variations to: – extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 11pm and 7am; or

	– increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises are excluded from the minor variations process and must be treated as full variations in all cases.
Off-Sales	Supply of alcohol in a sealed or open container for consumption off of the premises.
Operating schedule	The operating schedule is the part of the application form for a Premises Licence or Club Premises Certificate where the applicant sets out various details about how they propose to operate the premises when carrying on licensable activities. Among other things, it must include a description of the proposed licensable activities, proposed opening hours and times for licensable activities, proposed duration of the licence or certificate, and a statement of the steps the applicant proposes to take to promote the licensing objectives (for example, arrangements for door security to prevent crime and disorder). The significance of the operating schedule is that if the application for the Premises Licence or Club Premises Certificate is granted, it will be incorporated into the licence or certificate itself and will set out the permitted activities and the limitations on them.
Personal Licence	Personal Licences authorise an individual to supply alcohol, or authorise the supply of alcohol in accordance with a Premises Licence or a temporary event notice. Not everybody who works in any licensed premises will need to hold a Personal Licence; however, all premises licensed to sell alcohol will have an identified personal licence holder, known as the designated premises. In addition, all supplies of alcohol under a Premises Licence must be made or authorised by a person who holds a Personal Licence.
Premises Licence	A Premises Licence authorises the use of premises for 'licensable activities'.
Provisional Statement	This 'statement' can be applied for where premises are being or about to be constructed for licensable activities. This will give the owner some reassurance about whether a licence would be granted if the premises were built as set out in the application for the provisional statement. However, a provisional statement is not an authorisation, so the relevant permission must still be obtained in order to carry on licensable activities.
Public Space Protection Order (PSPO)	Public Spaces Protection Orders (PSPOs), which were brought in under the Antisocial Behaviour, Crime and Policing Act 2014. PSPOs specify an area where activities are taking place that are or may likely be detrimental to the local community's quality of life. PSPOs impose conditions or restrictions on people using that area.
Purple Guide	Best practice guidance document for outside events.
Qualifying Clubs (with regard to Club Premises Certificates)	Qualifying clubs are those clubs that meet the special requirements set out in Part 4 of the 2003 Act (regarding

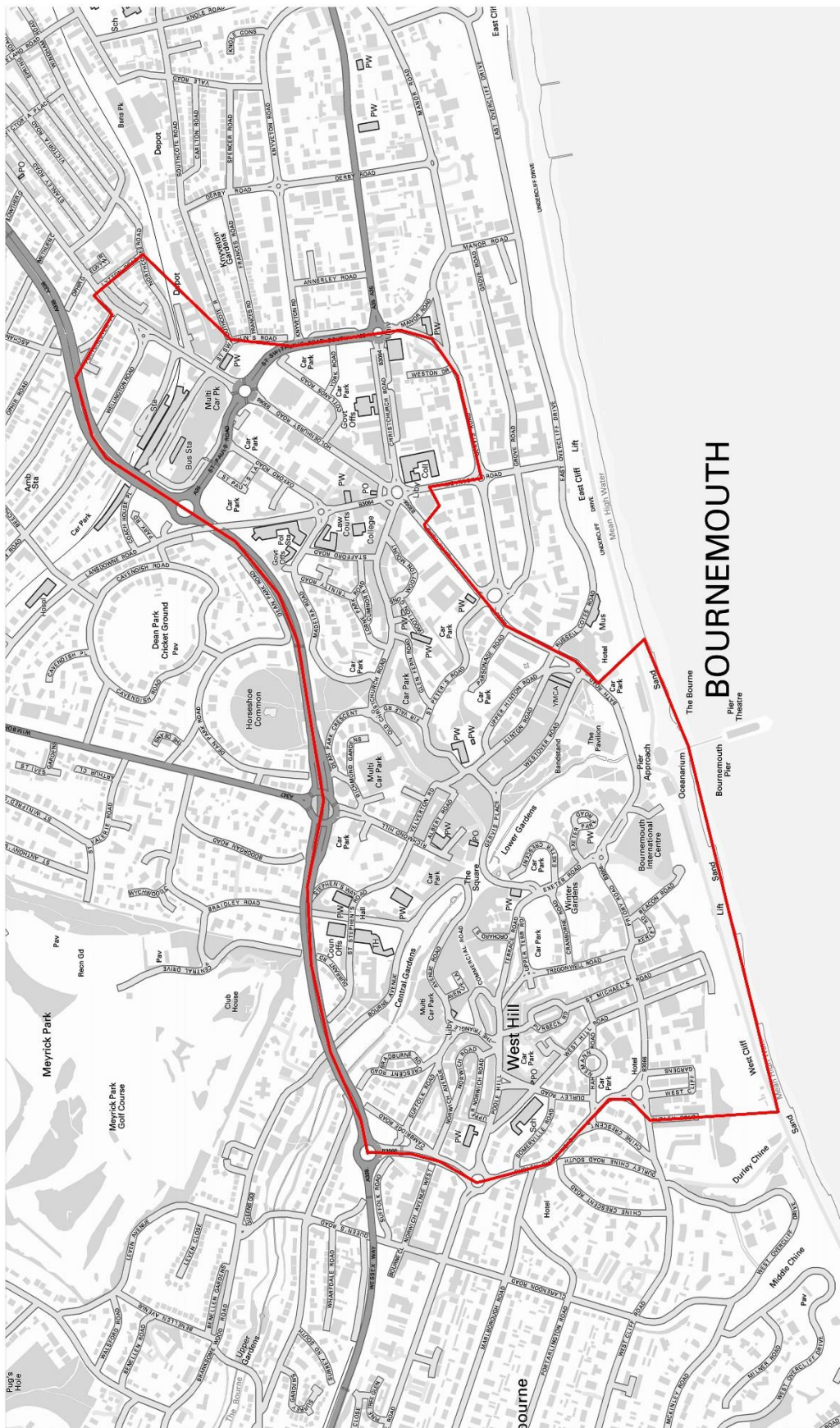
	membership, that the club is established and conducted in good faith, and special conditions where the club supplies alcohol to its members). These are clubs where members join together for a particular social, sporting or political purpose and then combine to purchase alcohol in bulk for its members (see examples under 'Club Premises Certificate' above). Such clubs carry on activities from premises to which public access is restricted and where alcohol is supplied other than for profit.
Regulated Entertainment	Generally speaking, the provision of regulated entertainment means the commercial or public provision of entertainment facilities or the commercial or public provision of any of the following sorts of entertainment: – The performance of a play – An exhibition of a film – An indoor sporting event – Boxing or wrestling entertainment – A performance of live music – Any playing of recorded music – A performance of dance – Entertainment of a similar description to live music, recorded music or dance. Schedule 1 of the Licensing Act 2003 contains further specific rules about where the definition of 'regulated entertainment' applies. These rules concern the intended audience and whether the regulated entertainment is for profit.
Relevant Representation	These are written representations about the likely effect of the grant of an application for or variation to a Premises Licence or Club Premises Certificate, on the promotion of the licensing objectives. Any persons, such as local residents, or businesses and responsible authorities, such as Environmental Health, can make representations. The term 'relevant' refers to representations that are considered 'valid' by the licensing authority. The representations must be made within 28 days after the day on which the application is given and if made by a person other than a responsible authority must be made seriously (ie. must not be frivolous or vexatious). Representations can also be made in relation to an application for the review of a Premises Licence or Club Premises Certificate.
Representation	Submission made to the licensing authority in respect of an application. Representations can be in support or against an application. DELETE as dealt with above
Responsible Authorities	Responsible authorities include public bodies that must be notified of applications and are entitled to make representations to the licensing authority in relation to the application for the grant, variation or review of a Premises Licence or Club Premises Certificate. Any representations must be about the likely effect of granting the application on the promotion of the licensing

	objectives. Responsible authorities include the following for the area in which the premises are situated: – The licensing authority – The chief officer of police – The fire authority – The planning authority – The health authority – The health and safety authority – The environmental health authority – The body recognised as being responsible for protection of children from harm – Inspectors of Weights and Measures (trading standards officers) – And in respect of vessels only: i) The Environment Agency ii) The British Waterways Board iii) The Maritime and Coastguard Agency, and if different from these: iv) The relevant navigation authority/authorities for the place(s) where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities. - Home Office Immigration Enforcement
Review	Interested parties including local residents can also request a review of a particular Premises Licence when problems occur that are related to the licensing objectives. Following the review, the licensing authority can consider a range of responses such as suspending or revoking the licences, excluding certain licensable activities or changing conditions attached to a licence. However, it can only take these actions where they are appropriate to address the problem and promote one or more of the four licensing objectives.
Risk assessment	The overall process of identifying all the risks to and from an activity and assessing the potential impact of each risk.
Safety Advisory Group (SAG)	Safety Advisory Group or SAG is made up of representatives from the local authority such as environmental health, licensing, emergency services such as police and Fire and Rescue Service, other relevant bodies and the event organiser. It is a platform for discussing and advising on public safety and concerns at an event.
Safe Bus Bournemouth	Is a bus run by a partnership project to provide a safe place for vulnerable people to go during the late night environment.
SIA	Security Industry Authority who are the licensing authority for door supervisors. Door supervisors are responsible for the safety and security of customers and staff in venues such as pubs, bars, nightclubs and other licensed premises or at public events.
Statement of Licensing Policy	Every licensing authority will publish a 'statement of licensing policy' every five years. This will set out the

	general approach the licensing authority will take when making licensing decisions.
Temporary Event Notice (TEN)	This is the notice that organisers of small-scale temporary events must give to make it a 'permitted temporary activity'. This notice must be in a prescribed form. There are certain limitations imposed on this system. A TEN can be referred to as a Standard TEN or a Late TEN.
Variation	See Application to vary a Premises Licence.

Map 1 – Bournemouth Town Centre

DELETE Appendix B

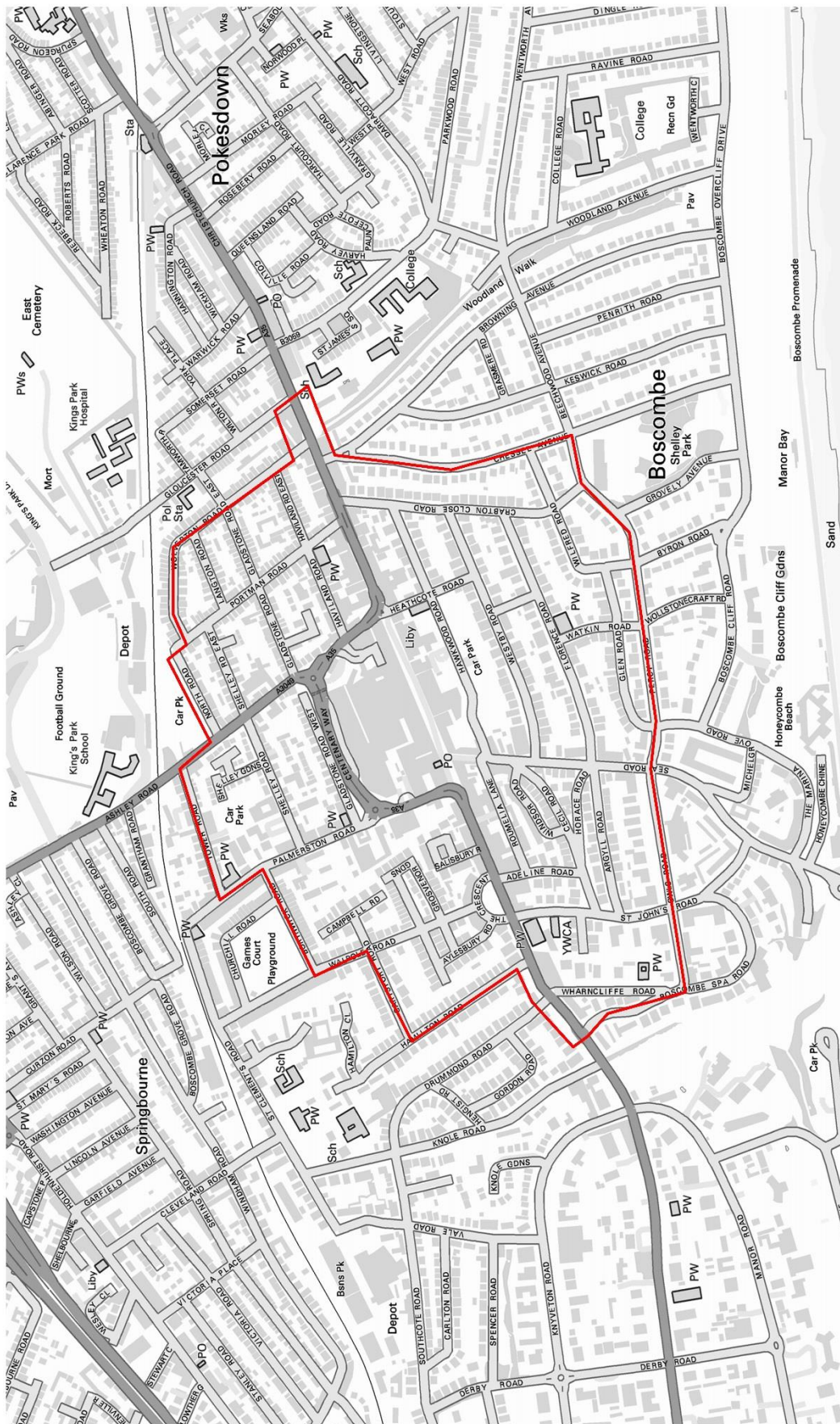


Cumulative Impact Area Town Centre

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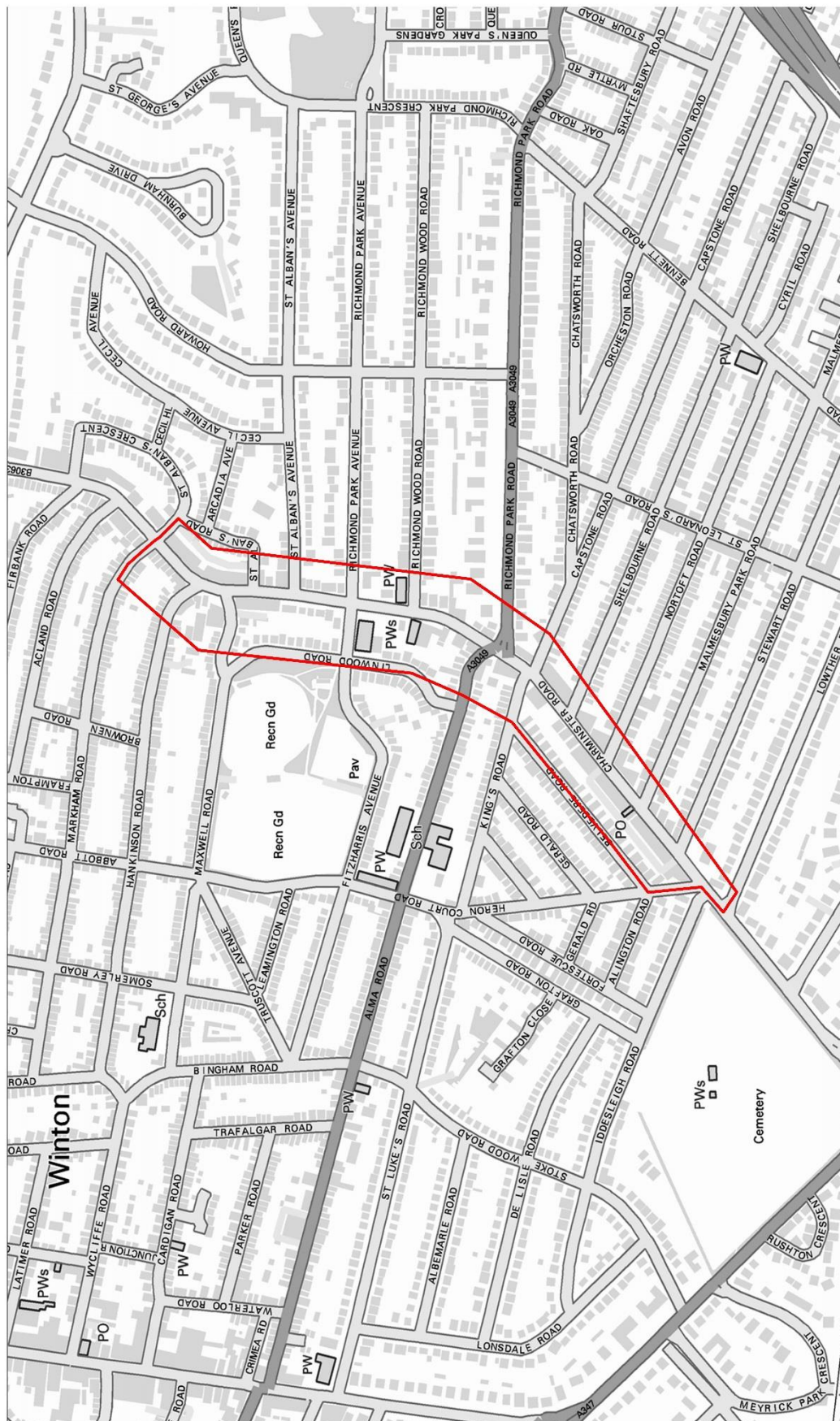
Building a Better Bournemouth

Cumulative Impact Area Boscombe

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Map 3 – Charminster Road DELETE



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Cumulative Impact Area
Charminster Road



Building a Better Bournemouth

The scale indicated on this drawing is approximate only and should not be used for taking accurate measurements.

Appendix B

LICENSING ACT 2003 **CONSULTATION OF STATEMENT OF LICENSING POLICY REVIEW 2020**

Age UK Bournemouth	info@ageukbournemouth.org.uk
Age Concern Christchurch	contact@ageconcernchristchurch.org.uk
APPL Solutions Limited, Managing Director	solutions@applicensing.co.uk
Arts University Bournemouth	hello@aub.ac.uk
Association of Convenience Stores	acs@acs.org.uk
Association of Licensed Multiple Retailers	info@almr.org.uk
Best One	enquiries@best-one.co.uk
BH Live	peter.gunn@bhlive.co.uk
BII (British Institute of Innkeeping)	qualifications@bii.org
Bishop of Salisbury	bishop.salisbury@salisbury.anglican.org
Bishop of Winchester	andrew.robinson@winchester.anglican.org
John Gaunt & Partners	JWallsgrove@john-gaunt.co.uk
Bournecoast Property Agents	info@bournecoast.co.uk ;
Bournemouth & District Law Society	office@bournemouthlaw.com
Bournemouth and Poole Rough Sleepers Team, Assertive Outreach Worker (Alcohol)	info@mungos.org
Bournemouth Accommodation and Hotel Association	info@bhhotels.co.uk
Bournemouth Area Hospitality Association	bha@bha.org.uk
Bournemouth Branch of the Federation of Small Businesses	matthew@escapeyachting.com
Bournemouth Chamber of Trade & Commerce	president@bournemouthchamber.org.uk
Bournemouth Coastal BID	info@coastalbid.co.uk
Bournemouth Community Church	office@bournemouthcommunitychurch.com
Bournemouth Interpreters Group	AMarsh1004@aol.com
Bournemouth Islamic Centre and Central Mosque	info@salaam.co.uk
Bournemouth Magistrates' Court	do-bournemcgen@hmcts.gsi.gov.uk
Bournemouth Symphony Orchestra	jmale@bsorchestra.co.uk
Bournemouth Town Centre BID	info@towncentrebid.co.uk
Bournemouth Town Centre Parish (The Diocese of Winchester)	ianterry@live.co.uk
Bournemouth Town Watch	jon.shipp@bcpcouncil.gov.uk
Bournemouth University	enquiries@bournemouth.ac.uk
Bournemouth YMCA	enquiries@bournemouthymca.org.uk
British Beer & Pub Association	contact@beerandpub.com
Burton and Winkton Parish Council	burton@dorset-aptc.gov.uk
CAMRA (Campaign for Real Ale)	camra@camra.org.uk
CAP (Community Alcohol Partnership)	andrew.williams@bcpcouncil.gov.uk
Castlepoint	peter.matthews@castlepointshopping.co.uk
Christchurch Chamber of Commerce	office@christchurchbusiness.co.uk
Christchurch Town Council	townclerk@christchurch-tc.gov.uk
Charminster Traders Association	info@experiencecharminster.info
Citizens Advice Bureau	admin@bournemouthcab.co.uk
College at Lansdowne	enquiries@bpc.ac.uk

Diageo	gbcustomerservice@diageo.com
Dorset Council Licensing	licensingteamb@dorsetcouncil.gov.uk
Dorset Healthcare University NHS Foundation Trust	ron.shields@dhuft.nhs.uk
East Bournemouth Pubwatch	davidgmh@yahoo.co.uk
Enterprise Inns plc, Regional Manager	liz.appleton@enterpriseinns.com
Gambling Commission, Area Manager	n.dowse@gamblingcommission.gov.uk
Highcliffe and Walkford Parish Council	trish.jamieson@highcliffewalkford-pc.gov.uk
Hope FM	sddayman@gmail.com
Hurn Parish Council	hurnparishcouncil@talktalk.net
Innpacked	Info@innpacked.com
Institute of Licensing	info@instituteoflicensing.org
JCP Law, Licensing Solicitor	julia.palmer@jcplaw.co.uk
Keep Britain Tidy	enquiries@keepbritaintidy.org
Kuits Solicitors	anthonylyons@kuits.com
Laceys Solicitors	info@laceyssolicitors.co.uk
Lansdowne Baptist Church	office@lansdownebaptistchurch.org.uk
LV Streetwise Safety Centre, Centre Manager	alison@streetwise.org.uk
National Coastal Tourism Academy	jo.edom@coastaltourismacademy.co.uk
National Organisation of Residents Associations	chairman@nora-uk.co.uk
North Bournemouth Pubwatch	tom@barbuffalo.co.uk
NTE Strategy Group	jon.shipp@bcpcouncil.gov.uk
Pokesdown Community Forum	Pokesdown.cf@gmail.com
Police and Crime Commissioner	pcc@dorset.pnn.police.uk
Poppleston Allen, Licensing Solicitors	c.eames@popall.co.uk
Poole BID	Info@poolebid.com
Poole Chamber of Commerce	info@poolechamber.org.uk
Poole Dolphin Centre Manager	John.grinnell@dolphinshoppingcentre.co.uk
Poole Harbour Commissioner	pooleharbourcommissioners@phc.co.uk
Poole Town Centre Manager	info@pooletowncentre.com
Prima Life	Sarah-jane.wouthern@pramacare.co.uk
RNLI – Poole Lifeboat station	poole@rnli.org.uk
Robert Sutherland, Keystone Law	robert.sutherland@keystonelaw.co.uk
Sacred Heart Catholic Church, Bournemouth	office.sacredheart@btinternet.com
Samaritans	jo@samaritans.org
Saxon Square Management Company	bhcommercial@ellis-partners.co.uk
Security Industry Authority	info@the-sia-org.uk
South Western Ambulance Service	wayne.darch@swast.nhs.uk
Southbourne-on-Sea Business Association	info@sosba.co.uk
St Mungos	info@mungos.org
St Swithun's Church	tim@stswithuns.me
Trethowans solicitors	licensing@trethowans.com
The Avenue Shopping Centre	avenuecentre@btconnect.com
The Dorset SARC (Sexual Assault Referral Centre)	dorsetsarc@twelvescompany.co.uk
UK Youth Parliament	info@ukyouthparliament.org.uk
Wallisdown Info	admin@wallisdown.info
Wine and Spirit Association	info@wsta.co.uk
Winton Online	winton.communityofficer@bcpcouncil.gov.uk
Winton Traders Association	execofficer@bournemouthchamber.org.uk

IN ADDITION THE FOLLOWING GROUPS HAVE BEEN CONSULTED:-

Responsible Authorities	Dorset Police
	Wiltshire & Dorset Fire and Rescue Service
	Public Health Dorset
	Trading Standards
	Pollution Control
	Planning
	Child Protection
	Health & Safety
	Home Office Immigration
BCP Council	All Councillors
	Legal Services
	Corporate Directors
	Libraries
	Tourism and Corporate Communication
	Events team
	Equalities and Diversity Manager
	Industry Partnership Manager
	Seafront and Business Development
	Community Engagement

Licensing and Responsible Authority

Applicants are required to submit the original licensing application to the Licensing Authority and send a full copy of the application (including plans) to each of the following responsible authorities.

Where an application for a Premises Licence, Club Premises Certificate (or variations to the same) or provisional statements or Temporary Event Notice has been submitted electronically copies of the application will be forwarded to the relevant responsible authorities by the Licensing Authority.

Licensing Authority

The Licensing Manager
Licensing Team
BCP Council
Town Hall
Bourne Ave,
Bournemouth BH2 6EB
Tel: 01202 451180
E-mail: licensing@bcpcouncil.gov.uk
<https://www.bcpCouncil.gov.uk/Home.aspx>

Payment Methods

Pay by Debit or Credit Card

Online by visiting bcpcouncil.gov.uk/payonlineB
Type of payment = Licensing
Then select, EHL licensing Act 2003
Ref = **BH-«licno»**
Amount =
Select add to add further payments
Complete Card Holder details
Select next
Confirm details and make payment
Send remittance by email to licensing@bcpcouncil.gov.uk

I enclose my cheque for £«**licfee**». Cheques - payable to: **BCP Council**.

Payment by BACS, please quote ref -**WJ110-KG1**

Account No = 21006622. Sort Code = 40-13-07.

Please send remittance by email to licensing@bcpcouncil.gov.uk

If you are applying electronically, via email, and wish to make payment via card please provide your contact details so that a member of the team can call you upon receipt of the application.

Responsible Authorities

(1) Dorset Police Authority

Chief Officer of Police
c/o DAHRT, Dorset Police
Bournemouth Police Station
Madeira Road
Bournemouth
Dorset
BH1 1QQ
Tel: 01202 223156
Email: licensing@dorset.pnn.police.uk

(2) Dorset & Wilshire Fire and Rescue Service

Five Rivers Health and Wellbeing Centre
Hulse Road
Salisbury
Wiltshire
SP1 3NR
Tel: 01722 691717
Email: fire.safety@dwfire.org.uk

(3) Protection of Children from Harm

Safeguarding & Commissioning and Improvement – People Services
Poole Civic Centre Annex
G14 Ground Floor
Municipal Road
Poole
BH15 2SD
Tel: 01202 714747
Email: c.safeguardingchildren@bcpcouncil.gov.uk

(4) Weights and Measures Authority

Trading Standards Manager
Communities
BCP Council
Unit 1, New Fields Business Park
Stinsford Road
Poole
Dorset
BH17 0NF
Tel: 01202 261700
E-mail: environment@bcpcouncil.gov.uk

(5) Environmental Health Authority

Environmental Health Manager
Communities
BCP Council
Unit 1 New Fields Business Park
Stinsford Road

Poole
Dorset
BH17 0NF
Tel: 01202 261700
E-mail: environment@bcpcouncil.gov.uk

(6) Inspectors of Health and Safety

If you are applying for a premises licence for one of the following you will need to submit a copy of your application to BCP Councils Environmental Health health and safety officer:

- Offices
- Shops
- Public Houses
- Restaurants
- Hotels
- Guest Houses
- Campsites
- Saunas
- Solaria
- Art Centres or Galleries
- Sports Centres
- Schools
- Pleasure Craft
- Churches and Church Halls

(6A) Health & Safety

Environmental Health Manager
Environment and Community BCP Council
Unit 1, New Fields Business Park
Stinsford Road
Poole
Dorset
BH17 0NF
Tel: 01202 261700
Email: environment@bcpcouncil.gov.uk

If you require a premises licence for one of the following, you will need to submit a copy of your application to the Health and Safety Executive:

- Fairgrounds
- Circuses
- Agricultural Shows
- Ski Slopes
- Railways
- Local Authority Premises
- Police Authority Premises
- Fire Authority Premises

(6B) Health and Safety Executive

HSE
2 Rivergate House
Bristol
BS1 6EW
Tel: 01179 886000

E-mail: hse.infoline@natbrit.com

(7) Planning Authority

Planning Manager,
BCP Council
Town Hall
Bourne Ave,
Bournemouth BH2 6EB
Tel: 01202 451323
E-mail: planning@bcpcouncil.gov.uk

(8) Public Health

Director of Public Health
Public Health Directorate
1st Floor, Princes House
Princes Street
Dorchester
DT1 1TP
Telephone: 01305 225874
Email: publichealth-licensing@dorsetcc.gov.uk

(9) Home Office (Immigration Enforcement)

Alcohol Licensing Team
Immigration Enforcement
Lunar House
40 Wellesley Road
Croydon, CR9 2BY
Email: Alcohol@homeoffice.gsi.gov.uk

In relation to vessels, responsible authorities also include navigation authorities within the meaning of S. 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated when being used for licensable activities.

(10) Maritime & Coastguard Agency

Marine and Coastguard Agency
Southampton Marine Office
Spring Place
105 Commercial Road
Southampton
SO15 1EG
Tel: 02380 329228
Email: infoline@mcga.gov.uk

DRAFT

[Appendix D](#)

Model Pool of Licensing Conditions

INTRODUCTION

Conditions include any limitations or restrictions attached to a premises licence or club premises certificate and are essentially the steps or actions that the holder of the licence or

certificate will be required to take, or refrain from taking, in relation to the carrying on of licensable activities at premises.

There are three types of condition that may be attached to a licence or certificate – proposed, imposed and mandatory.

Failure to comply with a condition imposed on a premises licence or club premises certificate is a criminal offence, which on conviction is punishable by an unlimited fine and/or six months imprisonment.

The following list of proposed model conditions has been produced by BCP Council Licensing Authority in order to assist applicants for the grant or variation of premises licences or club premises certificates when drafting the contents of the operating schedule (Part M of the application form). The operating schedule should set out the steps (proposed conditions) the applicant will take to promote the four licensing objectives should the application be granted.

The licensing objectives are –

- The prevention of crime and disorder
- The prevention of public nuisance
- Public Safety
- The protection of children from harm

It is important that applicants consider the contents of their operating schedule carefully and only offer those which they consider appropriate to promote the licensing objectives for their particular premises and style of operation. Location, size and capacity, hours of operation and licensable activities should be considered.

This list is not exhaustive and is not intended to prevent or deter applicants from proposing their own conditions which they consider appropriate for their particular premises.

It is important not to propose conditions which are inappropriate for the style of operation or will be impossible to comply with.

INPUT OF RESPONSIBLE AUTHORITY

The list does not restrict applicants, any of the responsible authorities, or other person, from proposing any alternative or additional conditions they consider appropriate to promote the licensing objectives during the consultation period.

Applicants are advised to contact the responsible authorities before they submit their application to discuss their proposals in detail.

INPUT OF LICENSING COMMITTEE/SUB-COMMITTEE

In the event that your application is considered by the Licensing Committee or Sub-Committee, as a result of relevant representations being made and not withdrawn, the Licensing Committee or Sub-Committee may choose to impose any of the conditions included in the list (but will not be obliged to do so) or may choose to impose individual conditions they see fit or may choose not to impose conditions.

Licensing Objective		<u>SUGGESTED CONDITION WORDING</u>
Prevention of Crime and Disorder	Refusal Book	A Refusals Register shall be maintained at the premises and used to record any and all occasions upon which any person is refused the sale of alcohol (or delivery of the same) with a note of the reason for the refusal, the date and time and a brief description of the person(s) concerned. If the refusal relates to a delivery, the record shall also contain a note of the delivery address and the name of the customer concerned. The register shall be kept at the premises

		for a minimum period of 12 months and made available for inspection by police, council and other authorised officers on request.
	Incident Log	An incident log shall be kept at the premises. The log should include the date and time of the incident and the name of the member of staff involved. The log to be made available on request to an authorised officer of the Council or the Police, which will record the following: (a) all crimes reported to the venue as having occurred within or immediately outside the premises (b) all ejections of patrons (c) any complaints received relating to crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system or searching equipment or scanning equipment The incident log shall be kept at the premises for a minimum period of 12 months and be made available for inspection by police, council and other authorised officers on request.
	Alcohol Deliveries Bespoke conditions should be considered in relation to delivery-only premises to address the following concerns:- ID Checks – How and by whom is this being completed and recorded? What is the protocol for refusal and how is this being monitored? Maximum quantities of alcohol. This should be	All persons making deliveries of alcohol from the premises shall be instructed to report to the holder of the licence or the DPS any and all occasions when a delivery is refused and the reason for that refusal and a record of all such refusals shall be maintained at the premises. The record shall be checked by the DPS or the manager(ess) in charge of the premises at least once a week and shall be signed to that effect. Alcohol sold shall be ancillary to food prepared and served on/delivered from the premises. Alcohol deliveries shall only be made to residential/business addresses.

	considered to ensure adequate controls and to safeguard against proxy-sales.	
	ABV Limit	No beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.
	CCTV	A CCTV system, shall be installed and thereafter maintained in good working order to cover all public parts of the premises (excluding lavatories). Cameras covering entry and exit points shall be capable of enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record and cover areas where alcohol is kept for selection and purchase by the public, whilst the premises is open for licensable activities. It shall operate during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with correct date and time stamping. Recordings shall be made available for viewing (subject to Data Protection Act 2018 or any replacement legislation) immediately upon the request of Police or an authorised officer and copies provided in a playable format as soon as is reasonably practicable, provided in each case that requests for viewing and/or copies are compliant with data protection regulations. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public.
	SIA Door Supervisors	The holder of the licence shall undertake a risk assessment with regard to the deployment of SIA Door Supervisors at different times of the day and on different days of the week to determine whether it is appropriate to deploy door staff on those days and/or at any other time(s) and to then implement the outcome of the risk assessment. A copy of the risk assessment should be made available to an authorised officer of the Licensing Authority or Dorset Police upon request.
	Queues	The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway. The designated queuing area shall be enclosed within appropriate barriers to ensure that the footway is kept clear.

		All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.
	Pub and Town Watch	The premises shall maintain membership of the Townwatch scheme (or any successor scheme); a senior member of staff shall attend all Townwatch meetings unless an emergency arises preventing such attendance and the premises will support Townwatch initiatives.
	Off Sales	There shall be no sales of alcohol for consumption off the premises. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables in the designated area.
	Drugs	There shall be a written drugs policy detailing the actions to be undertaken to minimize the opportunity to use or supply illegal substances with the premises. Training of staff in relation to this policy shall be recorded and available for inspection by an authorised officer at all reasonable times. Records shall be retained for at least 12 months. A drug safe shall be available on the premises to deposit any illegal substances found. There shall be a clear policy with the agreed procedure for handling and the retention of any article seized. There shall be a clear visible notice displayed on the premises advising those attending that the Police may be informed if anyone is found in possession of controlled substances or weapons.
	Glass and Bottles	All drinks shall be served in plastic/paper/toughened glass or polycarbonate containers. The contents of any bottled beverage shall be decanted into a plastic/paper/toughened glass or polycarbonate container before service to any customer. The collection of glass and bottles shall be undertaken at regular intervals. Bottle bins shall be provided at the exit doors and staff shall show due diligence in preventing bottles and glasses being taken from the premises.

Licensing Objective	SUGGESTED CONDITION WORDING

Prevention of Public Nuisance	Noise Limiter	<i>For High Risk Businesses with residential located above or in the local vicinity and/or a business whose main purpose is provision of music.</i> A noise limiter shall be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
	Noise Escape	<i>For all businesses who intend to open into the evening with residential located above or in the local vicinity. (ensure times are the same as other similar businesses in the area)</i> No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance. All audio from the music system will be played at background level only. A lobbied entrance (that is two sets of doors that are set so that one is closed when the other one is open) shall be installed at the premises. Loudspeakers shall not be located in the entrance lobby or outside the premises building Live/recorded music will stop at (XX.XX) The front entrance doors to the premises shall have self-closers and be maintained as such for the duration of the licence.
	Doors and Windows	<i>For all businesses offering music into the evening with residential located above or in the local vicinity (ensure times are the same as other similar businesses in the area)</i>

		All windows and external doors shall be kept closed after (XX:XX) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
	Allowing People Outside/Smoking	<i>For all businesses allowing patrons to leave the premises e.g. to smoke (ensure times are the same as other similar businesses in the area)</i> There shall be no admittance or re-admittance to the premises after (XX:XX) except for patrons permitted to temporarily leave the premises to smoke or to make a telephone call, is impractical to do so from within the building. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or to make a telephone call, shall be limited to (X) persons at any one time. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or to make a telephone call, shall not be permitted to take drinks or glass containers with them. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway. Loudspeakers shall not be located outside the building. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly. Patrons permitted to temporarily leave and then re-enter the premises to smoke or to make a telephone call shall be restricted to a designated smoking area defined as (specify location). After (XX:XX), Patrons will only be permitted to use the outside area for temporary purposes e.g. to smoke or to make a telephone call.
	External Tables and Chairs	<i>For those businesses with external tables and chairs (ensure times are the same as other similar businesses in the area)</i> No food or alcohol shall to be served on the patio/terrace area after (XX:XX) hours. All outside tables and chairs shall be rendered unusable by (XX:XX) each day.

		All tables and chairs shall be removed from the outside area by (XX.XX) each day.
	Signs	<i>For all businesses where patrons will leave during an evening and have residential in the local area.</i> Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
	Queueing to Enter Premises	<i>See prevention of crime and disorder above.</i>
	Movement of Waste Externally	<i>For all businesses who store waste externally (ensure times are the same as other similar businesses in the area)</i> No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (XX.XX) hours and (XX.XX) hours on the following day. No collections of waste or recycling materials (including bottles) from the premises shall take place between (XX.XX) and (XX.XX) on the following day.
	Deliveries	<i>For all businesses with deliveries to the premises (ensure times are the same as other similar businesses in the area)</i> No deliveries to the premises other than milk and newspapers shall take place between (XX.XX) and (XX.XX) on the following day.
	Takeaways	<i>For all businesses operating takeaway/delivery functionality late into the evening</i> All staff including delivery drivers will be trained making them aware that they must be considerate of neighbouring premises; a sign requiring this will also be placed on any door used for the collection of the delivery at all times.
	Manager's Phone Number to be Available	<i>For High Risk businesses likely to cause a nuisance.</i> A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
	Steam and Odours	No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

Licensing Objective		
Public Safety	Considerations of Dorset & Wiltshire Fire	Occupancy to include: Numbers

	and Rescue Service NOTE – These matters must be considered in the Fire Risk Assessment under the Regulatory Reform (Fire Safety) Order 2005 These considerations will not be duplicated to form conditions on your licence.	• Type of Occupants (young/old/mental capacity/vulnerable) • Disabilities/impairments • Floor space calculations / Exit capacities Means of Escape to include: • Travel Distances • Emergency Lighting • Signage • Final exits (number, location, locking mechanisms) • Protected Routes to include: ○ Compartmentation (walls and ceilings) ○ Fire Doors to satisfy FD30S Automatic Fire Warning & Detection Firefighting Provisions Fire Risk Assessment Your attention is drawn to the following sources of information and advice - FIRE SAFETY RISK ASSESSMENT GUIDES ✓ Guides suitable for your type of premises, published by the Department of Communities and Local Government, are available from bookshops, or free by downloading from the internet – http://www.gov.uk/workplace-fire-safety-your-responsibilities ✓ Information regarding Business Fire Safety can be found on Dorset & Wiltshire Fire and Rescue Service website https://www.dwfire.org.uk/business-fire-safety/

Licensing Objective		SUGGESTED CONDITION WORDING
Protection of Children from Harm	Challenge 21 or Challenge 25	Challenge (21/25), shall be operated at the premises where the only acceptable forms of identification are (recognised photographic identification cards, such as a driving licence or passport / holographically marked PASS scheme identification cards). Appropriate signage advising customers of the policy shall prominently displayed in the premises.
	Staff Training	All staff working at the premises concerned with the sale of alcohol shall be trained with regard to the law on restricted sales (to persons under the age of 18 and/or who are intoxicated) and with regard to the terms and conditions of the premises licence. A written record of all staff

		training shall be maintained and kept on the premises and made available on request to an authorised officer of the Council or the Police.
	Consideration s for child safeguarding	Children (under 18) shall not be allowed upon the premises. Clear signage of the times and areas children (under 18) may be admitted shall be displayed. Children (under 18) shall only be allowed to remain on the premises between the hours of --:-- and --:-- on any day. Bars and restaurants expecting under 16s to be accompanied past a certain hour. A lost children procedure shall be in place with DBS checked staff to care for any lost children.



LICENSING COMMITTEE AND SUB COMMITTEE PROTOCOL FOR PUBLIC SPEAKING

The following protocol for public speaking shall apply in respect of hearings under the Licensing Act 2003, the Gambling Act 2005, and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009).

This includes applications relating to the licensing of alcohol, regulated entertainment, late night refreshment, gambling, and sex establishments, Hackney Carriage and Private Hire vehicles, which are the responsibility of the Licensing Committee/Sub Committee to determine as set out in Part 3.3 of the Council's Constitution.

1. The Chair welcomes everyone to the hearing, identifies all parties present and makes introductions.
2. Matters of general housekeeping are dealt with, eg location of fire exits and toilets, fire alarms, notification that the hearing may be recorded, reminder to switch mobile phones to silent.
3. All persons who have given notice of their intention to speak are identified.
4. Identify if any person who wishes to withdraw a representation or wishes not to speak
5. Chair explains proposed procedure and order of speaking for hearing as set out in Appendix A. All parties confirm agreement or make representations on procedure proposed.
6. Licensing Officer's report is presented.
7. Parties present their representations in the order agreed.
8. Parties who are speaking should not repeat the information which they have already given in writing in their representation. They will be able to expand on the written information given, provided the information remains relevant. Any addition information should be limited to the grounds of their representation(s). For example, if they are objecting on the grounds of Public Nuisance, then they should confine their comments to matters relating to Public Nuisance.
9. Members of the Licensing Committee or Sub Committee may ask questions after each representation and at the end of all representations. Parties, will be allowed to ask questions through the Chair.
10. Following representations, the parties will be given the opportunity to sum up. Party who spoke first to go last.
11. Members will deliberate in private with the clerk and legal representative as appropriate present.

12. The decision will be taken by the Committee and that decision delivered by the Chair to all parties at the conclusion of the hearing as appropriate. A written decision notice will be issued following the hearing in accordance with the regulations.

13. The Legal Adviser will advise the parties of any right of appeal as appropriate.

General points

- The hearing may be adjourned at any time at the discretion of the Members
- Members may amend the procedure at any time if they consider it to be in the public interest or in the interest of a fair hearing
- Licensing Hearings are held in public. However, the Chair may exclude members of the public (including a party to the Hearing) from all or part of a Hearing where it considers the public interest in doing so, outweighs the public interest in the Hearing.
- The Chair may exclude any person from a hearing for being disruptive.
- Meetings of the Licensing Committee in public session are audio recorded by the Council for subsequent publication on its website. The meeting may also be audio recorded and/or filmed for live or subsequent broadcast by members of the public and media representatives.
- The hearing will take the form of a discussion.
- Only persons (or their representatives) who have made an application, are subject to an application or have submitted a written representation to the Licensing Authority under the relevant Act are permitted to speak at the hearing.
- Any further information to support an application or a representation must be submitted at least 5 working days prior to the Hearing. Any submissions submitted less than 24 hours before the hearing must be agreed by all parties at the Hearing, before it can be considered
- If a party has informed the Authority that he does not intend to attend, or be represented at the hearing, or has failed to advise whether he intends to attend or not, the hearing may proceed in his absence

For other matters in Part 3.3 of the Council's Constitution which are the responsibility of the Licensing Committee, the procedures set out in Appendix 6 of the Council's Constitution in relation to public questions, statements and petitions shall apply.

This includes such matters as making recommendations on relevant policies, approving the level of fees charged by the Council, and making decisions on tariffs charged by the Public Carriage Trade.

The Council's Constitution can be accessed using the following link:

<https://democracy.bcpccouncil.gov.uk/ieListDocuments.aspx?CId=151&MId=3671&Ver=4&Info=1>

For further information please contact democraticservices@bcpccouncil.gov.uk

Appendix A

Proposed procedure and order of speaking for Licensing Act 2003 hearings

- The Licensing Officer/Other Council Officer presents report
- Applicant will make their Application
- Questions of the Applicant by all parties, Members of the Committee/Sub-Committee to go first
- Responsible Authorities and Other Persons will make their representations.
- Questions of the Responsible Authorities and Other Persons. Members of the Committee/Sub-Committee to go first.
- All parties will be given an opportunity to sum up (with the party who spoke last to go first).
- Sub-Committee will deliberate in private with Legal Adviser and Clerk present. Councillors new to Licensing may observe but will not take part in the decision making)
- Sub-Committee will return, and the Chair will announce the decision if appropriate (a written decision notice will be issued following the hearing in accordance with the regulations).
- The Legal Adviser will advise parties of any right of appeal as appropriate.



LICENSING COMMITTEE AND SUB COMMITTEE
PROTOCOL FOR PUBLIC REPRESENTATION AT VIRTUAL MEETINGS

The existing protocol for public speaking has been adapted to apply in respect of virtual hearings under the Licensing Act 2003, the Gambling Act 2005, and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009).

It has been amended in accordance with Article 16 of the Council's Constitution: Covid-19 Interim Decision Making Arrangements, and the requirements of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

This includes applications relating to the licensing of alcohol, regulated entertainment, late night refreshment, gambling, and sex establishments, Hackney Carriage and Private Hire vehicles, which are the responsibility of the Licensing Committee/Sub Committee to determine as set out in Part 3.3 of the Council's Constitution.

14. The Chair welcomes everyone, matters of general housekeeping are dealt with, notification that the hearing may be recorded for live and subsequent broadcast on the Council's website, reminder to switch mobile phones to silent, principles for managing formal skype meetings.
15. The Chair identifies all parties present and makes introductions.
16. Matters of general housekeeping are dealt with, notification that the hearing may be recorded for live and subsequent broadcast on the Council's website, reminder to switch mobile phones to silent.
17. All persons who have given notice of their intention to speak are identified.
18. Identify if any person who wishes to withdraw a representation or wishes not to speak
19. Chair explains proposed procedure and order of speaking for hearing as set out in Appendix A. All parties confirm agreement or make representations on procedure proposed.
20. Licensing Officer's report is presented.
21. Parties present their representations in the order agreed.
22. Parties who are speaking should not repeat the information which they have already given in writing in their representation. They will be able to expand on the written information given, provided the information remains relevant. Any addition information should be limited to the grounds of their representation(s). For example, if they are objecting on the grounds of Public Nuisance, then they should confine their comments to matters relating to Public Nuisance.

23. Members of the Licensing Committee or Sub Committee may ask questions after each representation and at the end of all representations. Parties, will be allowed to ask questions through the Chair.
24. Following representations, the parties will be given the opportunity to sum up. Party who spoke first to go last. The hearing will then conclude.
25. Members will deliberate in private with the clerk and legal representative as appropriate present.
26. The decision will be taken by the Committee and notification of the decision will be given within the period of five working days beginning with the day or the last day on which the hearing was held in accordance with the regulations. The notification of decision will include information about the right of appeal as appropriate.
27. The Legal Advisor will advise the parties of any right of appeal as appropriate at the conclusion of the hearing.

General points

- The hearing may be adjourned at any time at the discretion of the Members
- Members may amend the procedure at any time if they consider it to be in the public interest or in the interest of a fair hearing
- The Sub Committee may decide to conduct all or part of a hearing in non public session where it considers the public interest in doing so, outweighs the public interest in the hearing.
- The Chair may exclude any person from a hearing for being disruptive.
- Meetings of the Licensing Committee in public session are recorded by the Council for live and subsequent broadcast on its website.
- The hearing will take the form of a discussion.
- Only persons (or their representatives) who have made an application, are subject to an application or have submitted a written representation to the Licensing Authority under the relevant Act are permitted to speak at the hearing.
- Any further information to support an application or a representation must be submitted at least 5 working days prior to the Hearing. Any submissions submitted less than 24 hours before the hearing must be agreed by all parties at the Hearing, before it can be considered
- If a party has informed the Authority that he does not intend to participate, or be represented at the hearing, or has failed to advise whether he intends to participate or not, the hearing may proceed in his absence

For other matters in Part 3.3 of the Council's Constitution which are the responsibility of the Licensing Committee, the procedures set out in Appendix 6 of the Council's Constitution in relation to public questions, statements and petitions as amended by Article 16: Covid-19 Interim Decision Making Arrangements and the provisions in The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 shall apply. This includes such matters as making recommendations on relevant policies, approving the level of fees charged by the Council, and making decisions on tariffs charged by the Public Carriage Trade.

The Council's Constitution can be accessed using the following link:

<https://democracy.bcpccouncil.gov.uk/ieListMeetings.aspx?CommitteeID=151&Info=1&bcr=1>

For further information please contact democraticservices@bcpccouncil.gov.uk

Appendix A

Proposed procedure and order of speaking for virtual hearings

- The Licensing Officer/Other Council Officer presents report
- Applicant will make their Application
- Questions of the Applicant by all parties, Members of the Committee/Sub-Committee to go first
- Responsible Authorities and Other Persons will make their representations.
- Questions of the Responsible Authorities and Other Persons. Members of the Committee/Sub-Committee to go first.
- All parties will be given an opportunity to sum up (with the party who spoke last to go first). The hearing will then conclude.
- Sub-Committee will deliberate in private with Legal Adviser and Clerk present. (Councillors new to Licensing may observe but will not take part in the decision making).
- Notification of the Sub Committee's decision will be given within the period of five working days beginning with the day or the last day on which the hearing was held in accordance with the regulations. The notification of decision will include information about the right of appeal as appropriate.
- The Legal Adviser will advise parties of any right of appeal as appropriate at the conclusion of the hearing.

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APPENDIX 2

Paragraph Number	Name of Respondent	Summary of Comments	Evaluation of comments	Recommendation	Action taken by officers
7.4	Derek McCullogh, South Western Ambulance Service	Register the NHS Ambulance Service for the area as a consulted party	Responsible Authority is a statutory list as set out in the legislation, Ambulance Service are not listed	Leave Responsible Authority list as per legislation	
14.5	Derek McCullogh, South Western Ambulance Service	Addition of comment relating to the serious and acute impact on health, where under 18s consume alcohol, to reinforce the message the policy is conveying The Health Authority is clearly a responsible authority, however would you give consideration to the NHS Ambulance Service also being named in the responsible authorities in view of our partnership working		Agree	15.5 Amended in blue to include comment
Glossary	Derek McCullogh, South Western Ambulance Service	Please note that the address for relevant authority consultation with Dorset & Wiltshire Fire and Rescue Service as contained within Appendix C to the revised draft policy should be sent to : Dorset & Wiltshire Fire and Rescue Service, Chamber House, Acorn Business Park, Ling Road, Poole, BH12 4NZ email fire.safety@dwfire.org.uk	Responsible Authority is a statutory list as set out in the legislation, Ambulance Service are not listed	Leave Responsible Authority list as per legislation	
Appendix C	Graham Kewley, DWFRS	If there was the possibility of providing a link to our website www.dwfire.org.uk within the document it would greatly assist with the quality of consultation submissions in relation to fire safety. In order for us to adequately assess the means of escape, occupancy and general fire precautions within a premises, it is necessary to have detailed plans and information on the existing provisions as well as any proposed management controls identified from the fire risk assessment. Early access to this information for applicants will undoubtedly assist with avoidance of delays in processing applications. I appreciate the need to keep the policy succinct.		Agree	Amended entry in Appendix C blue
Gen Comment	Graham Kewley, DWFRS	We (DWFRS) should be referred to as Fire and Rescue Service rather than fire departments. This covers Operational and Fire Safety.		Agree	Add link into document at 14.6 in blue
Gen Comment	Tim Kench, DWFRS	references to BID throughout the new Licencing Policy does not require an apostrophe		Agree	Appendix A amended in blue
Gen Comment	Councillor Vikki Slade			Agree	document amended

136	Gen Comment	Councillor Vikki Slade	Environment – whilst there is reference to noise nuisance, public health issues etc there is no reference to the environment. I wondered why there is no reference to ensuring that glass and plastic is not littering the area around the licenced premises and that it is recycled		Agree	Amended 14.10 to reflect wider meaning of environment
	Gen Comment	Councillor Vikki Slade	cultural Sensitivities – there is no reference to being culturally sensitive ...for example mentioning other religions or even the proximity of premises selling alcohol to schools, churches etc?			
	Gen Comment	Councillor Vikki Slade	Drink Driving – there is no reference to this	Outside of the scope of the policy	Police enforcement function and not within power of the Licensing Authority therefore not included	
	Gen Comment	Councillor Vikki Slade	Process – in the final area there is a long list of all the different departments that have to be notified when particular applications are made. As I have experienced recently, there is no form to submit objections as there is for the planning process, and these objections, comments or supporting documents cannot be found online which seems odd. Would it not be possible to use this opportunity to update our processes to put the application process online so that rather than multiple submissions by post or separate email that you tick what type of application it is and this will send to the relevant groups, or at least to send to multiple departments via a form checking system.	The application process and how to make representations are limited by IT capabilities but will move forward in time		Instructions on how to make a representation/objection with guidance is now on the website. All applications received via email are forwarded to the relevant responsible authorities by the licensing team. The legislation states that if applying by paper copy the applicant is responsible for serving the application on the responsible authorities so this must continue until any changes in legislation.
	Chapter 9	Phillip Day, solicitor	I have a fundamental issue with the draft policy in that I do not consider that it complies with the statutory requirements, particularly in so far as they relate to the purported inclusion of a Cumulative Impact Policy at section 9 of the draft. Section 5(D) of the Licensing Act asserts 'In determining or revising its policy, a licensing authority must have regard to any cumulative impact assessments published by it under section 5A		Legal Officer has reviewed	Amended the chapter - blue addition, red delete
	Chapter 9	Phillip Day, solicitor	Section 5(6E) goes on to assert "A licensing statement must – (a) summarise any cumulative impact assessments published by the licensing authority under section 5A, and (b) explain how the licensing authority has discharged its duty under section (6D)."		Legal Officer has reviewed	Amended the chapter - blue addition, red delete

Chapter 9	Phillip Day, solicitor	BCP Council has not to date published any cumulative impact assessment under section 5A nor does it appear to have started the process that might lead to the publication of such an assessment.	Legal Officer has reviewed	Amended the chapter - blue addition, red delete
Chapter 9	Phillip Day, solicitor	Paragraph 9.1 of the draft policy acknowledges and largely repeats the provisions of section 5(6D) but then at paragraph 9.3 talks about receiving a “geographical cluster of complaints” and whether those “are the result of the cumulative impact of licensed premises within the area concerned” before going on to assert that “(i)n such circumstances, the Licensing Authority will also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement”. This fails totally to acknowledge the requirements of section 5(A), as do paragraphs 9.4 and 9.5 – indeed, the latter makes no mention of undertaking a cumulative impact assessment nor the process for publishing the same, in particular the duty to consult provided for in section 5A(5).	Legal Officer has reviewed	Amended the chapter - blue addition, red delete
Chapter 9	Phillip Day, solicitor	Most concerning are the provisions of paragraph 9.7 of the draft policy whereby BCP Council appear to be attempting to continue the former Bournemouth Borough Council’s cumulative impact policy for the duration of the term of the new policy. In that regard, it is noted that paragraph 9.9 asserts “The Licensing Authority will review the CIA Special Policy in early 2020. And (sic) this will replace the existing Bournemouth Borough Council Special Policy”. Again, there is no mention of the provisions of section 5A nor the requirement to review a cumulative impact assessment (not policy) every three years, again subject to the duty to consult.	Legal Officer has reviewed	Amended the chapter - blue addition, red delete
Chapter 9	Phillip Day, solicitor	(As an aside, it does seem rather nonsensical not to “undertake a review” at the same time as consulting on the draft policy. If a section 5A assessment is to be published in the future, it will then be necessary to revise the policy so as to comply with sections 5(6D) and (6E) if it was intended to then include a cumulative impact policy. This in turn would mean a further consultation at no doubt a not insignificant further expense to the public purse).	Legal Officer has reviewed	Amended the chapter - blue addition, red delete

		Indeed, there must now be an issue as to the status of the previous CIA. It was first adopted in February 2007 and was clearly reviewed in 2015 when Bournemouth last published a statement of Licensing Policy. It is known that in October 2018, the police provided the then Council with what was described as an "Analytic Update to Support a Cumulative Impact Statement in the Borough of Bournemouth." This document contains statistical and other information principally concerning the number of assaults in the areas under consideration. It does not however contain any information about the extent of alcohol related crime and anti-social behaviour and I would question whether such "evidence" would be sufficient to justify the making of a section 5A statement.		Legal Officer has reviewed and suggested amendments	Amended the chapter - blue addition, red delete
Chapter 9 Gen Comment	Phillip Day, solicitor Phillip Day, solicitor	The draft lacks an index which makes it difficult to navigate quickly.		Agree	Inserted index in blue
8.19	Phillip Day, solicitor	It would be helpful if the Memorandum of Understanding was included as an appendix to the policy - there is no indication as to where a copy might be found.		Agree	Insert as Appendix E once signed this will be on the website as well.
		It is understood that there is to be a process of consolidation so that there will in future be a common approach. It would be most helpful if the policy either within this section and/or within Appendix C set out precisely the mechanism by which applications may be made or notices given. For example, there should be a statement about whether applications can be submitted via the Gov.UK website and, if so, whether the pdf form available on that website has to be used or whether it is acceptable to upload a copy of the printed version of the form (which is different). Will applications submitted by email be accepted? (It is noted that paragraph 17.3 asserts that an application for review may be made electronically "as long as it is on the required form". Presumably, this means by email but does it negate the requirement of the applicant for review to serve a copy on the responsible authorities and the premises licence holders etc – the policy is silent on this?).	The actual process is subject to change with IT upgrades ect and information, forms and how to apply shall be kept up to date on the website and it not required to be set out in the Policy		
12	Phillip Day, solicitor				Already mentions the process on the website at 12.1

12	Phillip Day, solicitor	What address should be inserted in public and site notices – will this in future be a single address or will the address differ depending on whether the premises are situated in Poole, Bournemouth or Christchurch (as is the case as I write)? Will the address be the same for submitting representations and inspection of applications? For the benefit of those who might want to be aware of any applications that have been submitted, it would be helpful to include a full web address where applications can be viewed on-line. (It would also be helpful if BCP Council were to adopt a policy regarding the publication of registers of licences. The on-line Bournemouth register is not working properly (and is incomplete), Poole have never had an on-line register (where in future may that be inspected?) and the Christchurch register is completely different again!)	The actual process is subject to change with IT upgrades ect and information, forms and how to apply shall be kept up to date on the website and it not required to be set out in the Policy. With the intergration of IT systems there will be one contact and this will all be reflected on the webiste guidance in the near future		Already mentions the process on the website at 12.1
12	Phillip Day, solicitor	Can payment of fees be made on-line and if so, how? Will payments be accepted over the telephone and if so, who should be contacted and where? (This is particularly relevant with regard to payment of annual fees where again, the three former authorities differed in their requirements). Will cheques be accepted (some authorities are now refusing to accept cheques and even cash) and can payments be made by bank transfer?		Agree	Amended and in blue in Appendix B
12	Phillip Day, solicitor	Similarly, each previous Authority adopted different procedures at hearings, particularly regarding the order of speaking and whether cross questioning of parties was to be permitted. I understand that a common approach has now been agreed and this should be included within the policy.	The licensing hearing protocol is available on the website already and included in all hearing paperwork	Unnecessary duplication and not necessary for the policy	
18.4 Gen comment	Phillip Day, solicitor Phillip Day, solicitor	Paragraph 18.4 also causes me some concern, not least because no reference is made to Public Space Protection Orders (although these are mentioned in the glossary) and seems to introduce a further presumption of refusal of applications for off-licensed premises in certain (unidentified) localities – how for example is a stranger to the area (or even someone like me) able to find out the location(s) of alcohol addiction recovery activities or buildings? How are we to know in which areas there are issues with street drinkers? It would also be helpful if the definitions in the Glossary were sorted alphabetically!		For discussion Agree	19.5 in amended document included reference to PSPO, and link to BCP degraphic and crime data in blue Amended

		Finally, many Licensing Authorities include within their policies suggested wording for conditions. A typical example would be a CCTV condition where it assists all concerned if there is a consistency of approach and wording. It is also noted that there is nothing in the policy that indicates the Authority's approach to age verification policies – is there an expectation that alcohol licensed premises should promote a "Challenge 21 or 25" policy (and accept conditions to that effect)? It is suggested that whilst "standard conditions" should be avoided, the Authority might like to suggest appropriate wording for some of the most frequently used conditions and perhaps to give an indication of the circumstances in which there is an expectation that certain types of condition will be proposed, e.g. relating to the provision of SIA registered door supervisors.			
Gen comment	Phillip Day, solicitor		The mulit agency group is in the process of compiling a reference guide for the wording of conditions this will be published on the website and can an appendix when complete	Agree	Appendix D will be added in due course
5.2	Robert Spencer, PHDorset	Add the Pan Dorset Drug and Alcohol Strategy (2016-2020)		Agree	Added reference and link in blue
5.2	Robert Spencer, PHDorset	For the other strategies listed it is unclear whether they are BCP or Pan Dorset?		The wording does say this relates to BCP Council Strageties	
9.5	Robert Spencer, PHDorset	Add Prevalence of drug and alcohol dependency & prevalence of safeguarding risk		Relates to Cumultive Impact	Legal advice is to remove most of Chapter 9 suggested new working in blue and deletions in red
10.1	Robert Spencer, PHDorset	Add evidence for the internal structure of a pub, i.e. seating / glass size etc	Plans are provided for all applications cannot see how this is relevant to the mechanism for dealing with behaviours		
10.2	Robert Spencer, PHDorset	Could we state that the licence fee contributes towards these initiatives?	Statutory Fee to pay for the administraiton of the service and cannot be used for other inititives		
10.3	Robert Spencer, PHDorset	Has the idea of debating late night levy / cumulative impact considered? Potentially there is not clarity of an actual policy and vision of BCP re night-time and linking economic and health themes?	Late night levy and CIA are data based and currently no data to support them, have been looked at over the years. Can be considered in the future if evidence supports them.		
10.6	Robert Spencer, PHDorset	How mandatory can you make shatter proof glass? And what are the environmental alternatives?	Cannot have a blanket requirement for all premises its on a case by case basis on application and then as needed depending on arising issues		added it in 14.6 in blue
11.3	Robert Spencer, PHDorset	Is the alcohol strategy referred to the Pan Dorset Drug and Alcohol Strategy (2016-2020)?		Agree to clarify it is the Pan Dorset Drug and Alcohol Strategy	Amend document in blue

13.6	Robert Spencer, PHDorset	Add defibrillator?		Agree	Added in 14.4 in blue
14	Robert Spencer, PHDorset	Add protection of vulnerable adults		Agree	15.3 added in blue
			No agreement they are a recognised responsible authority who are consulted for applications and variations		
14.3	Robert Spencer, PHDorset	It is unclear what PHD are agreeing to?			
14.7	Robert Spencer, PHDorset	Remove the caveat around premium, craft and special products.			highlighted red for to delete if agreed
15.3	Robert Spencer, PHDorset	The opening sentence does not make sense		have clarified the sentence	see amendment in blue 16.3
16	Robert Spencer, PHDorset	Can we add that any outside event should have a drug policy and a link to local drug and alcohol services.	All large events involve the Safety Advisory Group with includes the Police who are the primary authority for drug issues and searches		17.2 and 17.3 added to mention drug testing as appropriate in blue
16	Robert Spencer, PHDorset	Can we add the potential use of drug testing at outside events to reduce fatalities.	All large events involve the Safety Advisory Group with includes the Police who are the primary authority for drug issues and searches		
18.3	Robert Spencer, PHDorset	The last bullet point does not necessarily make sense considering whisky is 40%			
18.4	Robert Spencer, PHDorset	Add Hospital setting to first bullet point		now 19.5	this is a suggested amendment in blue
Gen comment	Robert Spencer, PHDorset	Full words required before abbreviations		Agree and hopefully this has been picked up throughout the document	
Gen comment	Robert Spencer, PHDorset	The document does not have a vision and / or feel of a strategy that links to other strategies, i.e. planning, healthy spaces etc.		Have included link to BCP Corporate Strategy	added at 5.1 with some suggested additional wording in blue to explain how we support corporate priorities
Gen comment	Robert Spencer, PHDorset	Should there be a link in the document to environmental sustainability?		Agree BCP has declared a climate emergency and as soon as the policy for this is published we will put in a link.	

What has become very clear in the first 12 months of ownership is the lack of offering in the BCP area of the more experiential operations and events available in London and regional cities like Bristol. We have also identified a clear trend of inward migration to the area of 28-35 year olds , many having graduated from Bournemouth University, returning having lived in London . They like the local population who have visited other cities are frustrated by the limited options in BCP. These are not the hen/stag type or big F and B chain operations which are well catered for but the quirky independent that provide originality that appeals to a slightly mature market.

Gen
comment

Ashley Nicholson,
The Avenue

We recognise the cumulative impact strategy and have heard the police want to tighten up further. This worries us greatly . Many of the type of operations the town centre needs will need a licence. For example we are letting a unit in the Avenue to a café/bike shop (Velo Domestique) who have a strong local following and do a number of community and bike related evening events. A licence is essential to the viability to them. This is exactly the type of operator the town centre needs to attract people to come to the town centre rather than the convenience of Castle Point. We are also establishing an events space at the rear of the centre (The Loading Dock) which will provide a very different more edgy event alternative to the BIC style conference space. We have held our first event there, South Coast Makers Market which was an extraordinary success and proved if you provide the right attraction people will come. We want to build on this as a regular event and add in street food markets etc. At some stage we will need a licence and there should be scope within the cumulative impact area to allow for these type of activities which are the only hope for bringing people into the town centre beyond the hen/stag operations that already exist.

Chapter 9

Ashley Nicholson,
The Avenue

As a result of the review of the CIA and call for supporting data to support continuation of a CIA area has resulted in no evidence being provided to date to demonstrate the necessity.

Chapter 9 has been amended and previous Bournemouth Council CIA zones have been removed.

Chapter 9	Ashley Nicholson, The Avenue	As I said we also own Debenhams and it is most likely that in the not too distant future will also be vacated in part or whole . We therefore share with BCP a great responsibility to do what we can to keep the town centre alive. That will require a collaborative and positive approach to licensing. A blanket ban will be the nail in the coffin,		As a result of the review of the CIA and call for supporting data to support continuation of a CIA area has resulted in no evidence being provided to date to demonstrate the necessity.	Chapter 9 has been amended and previous Bournemouth Council CIA zones have been removed.
	Jon Weaver, Events Team 15.2 Manager	it is talking about TEN's and says that no permission is required from the Council. We understand this in terms of the TEN however, we think an additional point should be in here to say that permission for use of BCP land for the TEN is required through the BCP Events Team. Bournemouth have established a Community Alcohol Partnership (CAP) scheme which is run by a locally managed multi-agency partnership and whose aim is to reduce alcohol harm in local communities from drinking by young people under 25, with a particular emphasis on preventing underage drinking.		Agree	16.2 amended in blue
	19.2 Jon Shipp	Care, control of premises not addressed and this is essential for assessing the management of premises particularly when making decisions in Licensing Committees and Sub Committees		Agree	Amended and included the additional wording
	Linda Cole, BCP Solicitor	We need to take into account the outcome of the ongoing review of the Cumulative Impact Policy in accordance with the Home office Guidance	CIA can be reviewed and added at any time that evidence is provided to support the need for one	Agree	Additional Chapter 13 added into amended document
Chapter 9	Linda Cole, BCP Solicitor			Agree The evidence of the CIA is not currently apparent	Amended Chapter 9 as previously mentioned

Member Feedback

Paragraph Number	Name of Respondent	Summary of Comments	Evaluation of comments	Recommendation	Action taken by officers
6.5	Councillor Diane Butler	is not really needed "The Council holds premises licences for" is a helpful amendment			
6.6	Councillor Diane Butler	V6 index is a very good addition to V5 draft.			
Index	Councillor Diane Butler		We want to include as many BCP consultees as deemed necessary. We do not include individual businesses as this would be unreasonable for all Licenced premises within the conurbation which is why it goes on the website for public consultation	agreed	Added Poole Harbour Commissioners, RNLI Poole. Also included B, C ,P chambers of commerce. Markets are already included in the BCP internal consultaiton as these are run by the Community Engagement team
Appendix 2	Councillor Diane Butler	The document seems a little Bournemouth-centric – which is not ideal for the diversity of the whole BCP area. E.g Appendix 2 List of Consultees:has many more Bournemouth contacts Could we include Poole : Dolphin Centre, High Street Markets, Poole Harbour Commission and Quay businesses			
Chapter 9	Councillor Diane Butler	Points 9.1-9.3 in red - should <u>not</u> be deleted but used instead of the amendments 9.1-9.3. This section could be more concise.			
8.18	Councillor L J Evans	Why do these get special exemption	These types of wrestling have special mention within the legislation as exeprmt as stated in the parargraph	no change needed	
14.22	Councillor L J Evans	I am concerned about customers being unable to keep their drinks with them at all times, as this makes them vulnerable to "spiking".	Conditions relating to taking drinks outside will only be applied if deemed necessary by a Responsible Authority. This is usually to prevent people staying outside in smoking areas which helps to reduce noise from outside smoking areas in sensitive locations. Patrons can finish a drink before going for a smoke if necessary		
14.22	Councillor L J Evans	Prohibiting re-entry seems grossly unfair, especially as customers may actually go outside to literally get some fresh air (which they should be facilitated to do, away from Smoking areas).	Reentry is usually only prohibited when people leave the venue not go outside for fresh air in designated outside areas		
14.22	Councillor L J Evans	No mention is made of Vaping.			

Paragraph Number	Name of Respondent	Summary of Comments	Evaluation of comments	Recommendation	Action taken by officers
1.4	Sandra Graham, Trethowans LLP	Repeated at 8.8			
1.4	DWFRS	Amdend bullet point to read late night refreshment not entertainment		agree	wording amended
4.2	Sandra Graham, Trethowans LLP	Repeated at 7.2 and sits better following on from either 4.1/7.1			
4.3	Sandra Graham, Trethowans LLP	Repeated at 7.2 and sits better following on from either 4.1/7.1			
5.2	Sandra Graham, Trethowans LLP	Licensed incorrectly spelt		agree	amended
6.1	Sandra Graham, Trethowans LLP	If includes beaches, arguably should also include harbours given such attractions in Poole and Christchurch	Have added harbours and quay sides	agree	added
6.4	Sandra Graham, Trethowans LLP	Given their importance to Bournemouth particularly conference facilities should be included in the list		agree	added
6.5	Sandra Graham, Trethowans LLP	third line down, town should read conurbation. There is no Appendix 2	Removed mention of town as this applies generally throughout the conurbation. Appendix 2 is a typo and has been removed	agree	added
6.5	Julia Palmer, JCP Law	'town' in line 3 should either be 'towns' or define 'town' appropriately in the glossary There is no Appendix 2 (last line)	Removed mention of town as this applies generally throughout the conurbation. Appendix 2 is a typo and has been removed	agree	amended
		Perhaps helpful to confirm that the Council premise licence is for 4999 capacity, does not include alcohol and is only available subject to agreement and conditions.			
6.6	Roger Brewer, Upton Councity Park	Larger events are required to apply for their own premise licence - past examples have included Starlight 'Dance in the Park' hosted at Upton Country Park in 2019 which attracted an audience of over 7k.	Comments relevant to Upton House Licence and section 6.6 applies across BCP no need to amended	for discussion	
7.3	Sandra Graham, Trethowans LLP	Effectively repetition of 1.2	Reiterates duation of policy	for discussion	
7.4	Sandra Graham, Trethowans LLP	What part of Wales is in this conurbation - should be adjusted to reflect what is relevant to this area otherwise can be confusing	This is in red to be deleted.		
8.3	Sandra Graham, Trethowans LLP	End sentence by saying 'providing these are not frivolous or vexatious'	agree this is the wording of the guidance and Act	agree	amended
8.3/8.4/8.7	Sandra Graham, Trethowans LLP	The wording of 8.3 and 8.4 ought to be combined with 8.7 as so simiar in order to be succinct		for discussion	
8.8	Sandra Graham, Trethowans LLP	Repeat of 1.4	Reiterates objectives	for discussion	

Section 9	Sandra Graham, 8.13 Trethowans LLP Julia Palmer, JCP	3rd line should read in front of audiences OF no more than..		agree	amended
	8.13 Law	Delete 'in' (penultimate word of 3rd line) and substitute 'of'	agree	agree	amend
	Julia Palmer, JCP 8.23 Law	Appendix D is currently vacant – may we please have an opportunity to comment on the proposed model conditions.	Appendix D was not available at the time of consultaiton this is now included and has been sent to legal representatives for comment		
	Sandra Graham, 8.23 Trethowans LLP Sandra Graham, 8.29 Trethowans LLP Sandra Graham, 8.30 Trethowans LLP	Please supply Appendix D for consultation. It would be helpful to the public to reinforce the different between model conditions and standardised conditions	Appendix D was not available at the time of consultaiton this is now included and has been sent to legal representatives for comment		
		regulation should be plural	agree	agree	amended
		Last sentence would read better if it started 'in respect of'	agree	agree	amend
		I am concerned that the changes appear to advocate a lighter touch than previously and removes the previous BBC Cumulative Impact Special Policy that was kept under regular review.	This is an evidence based requirement of which none was provided in response to the consultation. However should evidence be provided the matter will be reviewed.		
	Martin Underhill, Dorset Police and Crime Commissioner	The new proposal states that BCP Council may produce a Cumulative Impact Assessment Policy. Given the issues and hotspot areas that already exist I would expect to see such a Policy produced and continue to be kept under regular review.		members to discuss	
		We would most welcome the maintenance of a Cumulative Impact Assessment and the consideration of new areas to be included. This is perhaps an opportunity to review where the Cumulative Impact Zones throughout the BCP council area should be. The CIA is imperative in supporting the Police in dealing with and managing areas of higher risk to crime and disorder and to anti social behaviour within the night time economy. This is now ever so more prevalent in light of the proposals put forward by the government to support the industry during Covid. The proposals being the relaxing of regulation to allow premises to have pavement licences and the free addition of off sale provision to an existing on licence. This of course increases the risk of increased public space drinking and the associated problems. Where the density of premises in an area is increased it is important to be able to manage that and ensure the area in question does not become saturated and therefore a high risk of crime and disorder.	This is an evidence based requirement of which none was provided in response to the consultation. Despite calls for evidence when the policy was being developed the police, and other agencies including public health, enviornmental health or trading standards were unable to provide the necessary data to support continuation of the existint Cumulative impact zones or the introduction of new zones. However should evidence be provided the matter will be reviewed.		
	Inspector Matt 9.5 Baxter, Dorset Police				

	Traditionally the police have supplied crime statistics on an annual basis to support the authority in any decision to grant a CIZ or refuse an application within a CIZ. These annual statistics can be supported by current intelligence but we recommend the policy of accepting the crime pattern analysis provided annually as the proportionate and appropriate way to inform decision making. Recently the annual statistics have not been accepted as considered too out of date and not current enough. The requirement has been to provide new intelligence for each and every objection. This practice makes the having of a CIA policy pointless and we may as well just operate without one and provide intelligence on a case by case basis. We would advocate not following this model, it is time consuming, not practical and over bureaucratic and risks areas becoming saturated with premises that cumulatively increases the risk of crime and disorder, anti-social behaviour and other associated NTE problems. We would recommend having a meaningful CIA that is workable, provides guidance and is supported by the committee. This includes accepting the annual crime statistics provided by the police as current. Even though they are annual, they are still current and relevant. Notwithstanding that new intelligence can be introduced if necessary to support any proposals.				added to section
Inspector Matt 9.5 Baxter, Dorset Police					
Sandra Graham, 10.1 Trethowans LLP	Suggest with respect.... A minority of customers may behave badly rather than suggesting that they will	agree	agee		amended
Sandra Graham, 10.2 Trethowans LLP	It is totally undear as to the manner in which the BID plays a part here and would be helpfu to explain the context in which the BID assists.	This is acknowleging that the BID have a role to play not necessary to further elaborate			
Sandra Graham, 10.4 Trethowans LLP	Helpful to clarify..... a rebuttable presumption of what	this relates to CIA areas so recommend removal of paragraph	The relates to a Cumulative Impact area and the paragraph can be deleted		for discussion
Sandra Graham, 10.9 Trethowans LLP	Second sentence - Are all licencesees, regardless of the type of premises, expected to maintain an going review of the need for alternatives to glass? If so, do you require this to be documented? If not, how is compliance with this proved?	We would expect all premises to have considered this in their risk assessments particularly for sporting tournaments or seasonal variations in trade. This risk assessment should be available on request by an authorised officer.	for discussion can add mention of risk assessment into paragraph		
Sandra Graham, 10.11 Trethowans LLP	The words...provide alcohol as part of a[n alcohol] delivery service....suggest the words in square brackets deleted if it is intended to relate to provision of alcohol in respect of all delivery services		agree		amended
Sandra Graham, 10.14 Trethowans LLP	With respect the first sentence appears superfluous	keep considered important for clarification			
Sandra Graham, 11.4 Trethowans LLP	I would respectfully not agree that the seperation of licensing and planning is to avoid inefficiency and suggest first sentence ends after the word duplication. Licence also spelled wrongly twice		agree		amended

		It isn't clear what the current 'mix/diversity' looks like and how this is used to inform future licensing decisions. I would like to see a Cumulative Impact Statement or Policy that addresses this and allows for informed and evidence-based decision making.			
	Martin Underhill, Dorset Police and 12.3 Crime Commissioner	I am also mindful of the current situation and recovery process from Covid-19 which is likely to have a significant impact on a number of businesses and premises and could see the diversity of premises also change as a result.	On reflection this is misleading, the Licensng Authority has no powers to support or reject applications on the grounds of type or premises or venue. All applications are dealt with in accordance with the Act and regulations	propose to remove this section following discussion	
	Julia Palmer, JCP 12.3 Law	'the town' : please see comment to para 6.5 page 5 above	On reflection this is misleading, the Licensng Authority has no powers to support or reject applications on the grounds of type or premises or venue. All applications are dealt with in accordance with the Act and regulations	propose to remove this section following discussion	
	Sandra Graham, 12.13 Trethowans LLP	Typo correction in first sentence - licensing objectives		agree	amended
	Sandra Graham, 12.14 Trethowans LLP	First sentence should read ... elected <u>at</u> annual meeting. Second sentence should read <u>appropriately</u>		agree	amended
	Julia Palmer, JCP 12.14 Law	Replace 'to' in the first line with 'at' and 'appropriate' with 'appropriately' in the final sentence.		agree	amended
	Julia Palmer, JCP 12.15 Law	Delete 'and' in line 4 and replace with 'an'. Appendix F is currently vacant. Unless procedure rules have not changed, please forward a copy	Appendix F added and forwarded		
	Sandra Graham, 12.15 Trethowans LLP	Second sentence - suggest it reads: It may refuse an application....subject to conditions that are <u>appropriate</u> to promote...etc		agree	

Section 14

Martin Underhill,
Dorset Police and
Crime Commissioner

I am pleased to see the proposed changes which make this important consideration more robust in its approach. I'd be keen to ensure that the control measures are appropriately linked and applied to known hotspot areas, areas of higher levels of deprivation and vulnerability, and targeted to protect the most vulnerable children and young people know to the local authority.

Sandra Graham, 14.2 Trethowans LLP	Last sentence: It is common practice that the precise location of CCTV cameras is agreed with the Police on site after the Premises Licence is granted, particularly with new premises. Are you suggested further plans are lodged subsequently to indicate these positions? Clarify of what is proposed in practice by this sentence would be useful.	Conditions require CCTV camera and the positions are agreed with Dorset Police . Regulations which speicy plan requirements do not require the location of CCTV cameras.	delete last sentence	
Graham Kewley, 14.6 DWFRS	add wording Further guidance on requirements under the Regulatory Reform (Fire Safety) Order 2005 are available from Dorset & Wiltshire Fire and Rescue Service www.dwfire.org.uk		agree	First bullet point amended to read •Reference should be made to the guidance on requirements under the Regulatory Reform (Fire Safety) Order 2005 which are available from Dorset & Wiltshire Fire and Rescue Service www.dwfire.org.uk
Sandra Graham, 14.8 Trethowans LLP	First Bullet Point...'Providing informaiton on the premises of local taxi companies who can provide safe transporation home. The word safe in this context concerns me as, whilst it is very much hoped it is safe the operator of the licenced premises cannot vouch for the fact that the taxi called is safe. Third sentence, possible condition - I wonder, with respect, if it is better to say that a condition may be imposed to try and prevent noise nuisance rather than stating the wording of that conditon as my understanding is that the conditions as stated is now moving out of favour with those involved in acoustics and inaudibility at a boundary is a subjective phenomenon	Amend wording to include licensed taxi company and remove word safe.	for discussion	
Sandra Graham, 14.13 Trethowans LLP	Some grammer typos, clarify with regards to the word 'instead of outside' would be helpful so that is is clear it is intended to be in a public area external to the premises concerned.	Amend wording - A condition to prevent noise nuisance could be imposed in such circumstances	agree	
Sandra Graham, 14.16 Trethowans LLP		removed word outside and replaced with other external areas	agree	
Sandra Graham, 14.18 Trethowans LLP	This is likely to be problematic and cause issues for a licensee whose licence goes well beyond these licensing hours at night particularly where hotels are concerned. Is the suggestion that such persons wishing to smoke then move to a public pavement or similar after 11pm?	Consider amended wording - After 2300 consideration should be given to the impact of patrons using outside smoking areas. The Licensing Authority will normally expect the public use of external areas in the licensee's control to cease at 23.00 hours, or addition controls of patrons put in place.	for discussion Model pool of conditions available for applicants to ensure steps are taken include in order to address these concerns.	Model pool of conditions available for applicants to ensure steps are taken include in order to address these concerns.
Sandra Graham, 14.24 Trethowans LLP Jill Aiken, Strategic Safeguarding and Quality Manager, 14.25 BCP Council	Whilst this paragraph make a statemetn about concerns it does not go on to say what the Licensing Authority wish to see/how the will dealw ith such applications/concerns Please add the age of children	section 145(2) of the Licensing Act 2003 defines a child is an individual under the age of 16. Instead of specify supervision requirements this should be considered by way of risk assessment for each event	agree	Included child and definition into the glossary
Sandra Graham, 14.26 Trethowans LLP	This proposal is particularly concerning as regards hotel operators and suggests that where there are children at any event then the hotelier needs to allocate at least		amended and deleted wording	

	Sandra Graham, 14.27 Trethowans LLP	Last Bullet point indicates that all bars or pubs, which per se have as their primary purpose the supply of alcohol even if food is available will be presumed to not allow children access, even with adults is this the intention?	All the bullet points relate only to those premises that give rise to particular concerns for permitting access to those under the age of 18		
	Julia Palmer, JCP 14.27 Law	Second bullet point. We would respectfully submit that the words 'or premises with a reputation for allowing under-age drinking' should be removed as that is not only subjective it is too wide and/or prejudicial. Alternatively, please substitute 'or premises where clear evidence is produced by a responsible authority to prove under-age drinking has been permitted by the premises licence holder or operator'	agree	agree	amended
	Sandra Graham, 14.31 Trethowans LLP	Suggest deletion of In certain circumstances	agree	agree	amended
	Sandra Graham, 14.33 Trethowans LLP	Suggest addition of the words where appropriate at end of paragraph	agree	agree	amended
	Sandra Graham, 14.34 Trethowans LLP	Penultimate bullet point - query whether it should read in accordance with any reasonable or agreed requirements of Trading Standards	agree	agree	amended
	Julia Palmer, JCP 14.34 Law	Penultimate bullet point. The power given to TS to impose any requirements is, with respect, unreasonably and inappropriately wide. Please insert the words 'relevant and reasonable' between 'any' and 'requirements'.	agree	agree	amended
	Jill Aiken, Strategic Safeguarding and Quality Manager, 14.34 BCP Council	Lost children facilities are referenced in some event planning. Please add something which refers to delivery of alcohol also having Challenge 25 scheme used.	Lost children are usually referred to for events as part of an event management plan, this is not relevant inside premises. Can add wording to include alcohol delivered in bullet point referencing Challenge 25	for discussion	
	Julia Palmer, JCP 15.8 Law	First bullet point. Remove the word 'plastic' as this otherwise appears to sanction high strength alcohol being sold in glass bottles. The SAG is an advisory group and does not have the authority to grant 'final approval' for an EMT.		agree	deleted word plastic
	Roger Brewer, Upton 17.3 County Park	Not sure why drug testing is specifically detailed as EMT should cover a range of controls and measures appropriate to the nature of the event and audience attracted.	SAG members have final say over the EMP so amended accordingly. Mention of drug policy was requested by PH England which is why it is specifically mentioned	agree in part	amended to add SAG members and have added link to the events pages
	Sandra Graham, 18.10 Trethowans LLP	Following on from thread in 18.8 it is suggested that the second sentence of 18.10 should refer to premises licence holder or club premises certificate holder	agree	amended	
	Sandra Graham, 19.1 Trethowans LLP	Does 'some council area' in the first sentence refer to some areas within BCP Council or generally geographically across the country? Clarify would be helpful given that Bournemouth is specifically referred to in the next paragraph	The reference to some council areas is generic for the country. This wording can be removed from the paragraph.	for discussion	
	Sandra Graham, 23.1 Trethowans LLP	The second sentence of this paragraph needs clarity and costs being awarded against whom?	Can add the following at the end of the paragraph costs being awarded to either party depending on the outcome of the appeal.	for discussion	
Glossary	Julia Palmer, JCP Law	Substitute the words 'in respect of' for 'for' in the definition of Applicant.		agree	amended
Appendix B	Graham Kewley, DWFRS	Responsible Authority should read Dorset & Wiltshire Fire and Rescue Service		agree	amended

Appendix C	Graham Kewley, DWFRS	Amend Responsible Authority address which should read as follows Five Rivers Health and Wellbeing Centre Hulse Road Salisbury Wiltshire SP1 3NR Tel: 01722 691717	Address has changed since original consultation	agree	amended
RESPONSES TO MODEL POOL OF CONDITIONS					
Prevention of Crime and Disorder - Incident Log	Julia Palmer - JCP Law	Amend (c) to read " any complaints received relating to crime and disorder".	An amendment genereally accepted in other versions of Model Pool of Conditions	Agree	Amended
Prevention of Crime and Disorder - CCTV	Julia Palmer - JCP Law	Amend first paragraph, 5th sentence beginning "Recordings shall be made available .." to include "(subject to Data Protection Act 2018 or any replacement legislation) after the word available.	Although the DPA 2018 will take precedence in any event but this inclusion will help to remind all parties of the need for compliance with that legislation	Agree	amended
Prevention of Crime and Disorder - Queues	Julia Palmer - JCP Law	Second paragraph re barriers.	Would barriers on a public pavement contravene the Highways Act?	A premises wishing to put tables and chairs on the pavement area outside of their premises would require a pavement licence, obtained from Highway, which would be consulted with the relevant authorities	
Prevention of Crime and Disorder - Off Sales	Julia Palmer - JCP Law	Third paragraph - add at the end of the sentence " ... in the designated area".		Agree	Amended (further amended by P Day comments below)
Prevention of Crime and Disorder - Drugs	Julia Palmer - JCP Law	Third paragraph - replace "shall" with "may".	It may not always be practical or appropriate for such a report to be made	Agree	Amended
Prevention of Public Nuisance - Noise Escape	Julia Palmer - JCP Law	Final paragraph - replace "for the duration of the licence" with "during the hours permitted for licensable activities".		Agree	Amended

Prevention of Public Nuisance - Takeaways	Julia Palmer - JCP Law	Staff training is often undertaken online and the requirement to have signed training records by the employee would not be commensurate with that style of training.				Remove reference to signed training by employees and replace with a statement that there shall be records kept of all training.
Public Safety - Considerations of Dorset & Wiltshire Fire and Rescue Service	Julia Palmer - JCP Law	These are matters which should be considered in the Fire Risk Assessment for the premises under the Regulatory Reform (Fire Safety) Order 2005. This would appear to be duplicating that legislation (see 1.16 and 1.19 of the s182 Guidance). It would, however, be helpful for applicants to have their attention drawn to the Guides to which you refer.	It was the intention of the LA for this to be included as a aide memoire for applicants and would not be included as a condition on a licence for the reasons stated.			Wording amended exclusively for this section to further make clear they are not suggested conditions.
			This proposal is, with respect, far too prescriptive. As previously indicated, many operators have their own dedicated training procedures and in any event it is for the premises licence holder to ensure that the staff have the appropriate training. This training also has a not inconsiderable cost element involved, which could be an unacceptable burden to applicants (see 1.17 of s182 Guidance).			
Protection of Children from Harm - Staff Training	Julia Palmer - JCP Law	Remove reference to TSSW specific training.	This frequency of refresher training is unlikely to be proportionate or relevant in every case and the need for/period of such refresher training will need to be considered on the merits of the case concerned.		To be discussed	
Protection of Children from Harm - Staff Training	Julia Palmer - JCP Law	Reference to refresher training at least every 6 months			The applicant can decide what period of frequency works best for them at the time of application	Amend sentence to leave a blank for applicant to insert their own period of frequency.
Input of Responsible Authority	Philip Day, Lacey Solicitors	Add "applicants" after "... does not restrict"			Agree	Amended
Input of Licensing Committee/Sub-Committee	Philip Day, Lacey Solicitors	Amended working to read "... the Licensing Committee or Sub-Committee may choose to impose any of the conditions included in the list (but will not be obliged to do so), or may choose to impose individual conditions as they see fit or may choose not to impose conditions."			Agree	Amended
Prevention of Crime and Disorder - Refusal Book	Philip Day, Lacey Solicitors	Add "The register shall be kept at the premises for a minimum period of 12 months and made available for inspection by police, council and other authorised officers on request" as a final sentence.			Agree	Amended
Prevention of Crime and Disorder - Incident Log	Philip Day, Lacey Solicitors	(a) insert "as having occurred within or immediately outside the premises" at the end of the sentence.				
Prevention of Crime and Disorder - Incident Log	Philip Day, Lacey Solicitors	(c) remove as considered too broad			Amended as per Julia Palmer's comment above	added "relating to crime and disorder" at the end of the sentence as per suggestion

Prevention of Crime and Disorder - Incident Log	Philip Day, Laceys Solicitors	(g) remove	Duplication of refusal register condition	Agree	Amended
Prevention of Crime and Disorder	Philip Day, Laceys Solicitors	(h) remove	Unnecessarily bureaucratic	Agree	Amended
Prevention of Crime and Disorder - Incident Log	Philip Day, Laceys Solicitors	Add a final paragraph - "The incident log shall be kept at the premises for a minimum period of 12 months and be made available for inspection by police, council and other authorised officers on request.		Agree	Amended
Prevention of Crime and Disorder - Alcohol Deliveries	Philip Day, Laceys Solicitors	Amend first sentence to read "All persons making deliveries of alcohol from the premises shall be instructed ..."		Agree	Amended
Prevention of Crime and Disorder - ABV Limit	Philip Day, Laceys Solicitors	This makes it look as if this would be the norm - what about craft beers etc?	The condition is usually qualified by a reference to sales of single cans or bottles of less than 2l in volume.	To be discussed	
Prevention of Crime and Disorder - CCTV	Philip Day, Laceys Solicitors	Amend wording to make clearer, to read as follows:- <u>A CCTV system, shall be installed and thereafter maintained in good working order to cover all public parts of the premises (excluding lavatories). Cameras covering all entry and exit points shall be capable of enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record and cover areas where alcohol is kept for selection and purchase by the public, whilst the premises is open for licensable activities. It shall operate during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with correct date and time stamping. Recordings shall be made available for viewing immediately on the request of Police or other authorised officers and copies provided in playable format as soon as is reasonably practicable, provided in each case that requests for viewing and/or copies are compliant with data protection regulations.</u> A staff member from the premises who is conversant with the operation of the CCTV system shall available at all times the premises are open to the public. Remove final paragraph as unnecessary wording as a legal requirement		Agree	Amended
Prevention of Crime and Disorder - SIA Door Supervisors	Philip Day, Laceys Solicitors	Remove final sentence "... and for a period of up to 6 months"	The wording needs to be deleted otherwise premises can simply destroy risk assessments that have not been updated. For the sake of consistency, references should be to the Police or other authorised officers.	Agree	Amended
Prevention of Crime and Disorder - Queues	Philip Day, Laceys Solicitors	Final paragraph re hi-vis jackets or vests	Experience has shown that at night, yellow vests "blitz" infra-red CCTV cameras so that no-one else in the near vicinity can be seen. Suggest amendment to tabards	Dorset Police to advise	

Prevention of Crime and Disorder - Off Sales	Philip Day, Laceys Solicitors	Second paragraph - off sales in sealed containers only and not consumed on the premises	This would suggest that you cannot take a drink outside, unless it is in a sealed container	Amendment to wording needed	
Prevention of Crime and Disorder - Off Sales	Philip Day, Laceys Solicitors	Third paragraph - alcohol outside shall only be consumed by patrons seated at tables	This would result in patrons not being able to stand and drink in a beer garden Either people will be allowed to take alcohol away from the premises or won't be. Would Environmental Health be happy with the idea of people leaving clubs in the early hours dropping bottles into bins?	Discuss to delete condition	
Preventio of Crime and Disorder - Glass and Bottles	Philip Day, Laceys Solicitors	Final paragraph re bottle bins	Environmental Health Officers are "notoriously" reluctant to set noise limiters - if they get it wrong, licence holders can point the finger of blame at them!	Environmental Health to advise	
Prevention of Public Nuisance - Noise Limiter	Philip Day, Laceys Solicitors	Second paragraph remove "determined by and" in the first sentence		Environmental Health to advise	
Prevention of Public Nuisance - Allowing People Outside / Smoking	Philip Day, Laceys Solicitors	Second paragraph re admittance/re-admittance add ".. Or to make a telephone call, if impractical to do so from within the building" to the end of the sentence.		Agree	Amended
Prevention of Public Nuisance - Allowing People Outside / Smoking	Philip Day, Laceys Solicitors	Insert "or to make a telephone call" after e.g to smoke in the 3rd, 4th and 8th paragraphs		Agree	Amended
Prevention of Public Nuisance - Deliveries	Philip Day, Laceys Solicitors	Amend second paragraph to read " No deliveries to the premises <u>other than milk and newspapers</u> shall take place ..."		Agree	Amended
Prevention of Public Nuisance - Takeaways	Philip Day, Laceys Solicitors	Amend paragraph to make clear that the sign should be on any door a delivery driver would collect food for delivery to a customer		Agree	Amended
Public Safety - Considerations of Dorset & Wiltshire Fire and Rescue Service	Philip Day, Laceys Solicitors	As Julia Palmer comments above		Included for consideration by the applicant only.	
Protection of Children from Harm - Challenge 21 or 25	Philip Day, Laceys Solicitors	Amend first paragraph to delete words in brackets.		For discussion	

Protection of Children from Harm - Staff Training	Philip Day, Lacey Solicitors	Amend wording to replace reference to TSSW to read " ... shall be trained with regard to the law on restricted sales (to persons who are under the age of 18 and/or who are intoxicated) and with regard to the terms and conditions of the premises licence A written record of all staff training shall be maintained and kept on the premises and made available on request to the Police or other authorised officers".	Many operators have their own perfectly acceptable training schemes and it is inappropriate to compel people to use a specific scheme that is only available online and charges per use.	Amendments made. The wording is for guidance only and the applicant is free to amend it to reflect how the training is to be delivered by them.	
Introduction	Sandra Graham, Trethowans Solicitors	Delete " ... be required to take, or refrain from taking, in relation to the carrying on of licensable activities at premises." and replace with "need to comply when operating under such Premises Licence or Club Premises Certificate.".		Agree as provides clarity	Amended
Introduction	Sandra Graham, Trethowans Solicitors	Add 4th paragraph "Given that potential criminal sanctions may arise from any breach of condition it is important that you carefully consider any conditions you offer and are sure that you can comply with them."		Agree	Inserted
Prevention of Crime and Disorder - Incident Log	Sandra Graham, Trethowans Solicitors	(c) add "in relation to crime and disorder" at the end of the sentence		Amended as per Julia Palmer's comment above	
Prevention of Crime and Disorder - Incident Log	Sandra Graham, Trethowans Solicitors	(f) insert after "which have come to light" after "any faults"		Agree as provides clarity	Amended
Prevention of Crime and Disorder - CCTV	Sandra Graham, Trethowans Solicitors	Second sentence " ... whilst the premises is open for licensable activities. It shall operate during all times when customers remain on the premises."	Slightly contradictory and would be better to say "whilst the premises are open for licensable activities and whilst customers remain on the premises."	Agree	Amended
Prevention of Crime and Disorder - CCTV	Sandra Graham, Trethowans Solicitors	Insert "reasonable" in penultimate sentence of first paragraph before "request of Police or an authorised officer .."		Agree	Amended
Prevention of Crime and Disorder - CCTV	Sandra Graham, Trethowans Solicitors	Final sentence - how can you say "shall" when you go on to say they are recommendations?	This is common terminology in licence conditions and a direction to comply with what the Police recommended at any time		
Prevention of Crime and Disorder - CCTV	Sandra Graham, Trethowans Solicitors	Second paragraph - add "subject to Data Protection legislation"	Already addressed by Julia Palmer and Philip Day above and amended		
Prevention of Crime and Disorder - SIA Door Supervisors	Sandra Graham, Trethowans Solicitors	Final sentence - "for a period of up to 6 months"	Clarify what this means. 6 months from when? Is it to cover a period for the previous 6 months?	It is widely understood for this to mean any risk assessment produced must be kept for a period of 6 months from the date of its production in the event it is requested sight of by an officer.	Removed as per Philip Day comment above.

Prevention of Crime and Disorder - Queues	Sandra Graham, Trethowans Solicitors	Insert "or management" after "... and supervised by door staff .."	Agree	Amended
Prevention of Crime and Disorder - Queues	Sandra Graham, Trethowans Solicitors	Amend second paragraph to read " ... to ensure that sufficient footway is kept clear."	Agree	Amended
Prevention of Public Nuisance - Noise Limiter	Sandra Graham, Trethowans Solicitors	Insert "accommodation" in the first paragraph	Agree	Amended
Prevention of Public Nuisance - Noise Limiter	Sandra Graham, Trethowans Solicitors	Insert "from music" after " ... so as to ensure that no noise nuisance [from music] is caused to local residents or businesses.".	Advice to be sought from EHO before amendment made.	
Prevention of Public Nuisance - Noise Escape	Sandra Graham, Trethowans Solicitors	Insert "accommodation" in the first paragraph	Agree	Amended
Prevention of Public Nuisance - Doors and Windows	Sandra Graham, Trethowans Solicitors	Insert "accommodation" in the first paragraph	Agree	Amended
Prevention of Public Nuisance - Signs	Sandra Graham, Trethowans Solicitors	Insert "accommodation" in the first paragraph	Agree	Amended
Prevention of Public Nuisance - Takeaways	Sandra Graham, Trethowans Solicitors	Not clear what intention is regarding signed training and what back door is being referred to?	Both points dealt with following comments made by Julia Palmer and Philip Day above and amended accordingly.	
Prevention of Public Nuisance - Manager's Phone Number to be Available	Sandra Graham, Trethowans Solicitors	Amend wording of paragraph to read "A direct telephone number for the manager at the premises shall be available to residents and businesses in the vicinity at all times the premises is open.	Explore further how this is going to be made available is not publicly	
Prevention of Public Nuisance - Steam and Odours	Sandra Graham, Trethowans Solicitors	Is this duplicated by Environmental Health legislation?	EHO to clarify	
Public Safety - Considerations of Dorset & Wiltshire Fire and Rescue Service	Sandra Graham, Trethowans Solicitors	Dealt with under fire safety legislation	Explained and dealt with as per Julia Palmer and Philp Day's comments above	

Protection of Children from Harm - Staff Training	Sandra Graham, Trethowans Solicitors	TSSW training	Amended as per Julia Palmer and Philip Day's comments above		
Protection of Children from Harm - Considerations for Child Safeguarding	Sandra Graham, Trethowans Solicitors	Fourth paragraph is not worded as a suggested condition.		Agree	Amended

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LICENSING COMMITTEE



Report subject	To consider draft Taxi and Private Hire Policies for BCP Council for public consultation
Meeting date	17 September 2020
Status	Public Report
Executive summary	These are the first Draft Taxi and Private Hire Policies for BCP Council since the establishment, on the 1 st April 2019 of a single local government area for the now dissolved boroughs of Bournemouth, Christchurch and Poole.
Recommendations	It is RECOMMENDED that: Members consider the draft policies, amend the draft policies as necessary and agree the draft policies for public consultation
Reason for recommendations	The now dissolved boroughs of Bournemouth, Christchurch and Poole have all previously published individual policies. The Local Government (Structural Changes) (General)(Amendment) Regulations 2018 provides that BCP Council has 24 months from the date of reorganisation to prepare and publish policies for the new local government area.

Portfolio Holder(s):	Councillor Lewis Allison – Tourism, Leisure and Communities
Corporate Director	Kate Ryan – Corporate Director for Environment & Community
Report Authors	Nananka Randle, Licensing Manager
Wards	Council-wide
Classification	For Decision

Background

1. The Department of Transport recommends that all licensing authorities should have a publicly available policy document that brings together their procedures on taxi and private hire licensing. Licensing authorities should also review their licensing policies every five years but should consider interim reviews if there are significant issues arising within their area.
2. The policy documents proposed for consultation have been drafted with reference to the Taxi and Private Hire best practice document issued by the Department of Transport in 2010 and the Statutory Taxi and Private Hire Vehicle Standards published in July 2020.

<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>

<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

3. The new statutory standards must be implemented unless there is compelling local reasons not to. These standards take precedence over the guidance set out in the best practice document.
4. The draft Taxi and Private Hire policy has been separated into three documents for ease of reference these are Drivers Policy Appendix 1, Vehicle Policy Appendix 2 and Operators Policy Appendix 3.
5. The primary and overriding objective of these policies is to protect the public and to ensure the licensing regime at BCP Council protects vulnerable children and adults.
6. Each of the draft policies will apply to drivers, vehicles and operators in each of the three current controlled zones

Driver Policy

7. This sets out the requirements for new applicants and existing drivers. This includes criminal records checks every 6 months via the Gov.uk DBS update service.
8. All new applicants must provide an enhanced DBS certificate prior to any licence being issued to them and they must meet our criminal convictions guidelines.
9. The policy also sets out qualifying criteria which will include safeguarding training at first application and refresher training at renewal.

10. Drivers of wheelchair accessible vehicles will have to undertake additional training to ensure safe use of the ramp/hoist in the vehicle they are driving.

Vehicle Policy

11. This sets out the requirements for hackney carriage and private hire vehicles and some sections have options set out for members to confirm the wording of the draft policy.
12. Installation of CCTV and electronic recording equipment in vehicles is suggested as good practice in the statutory standards document. This is subject to such equipment meeting strict standards set out by the Information Commissioner Office (ICO) together with a code of practice. Members can opt to make this a mandatory requirement for all vehicles if as part of a Data Protection Impact Needs Assessment, we are able to provide details to support the local need for such equipment.
13. Alternatively, members can provide individual vehicle proprietors with an option to install an approved system after notifying their intention to the licensing team. Any approved system for such CCTV equipment must meet the standards of encryption and security set out by the ICO and will be included within the appendix of the proposed policy. The cost of such approved CCTV systems are between £600 - £700. Regardless of whether the requirement is mandatory or optional the approved system will be to the same standard.
14. The Licensing Manager is currently reviewing and collating local need evidence such as crime data and complaints received from drivers and passengers and it may be that this aspect of the policy is kept under review and can be revisited as new information is collected.
15. Quantity restrictions of hackney carriage numbers needs to be considered. Currently two of the zones within the BCP Council area have a limit on the number of hackney carriage licences that will be issued within each zone. 249 in Bournemouth and 88 in Poole. These limits were set by the proceeding legacy Councils. In Christchurch there is no such limit

The Best Practice Guidance issued in 2010 states the following

The present legal provision on quantity restrictions for taxis outside London is set out in section 16 of the Transport Act 1985. This provides that the grant of a taxi licence may be refused, for the purpose of limiting the number of licensed taxis 'if, but only if, the [local licensing authority] is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet'.

Local licensing authorities will be aware that, in the event of a challenge to a decision to refuse a licence, the local authority concerned would have to establish that it had, reasonably, been satisfied that there was no significant unmet demand.

Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of the travelling public - that is to say, the people who use taxi services. What benefits or

disadvantages arise for them as a result of the continuation of controls; and what benefits or disadvantages would result for the public if the controls were removed? Is there evidence that removal of the controls would result in a deterioration in the amount or quality of taxi service provision?

16. An unmet needs survey was undertaken by LVSA on behalf of the licensing authority and the report dated February 2020 is attached at Appendix 4. The report concludes there is currently no unmet need.
17. Members need to consider the options as set out within the draft policy.
18. Members also need to consider whether to create one private hire zone for the whole BCP Council area, or if the three legacy zones should be retained. To create one controlled zone we will have to meet the requirements of section 45 of the Local Government (Miscellaneous Provisions) Act 1976. Members involved in the workshops considered that the best option will be to create one controlled zone.
19. A notice of the resolution to create one controlled zone will have to be published for two consecutive weeks, in a local newspaper and a copy of the notice, must be served on the council of each parish or community which would be affected by the resolution or, in the case of such a parish which has no parish council, on the chairman of the parish meeting.

Operators Policy

20. This covers all operators who take bookings and dispatch vehicles to fulfil those bookings which can include hospital contracts, school contracts and airport runs.
21. The policy recognises the important role operators can play in identifying and reporting safeguarding issues.

Consultation

22. At the Licensing Committee on the 4th March 2020 it was agreed that member workshops would take place and the members appointed to these were Cllr Flagg, Cllr Farquhar, Cllr Butt, Cllr Kelsey and Cllr Johnson.
23. Three workshops have been held with members, legal representative and the Licensing Manager to discuss and draft the three policies.
24. In addition, workshops also took place with representatives of the taxi trade for the BCP area and their input has been included in the policies.
25. Once finalised the draft policies will go out to public consultation via the Councils website, copies will be emailed to all current licence holders, and those organisations listed in Appendix 4

Options Appraisal

26. To consider each of the draft policies decide in respect of each of them if they require amending to produce a final draft ready for public consultation.

Summary of financial implications

27. Any fees incurred will be absorbed within current budgets. Any costs associated with the review process will be covered by the income from fees

Summary of legal implications

28. If the authority does not publish such a policy the authority cannot rely on the policy as part of its decision-making process and could be subject to challenge via appeal.

Summary of human resources implications

29. Not applicable

Summary of sustainability impact

30. The sustainability impact has been considered and reflected within the vehicle policy by ensuring Euro 6 vehicle emissions or better are met by all new vehicle and existing vehicles must meet this standard within 3 years or they will not be licenced any longer as a private hire or hackney carriage.

Summary of public health implications

31. Not applicable

Summary of equality implications

32. Equalities impact assessments have been completed for each policy in collaboration with Sam Johnson in the Performance team. This has demonstrated positive impacts for race, age and sex.

Summary of risk assessment

33. Not applicable

Background papers

Local Government (Miscellaneous Provisions) Act 1976

<https://www.legislation.gov.uk/ukpga/1976/57/section/45>

Appendices

Appendix 1 – Draft Taxi and Private Hire Drivers Policy

Appendix 2 – Draft Taxi and Private Hire Vehicle Policy

Appendix 3 – Draft Taxi and Private Hire Operators Policy

Appendix 4 – LVSA unmet needs survey report

Appendix 5 – Consultation list

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Hackney Carriage and Private Hire Driver Policy

2020

DRAFT

Bournemouth Christchurch and Poole (BCP) Licensing

Author: Nananka Randle
Version: 1
Review Date: 2025



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Introduction

The Licensing Committee and officers are committed to ensuring the highest standards in order to protect public safety when administering this policy.

All requirements contained within this policy together with conditions on the licence are mandatory requirement for holding a Private Hire or Hackney Carriage Driver Licence issued by BCP Council.

From the first day of adoption of this policy ALL licence holders are required to meet these high standards and it is expected that they will ensure they are fully aware of this policy and comply with all the requirements set out within it.

The Licensing Committee will not accept the excuse that a licence holder was not aware of these requirements when considering any matters brought before them.

1. Purpose statement

- 1.1 BCP Council has a responsibility to issue Hackney Carriage and Private Hire driver licences under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.
- 1.2 In the interest of public safety and to safeguard vulnerable persons BCP Council seek to ensure that anyone issued with such a licence is considered to be 'fit and proper'.
- 1.3 This policy is concerned with the regulation of hackney carriage and private hire licensed drivers and the Council adopts the overall approach to encourage the responsible activity of all drivers. In the interests of its residents and visitors, it will not tolerate any driver who poses a threat to the safety of any passenger or other road user.
- 1.4 Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits.
- 1.5 Where it is appropriate for the Council to depart from its policy clear reasons will be given for doing so. Nothing in this policy will prevent an applicant or licence holder requesting that the Council considers the individual merits of their case and gives reasonable consideration to departing from its policy. Such requests must either be in writing, via email or orally before the Licensing Committee or Sub Committee.

2. Who does the policy apply to

- 2.1 This policy will assist applicants, licence holders, officers of the Licensing Authority, Members of the Licensing Committee and persons using public carriages to be aware of the standards of conduct and behaviour required of all prospective or existing licensed drivers.
- 2.2 This policy also affords members of the Licensing Committee and officers alike, to consider the concerns of the public and other recognised bodies and to take appropriate measures where the behaviour of drivers is called into question at application or after licences have been issued.

3. This policy replaces

- 3.1 This policy replaces the three previous Taxi and Private Hire Public Carriage policies that covered Bournemouth Borough Council, Christchurch Borough Council and Poole Borough Council.

4. Approval process

- 4.1 BCP Council as the Licensing Authority has delegated the Licensing Committee to oversee the development and review of its 'Hackney Carriage and Private Hire Driver Policy'.
- 4.2 Once drafted the policy is subject to a period of public consultation. Consultation responses are reported to the full licensing committee for consideration.
- 4.3 Once finalised the policy is presented to the Full Council for ratification.

5. Links to BCP Council strategies

- 5.1 This policy supports the BCP Council Core Strategy.
- 5.2 During the preparation of this policy document due consideration has been given to the following Key Council Strategies:
- Corporate Plan
 - Sustainable Transport Plan
 - Workforce Strategy
 - Health & Wellbeing Strategy
 - Safeguarding Strategy
 - Climate Change Strategy
 - Children in Care Strategy
 - Crime & Disorder Reduction Strategy
 - Equality & Diversity

6. The Policy

- 6.1 This policy is a working document and the Licensing Authority reserves the right to alter and amend the Policy as appropriate to correct errors, inconsistencies, clarify guidance, legislative changes and issue a revised version of the Policy at any time. However, any **significant changes** to the Policy will only be implemented after a formal consultation process with the trade and public.
- 6.2 Any **significant amendment** is defined as one that:
1. is likely to have a significant financial effect on licence holders or
 2. is likely to have a significant procedural effect on licence holders or
 3. is likely to have a significant adverse effect on the community

7. New driver applications

- 7.1 Anyone wishing to make an application must prove to BCP Council that they are fit and proper to be issued with such a driver's licence. Anyone making an application must be at least 21 years old at the time of application. Applications are made on line and applicants must meet the Council's entry level criteria and provide the necessary documentation. Details of how to apply to become a licensed driver are set out in Appendix A.
- 7.2 All applications must be completed within one year of commencing the application process. If an applicant fails to meet all the necessary application criteria within one year the application will be closed. The applicant is not permitted to apply again for a year from the date the application is closed.
- 7.3 All applicants must meet the qualification requirement by having studied and passed Level 2 Introduction to the role of Taxi and Private Hire Driver.
- 7.4 In order to ensure applicants meet the required standard of English language competency and gain the necessary hands-on practice required to be a licensed driver, the Licensing Authority will only accept certificates from Brockenhurst College, or any other agreed provider at any future date. Other providers via on line courses are not deemed to meet the high standards required and do not provide the practical aspects of training to assist passengers with mobility.
- <https://www.brock.ac.uk/college-course/introduction-to-the-role-of-the-professional-taxi-and-private-hire-driver-level-2-certificate/>
- 7.5 Applicant identity verification checks with the college or other provider may be undertaken. This will involve confirming that the person who is submitting the certificate is the same person who attended the course. Information such as passport data and photo may be shared as deemed necessary.
- 7.6 All drivers must pass the 'Local Knowledge and Safeguarding Test' prior to being issued with a licence. The 'Local Knowledge and Safeguarding Test' will require applicants to demonstrate a working knowledge of the licensed area of BCP for Private Hire vehicles and more detailed working knowledge of the zones for Hackney Carriage licences which are not pre booked.
- 7.7 All applicants are permitted to sit the 'Local Knowledge and Safeguarding Test' on three occasions during the one-year application period. If the applicant fails to pass the test three times, then their application will be closed, and they are not permitted to reapply for a year from the date of closure of their application.
- 7.8 Applicants are required to submit an enhanced Disclosure and Barring Service Certificate (DBS) on application.
- 7.9 From the implementation date of this policy all drivers will be required to sign up to the DBS update service. This is an annual subscription service that allows drivers to provide the Council's licensing officers with access to DBS records at any time. Applicants must sign up to the update service within 30 days of the DBS certificate being issued.

7.10 Applications will be assessed with reference to the 'Fit and Proper' criteria as set out in Chapter 8. If you are deemed not to meet the criteria your application will be rejected.

7.11 Any applicant who makes a false or inaccurate statement on their application form will not be deemed to be a fit and proper person to hold a licence and their application will be terminated. This includes not disclosing convictions, cautions, penalty or previous licence revocation.

7.12 Anyone whose application is terminated for making a false or inaccurate statement on their application form will not be permitted to reapply for a licence for 12 months from the termination of their application. It is an offence to knowingly or recklessly make a false statement or to omit information required by the Council by virtue of s.57 Local Government (Miscellaneous Provisions) Act 1976.

7.13 When a licence is issued to a new driver, on collection of their licence they will be required to sign a declaration that they have read and understood this policy document and all annexes which include the driver licence conditions/byelaws which they are required to adhere to all times (Appendix B)

7.14 Licences will be issued for a period of 3 years.

8. Fit and Proper Person test

8.1 The sections below, apply equally to Private Hire and Hackney Carriage drivers. The Licensing Authority may impose such additional conditions on a Private Hire driver's licence as it sees fit.

8.2 Passengers are potentially vulnerable when being transported due to; their age, unaccompanied children, people with a disability, those who may have consumed excessive quantities of alcohol, lone people and overseas' visitors or tourists to the area.

8.3 The Licensing Authority has a duty to take a robust stance in ensuring that applicants and licence holders are and remain 'fit and proper' to hold a licence at all times.

8.4 The term 'fit and proper person' is not defined in law and this Authority considers the definition be considered in line with modern thinking as 'safe and suitable' to be a licensed driver.

8.5 In considering what might be assessed to ensure that a driver is fit and proper or safe and suitable the Licensing Authority considers the following to be amongst appropriate matters that it will take into account:

1. Criminality (see criminal convictions guidelines Appendix D.)
2. Period of holding a drivers licence.
3. Conduct of the driver during the licence period, including relationship and co-operation with officers of the Licensing Authority.
4. Number of points on a licence or driving convictions.
5. Right to work in the UK and any time restrictions.
6. Medical fitness – physical and mental condition.
7. Enhanced driver competence by means of an appropriate higher standard Driving Assessment Test.

8. Characteristics displayed by a driver towards customers and others, ie staff in the Licensing Team or other Council officers and their overall integrity.
- 8.6 From the date of this policy enhanced DBS checks on licenced drivers will take place every 6 months via the DBS update service. Should any driver disclose any conviction, caution or penalty or the DBS check shows a change in the DBS status the drivers will be required to provide a full DBS certificate on request.
- 8.7 BCP Council will have regard to the Institute of Licensing guidance on determining the suitability of applicants and licensees in the taxi and private hire trade as a minimum standard
[https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_\(16_May_2018\).pdf](https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf), however the convictions guidelines in Appendix D will be taken as the base line relating to convictions.
- 8.8 In addition consideration on suitability may include other factors including the conduct of the applicant during the application process or during the term of their existing or previous licence as well as their conduct, co-operation and working relationship with the Authority and its officers. .
- 8.9 In cases of convictions or cautions received whilst licensed that only come to light following the 6 monthly enhanced DBS check the matter will be referred to the Licensing Committee to consider if the driver remains a fit and proper person to hold such a licence.
- 8.10 In essence a 'fit and proper' person;
1. should not be violent, abusive or threatening in their behaviour even if subjected to unpleasant, confrontational or dishonest passenger behaviour or when subject to enforcement action from officers.
 2. should be honest, trustworthy **and** have integrity, as they have access to a large amount of personal information that could be misused with significant opportunity to defraud passengers in drink or under the influence of drugs, the vulnerable or overseas passengers, or to steal property left in their vehicles.
 3. should display safe and competent driving standards, as they are professional drivers and should be fully aware of all road traffic legislation, the safety of their passengers and the safety of their vehicles at all times.
 4. be in good physical and mental health to ensure they do not put passengers at any risk whilst transporting them, through for example having uncorrected or impaired eyesight, suffering from medical conditions including cardiac events, depression, recovering from a stroke, or have impaired driving ability through the use of prescribed medication. They must also be physically fit and agile to load passengers in wheelchairs into their vehicles.
 5. should work co-operatively with and be civil and respectful towards officers of the Licensing Authority who are carrying out their duties.
- 8.11 This list is not exclusive and other factors may also be relevant to the 'fit and proper person' definition.

- 8.12 The Licensing Authority will consider all information provided to it from sources such as the Police, Children and Adults Safeguarding Boards, Passenger Services and other statutory agencies. Existing licence holders will also have previous history/outcomes during their time as a licensed driver /operator or previous applicant taken into account and their ability to work constructively and positively with the Licensing Authority.
- 8.13 The Licensing Authority will consider all criminal history, unacceptable behaviour and conduct, irrespective of whether the specific history, behaviour or conduct occurred whilst drivers were directly engaged in Private Hire or Hackney Carriage work at the time or whether they occurred during the driver's own personal time.
- 8.14 Where an EU national or other nationality has made an application and they have lived in the UK for at least 12 months, but information on their previous criminal history/convictions is limited or not available at all then the matter will be brought before the Licensing Committee for final determination as to whether a licence should be granted in these circumstances.
- 8.15 Periods of residency outside the UK. Applicants who have spent six months or more living overseas whilst holding a driver's licence with the Authority will be required to present a criminal record check from the country/countries they have lived in/visited covering the period that the applicant was living overseas.
- 8.16 This can be done through the 'Certificate of Good Conduct' from the Embassy of the relevant country. This will include renewal applicants where the driver has returned overseas to spend several months with their family. Private Hire Operators will be required to share information with the Licensing Authority where they are aware that a driver (→) they use for private hire services has returned overseas for a lengthy period of six months or more.

9. Renewals

- 9.1 Holders of existing driver's licences must apply to renew their licence as early as possible prior to the expiry of the previous licence.
- 9.2 The Council has no duty to notify drivers that their licence is due for renewal as it is the licence holder's responsibility to renew their licence. As a courtesy an e-mail will be sent to the driver 2 months in advance of their renewal date.
- 9.3 Renewal applications and all associated paperwork must be submitted electronically via e-mail to taxi.privatehire@bcpcouncil.gov.uk, before the licence has expired. Payment should be made on line.
- 9.4 Drivers are advised that renewals can take up to 5 working days to process. Any applications made less than 5 working days before the expiry date of the current licence may result in the driver being suspended until the new licence can be issued.
- 9.5 From the implementation date of this policy all drivers will be required to sign up to the DBS update service. This is an annual subscription service that allows drivers to provide the Council's licensing officers with access to DBS records at any time, applicants must sign up to the update service within 30 days of the DBS certificate being issued.
- 9.6 Failure to disclose or declare **any** previous convictions, cautions, fixed penalty notices or pending charges may be construed as an attempt to deceive and appropriate and proportionate action will be taken. It is an offence to knowingly or recklessly make a

false statement or to omit information required by the Council by virtue of s.57 Local Government (Miscellaneous Provisions) Act 1976.

- 9.7 In cases of convictions or cautions received whilst licensed and only declared at the time of renewal, the decision to renew a driver's licence will be referred to the Licensing Committee.
- 9.8 Renewal applications with newly disclosed convictions will be assessed with reference to the convictions guidelines as detailed in Appendix D of this document.
- 9.9 Drivers who do not renew their licence by the expiry date are no longer authorised as a licensed driver from the date of expiry of the licence. The Licensing Authority may notify the driver's Operator or vehicle proprietor that the licence has lapsed if appropriate.
- 9.10 Anyone who does not renew their licence is required to return their badge within 5 working days.

10. Safeguarding

- 10.1 Awareness about human trafficking and child sexual exploitation can assist Private Hire and Hackney Carriage drivers to protect those who are vulnerable and/or being exploited. Licensed drivers can help identify those who commit these crimes and can help assist those in need of help.
- 10.2 Anyone applying to become a licensed driver and those renewing their licence will be expected to undertake Safeguarding training.
- 10.3 Applicants for new licences must attend face to face training. This is followed by an examination paper and a minimum pass grade must be achieved before the applicant can become a licensed driver. Applicants must sit and pass this training within the one-year application period.
- 10.4 Drivers renewing their licence must, no earlier than 8 weeks of their renewal date, undertake face to face refresher training and pass the questions on completion of the training. A certificate is issued and must be presented at renewal.
- 10.5 All drivers are expected to adhere to good safeguarding practices

11. Medicals

- 11.1 The council has determined that all licensed drivers must comply with the DVLA 'Group 2 Standard for Drivers'. This is a higher medical standard that recognises the length of time an occupational driver spends behind the wheel. Guidance of what medical conditions affect a drivers licence can be found at <https://www.gov.uk/guidance/general-information-assessing-fitness-to-drive>
- 11.2 Group 2 medical certificates must be completed by the drivers own GP or recognised medical centre, with access to the driver's medical records.
- 11.3 Medical certificates are required at the time of any new application and then every 5 years from the age of 45 to the age of 65. After the age of 65 the medical is required on an annual basis.

- 11.4 Drivers will be required to submit their completed medical certificate to the licensing office via email at taxi.privatehire@bcpcouncil.gov.uk on or before their birthday when they reach the ages of 45,50,55,60 and 65. Then from the age of 65 every year on their birthday..
- 11.5 If a driver fails to submit a completed medical certificate by the due date their Public Carriage drivers licence will be suspended until such time as the certificate is received and accepted by the licensing team. In all such cases the licensing officer will also notify the driver's operator or the proprietor of the vehicle they drive, to advise them of the suspension. Once the medical is received all parties will be notified that the suspension has been lifted.
- 11.6 This requirement is not contingent on any other need to provide a medical, such as date of first application or reported health concerns that may reflect the need for additional medical assessments.

12. Data handling and National Register of Hackney Carriage and Private Hire vehicle driver licence refusals and revocations database

- 12.1 This Council has subscribed to the National Register of Hackney Carriage and Private Hire Vehicle driver licence refusals and revocations, the 'national register of refusals and revocations' or NR3 database.
- 12.2 At the point of application, checks will be made on the National Anti Fraud Network Database (NAFN), to ensure any history held regarding an applicant's previous refusals/revocations from other licensing authorities is available for consideration.
- 12.3 The Licensing Authority will upload data on refused/revoked licences into the NAFN database,
- 12.4 Any applicant who has held a licence issued by another Council and has had their licence revoked within three years of their application will be referred to the Licensing Committee who will consider the application on its own merits.
- 12.5 Information held by the Licensing Authority complies with requirements of the Data Protection Act 2018; however, there is a requirement for a 'Public Register' to be kept available for the free public inspection of all dual drivers' licences granted. To promote public safety this register will also detail information of any dual driver licences suspended or revoked.
- 12.6 Any information given may be shared with other internal/external organisations/partners to prevent crime and/or detect fraud, to promote public safety and safeguarding, or when a driver is suspected of having committed an offence, civil or criminal.
- 12.7 Under the Freedom of Information Act 2000 the Licensing Authority is required to provide certain information to the public by request. There are, however, exemptions to this duty, which includes certain personal or sensitive data, confidential information and business/commercial information.
- 12.8 The Licensing Authority may lawfully disclose information to other public sector agencies and external partners to:-
1. Protect the safety of the public.
 2. Prevent or detect fraud and any other crime.
 3. Support national fraud initiatives.

4. Protect public funds.
5. Progress a request for service.

12.9 Safeguard children and those adults at risk of harm in particular sharing information with the Children or Adults Safeguarding Board or officers of the Safeguarding Unit, other Licensing Authorities to protect the travelling public or with the Council's Legal Services Team or Transport Services Team, which may impact, on the delivery of its schools and adult services contracts.

12.10 The safeguarding and protection of the public will be the primary aim when deciding whether to share information with other services, organisations or partners.

12.11 Relevant information is held on record relating to the history of a licensed driver, vehicle owner or operator, is retained until the lapse, surrender, refusal or revocation of a licence and then usually held for an additional period of 6 years before being destroyed. Each case will be considered on its own merits prior to its destruction in line with the 'Licensing Retention of Documents' policy.

12.12 In some cases due to the serious nature of offences/allegations the information may be held indefinitely by the Authority. Historic data can be very relevant to the Licensing Authority to demonstrate a pattern of behaviour and characteristics by a licensed driver or applicant over a number of years or that a licence has been revoked by the Licensing Authority for a serious safeguarding or public safety matter.

12.13 In addition, information from the enhanced Disclosure and Barring Certificate checks are retained in accordance with the DBS Code of Practice. However as drivers are now registered on the online DBS Update service there will be little need to retain this information in the future, other than noting any recordable offences for future reference.

13. Equality Act 2010 and medical exemptions

13.1 Under section 165 licensed drivers of designated wheelchair accessible vehicles must provide assistance to passengers into and out of the vehicle. Full guidance on driver responsibilities is included in Appendix C.

13.2 Drivers of wheelchair accessible vehicles must undergo additional passenger transportation training and the evidence of this training must be supplied at renewal of both the drivers licence and the vehicle licence.

13.3 Under section 168 licensed drivers are under a duty to carry passengers with guide/hearing and other assistance dogs without additional charge for the animal. When carrying such passengers drivers must: -

1. Convey the disabled passenger's dog and allow it to remain under the physical control of the owner.
2. Not make any additional charge for doing so.

13.4 Any driver of a wheelchair accessible vehicle or any licensed vehicle who has a medical reason why they cannot comply with the requirements of the Equality Act 2010 must apply for a medical exemption as set out in the Equality Act Policy (Appendix C)

- 13.5 The 'Medical Exemption Certificate' (MEC) is only valid for drivers when it is displayed in the vehicle. If the MEC is not displayed the driver MUST comply with the legislation.
- 13.6 The MEC is granted to the driver only and cannot be transferred to any other driver of the vehicle. Once the driver leaves the vehicle at the end of his shift the MEC must be removed from the front screen.

14. Driver conduct requirements

- 14.1 It is expected that all licensed drivers will take reasonable steps to comply with the following standards:
1. To carry out a daily check to ensure that the vehicle is in a roadworthy condition prior to carrying passengers. Where faults of any description are identified which undermine the roadworthy condition of the vehicle the driver should not drive the vehicle and should report them to the proprietor as soon as possible.
 2. To be professional and understanding to other road users.
 3. To be polite and courteous to passengers.
 4. To behave in a manner that is in keeping of that expected of a professional licensed driver.
 5. Not to engage in any activity that would undermine professional standards and public confidence in the service.
 6. Not to engage in any unwanted conversation or enter into any conversation of a personal or sexual nature.
 7. Not to ask for or share any personal contact details with any passengers including via any social media apps.
 8. To assist passengers, where necessary into and out of the vehicle.
 9. To offer assistance to passengers with their luggage.
 10. To wear the driver's identification badge at all times when working.
 11. Be punctual.
 12. Not to allow passengers to smoke in your vehicle.
 13. Not to use a hand held mobile phone or similar device whilst driving.
 14. Transport passengers by the shortest available route (subject to any unforeseen circumstances such as any road works or congestion where it may be appropriate to take an alternative route by agreement with the passenger).
 15. Charge the correct monetary fare.
 16. Comply with the requirements of the current Highway Code.
- 14.2 A licensed driver has successfully passed a local knowledge test which demonstrates a good knowledge of all main routes throughout the BCP area. A licensed driver is then expected to develop and improve their knowledge whilst working. Sole reliance on Satellite Navigation equipment is not an image that the Council wishes to promote.
- 14.3 A professional driver is expected to know the shortest route and where unsure to ask the passenger when nearing the desired destination.
- 14.4 A licensed driver should also have regard to their surrounding environment and not cause nuisance when picking up or dropping off passengers so they must take reasonable steps to comply with the following requirements:
1. Not sound the vehicle horn as a means of notifying a passenger of your arrival.
 2. Switch off the engine if required to wait.
 3. Do not play amplified music without passenger consent.

4. Take whatever action is necessary to avoid disturbance to local residents.
5. Pick up and drop off safely and without risk to pedestrians and other road users.

14.5 Hackney Carriages Drivers Hackney carriage drivers **can** 'stand or ply for hire' so when using appointed ranks drivers they must comply with the following requirements:

1. Rank in an orderly manner.
2. Move up promptly to allow others to access the end of the rank.
3. If a space is not available, proceed to the next available rank.
4. Remain with the vehicle whilst ranked.
5. When hailed on the street, to stop in a safe manner without hazard to other road users.

14.6 Private Hire drivers **cannot** 'stand or ply for hire' or pick up from the street when hailed. A Private Hire driver can only accept a fare that has been pre-booked through an operator.

14.7 The Council views the following activities as examples of unlawful plying for hire:

1. Accepting a booking direct from a member of the public without the fare having been pre-booked.
2. Touting or standing at the roadside directing persons to vehicles.
3. A driver contacting his office by radio in order to make a booking on behalf of the customer.
4. A driver contacting his office using his own mobile phone to make a booking on behalf of the customer.
5. A driver offering their mobile to assist the customer to make a booking.

14.8 The Council consider all licensed drivers to be 'ambassadors' who will take personal responsibility for presenting BCP Council in a positive light. The Council is committed to improving the overall standards and as such expects all licensed drivers to present themselves in the manner that promotes a good professional image.

14 Driver dress code

14.1 The purpose of a driver's dress code is to seek a standard of dress that portrays a positive image of the BCP licensed trade, to enhance a professional image of drivers licensed by this Authority and to ensure public and driver safety is not compromised.

14.2 The Licensing Authority expects that drivers will always comply with the following requirements when they are working:

1. Drivers are expected to be well groomed and tidy.
2. Drivers must always ensure a smart standard of dress and cleanliness is maintained at all times.
3. Drivers must wear a top at all times.
4. Clothing should be free from holes, rips and snags.
5. Drivers must wear either a shirt, blouse/top, collared polo shirt or smart-shirt together with trousers, tailored shorts, a skirt. Demin jeans are not permitted.

6. Drivers should not wear or display any clothing, logos, badges or any other image that implies a political, sporting, national or similar allegiance which could cause offence, discriminate or enflame sections of the community.
7. Sports replica shirts e.g. football, rugby or cricket tops, track suits or gym type wear are not acceptable.
8. Footwear for all drivers shall fit around the heel of the foot. Mules or flip flops and/or bare feet are not acceptable.
9. Headwear such as baseball caps is not permitted.
10. Drivers shall not wear any item of clothing or apparel which exhibits any of the following:
 - A. Offensive language.
 - B. References to drunkenness or the use of recreational drugs.
 - C. Anything racist, sexist, discriminatory or otherwise offensive.
 - D. Uncovered offensive tattoos, words or images.

15 Driver licence conditions

- 15.1 The Licensing Authority may attach such conditions to a Private Hire and/or Hackney Carriage, and/or dual drivers licence as are considered necessary.
- 15.2 The standard conditions are available in Appendix C.
- 15.3 All drivers must read and understand the licence conditions which will be available on the Council website.
- 15.4 When new drivers collect their licence for the first time they will be required to sign a declaration that they have read and understood the conditions. A copy of this policy and all accompanying appendices will be issued to them.
- 15.5 Failure to comply with the conditions set out in this document may result in enforcement action (see Chapter 18)

16 How to use this policy

- 16.1 All BCP licensed drivers should ensure that they are fully compliant with the policy and appendices
- 16.2 At first application and renewal licenced drivers will be provided with an up to date link to this policy and its appendices.
- 16.3 It is a requirement that all drivers adhere to this policy and the conditions set out in it. In the event of enforcement action being necessary, it is not deemed acceptable that a licenced driver uses the excuse they were not aware of the requirements of this policy.

17 Roles and responsibilities

- 17.1 The Licensing Manager is responsible for overseeing the functions and work of the licensing team who deliver the policy.

17.2 The Licensing Committee or Sub-Committee will be presented with reports in cases where drivers do not meet the conditions of their licence, or where a complaint has resulted in the need for the licence to be reviewed.

18 Enforcement and sanctions

18.1 Any driver who does not comply with this policy, or any conditions contained in it, which leads to a breach of a condition or any complaint received will be subject to investigation, the result of which may be brought before the Licensing Committee.

18.2 The Licensing Committee can choose to revoke a licence or suspend a licence pending any necessary action by the drivers such as attending training or counselling as required.

18.3 Decisions by the Licensing Committee are subject to appeal to the Magistrates Court within a statutory appeal period of 21 days from the notification of any committee hearing decision.

19 Complaints, disciplinary and delegation to officers

19.1 In cases of complaints, allegations or reports of unacceptable behaviour by a licensed driver, the licensing officer will investigate the matter fully and determine the seriousness of the allegation.

19.2 Where there are serious allegations that are deemed to pose an **imminent risk to public safety**, they will need to be investigated and actioned immediately. The Licensing Manager or other Licensing officer will try to contact the driver in question to discuss the allegations. If the officer deems that the complaint is founded (✓) and the evidence is sufficient to support the allegation of an imminent risk to public safety, then the matter will be referred to three members of the Licensing Committee to include the Chair and/or Vice Chair for them to make a decision if any immediate action needs to be taken in respect of a licence.

19.3 If members determine that the evidence presented demonstrates there is an imminent risk to public safety, the driver's licence could be immediately revoked and the driver concerned will be notified and required to surrender their badge and paper licence the same day. Members will confirm in writing the decision made and the reasons why the decision was reached.

19.4 If members agree there is a risk to public safety, but it is not an imminent risk the matter will be referred to the Licensing Sub-Committee.

19.5 Complaints of a less serious matter will be dealt with by the Licensing Manager or another licensing officer, who is permitted to issue/authorise a letter of caution and/or suspend a licence for a period of no more than 2 weeks.

19.6 In all cases of complaint, officers will make reference to the driver licence conditions attached to all licences as detailed in Appendix B, the convictions guidelines in Appendix D as well as the Institute of Licensing guidance on the suitability of applicants and licensees in the hackney and private hire trades.
[https://www.instituteoflicensing.org/documents/Guidance on Suitability Web Version \(16 May 2018\).pdf](https://www.instituteoflicensing.org/documents/Guidance on Suitability Web Version (16 May 2018).pdf)

Appendix A

How to apply for a BCP Council Hackney Carriage and Private Hire Drivers Licence

Anyone wanting to become a licensed driver BCP Council must demonstrate that they meet the high standards required of someone who is responsible for transporting vulnerable members of the community.

To be able to apply for a licence you must meet **all** the following requirements: -

1. Have reached the age of 21 years.
2. Be conversant the English Language.
3. Proof of right to live and work in the UK.
4. Have a Level 2 certificate Introduction to the role of Taxi and Private Hire Driver issued by Brockenhurst College or other approved provider.
5. Have a valid driving licence (UK Group B entitlement for more than 12 months or the same EEA entitlement, registered with the DVLA) this must be registered at your current address.

If you are not sure whether you meet the necessary requirements, please contact the Licensing Section on 01202 451180 or Email: taxi.privatehire@bcpcouncil.gov.uk

[Guidance to obtaining the correct documents as above](#)

Proof of identity and eligibility to live and work in UK.

Please refer to extract below of the acceptable document lists from the Home Office.

Lists of acceptable documents for right to a licence checks

The lists of documents are based on those prescribed to show evidence of a right to work.

The lists of documents are based on those prescribed to show evidence of a right to work. List A: No immigration restrictions on right to a licence in the UK. Once you have undertaken the necessary check once in respect of an application made on or after 1 December 2016, if you retained the copy, you will not have to repeat the check when they subsequently apply to renew or extend their licence.	
1.	A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2.	A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
3.	A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
4.	A Permanent Residence Card issued by the Home Office to the family member of a national a European Economic Area country or Switzerland.
5.	A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
6.	A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
7.	A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer. An example of an Immigration Status Document may be found here .
8.	A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
9.	A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
10	A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

List B: Immigration restrictions on the right to a licence in the UK. You may issue the licence (subject to statutory limitations) up to the expiry date of the permission to work in the UK. You will need to check immigration status each time they make an application to renew or extend their licence.

1.	A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
2.	A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
3.	A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence. This guidance [link to page 16] provides further information on checking a non-European Economic Area national family member's right to a licence.
4.	A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
1.	A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old together with Verification from the Home Office Evidence and Enquiry Unit. The licence may be granted for six months from the date of the Certificate of Application.
2.	A Verification issued by the Home Office Evidence and Enquiry Unit to you, which indicates that the named person may stay in the UK because they have an in time application, appeal or administrative review and which is outstanding. The licence may be issued for six months from the date of the licence decision.

The Full Home Office document can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/675533/A_Licensing_Authority_guide_to_right_to_work_checks_-_England_and_Wales.pdf

Level 2 certificate

All applicants are required to have successfully completed the Level 2 qualification Introduction to the role of Taxi and Private Hire Driver . The purpose of this is to provide those involved with the public carriage trade with the knowledge, skills and understanding required for effective passenger transport. The following organisations are the preferred provider for this training to obtain this qualification:

Brockenhurst College, Brockenhurst, Hampshire. Tel: 01590 625589

We do not accept any eLearning qualification, certificates issued by other providers may not be accepted if the licensing team are not satisfied with the English language, and identification checks undertaken. All qualifications must be obtained by way of classroom learning and sitting a classroom examination.

Pre - Application

If you are confident you meet all of the requirements you are now able to continue.

The application is completed online.

- You will need access to a computer or laptop connected to the internet and it should be using the latest version of Internet Explorer or Google Chrome.
- You are not able to make an application using a mobile phone or mobile device.
- All Apple devices that use Safari will not work.
- If you don't know how to do this, you can get advice/guidance from your local library or friend/colleague.

It is a good idea to make sure you have scanned all the required documents before you start so that you can attach them to your application when required.

Please ensure that you have scanned **all** relevant /necessary pages and/or the front and back of any cards especially in regard to biometric cards, driving licences and DBS certificates. You must ensure that all documents are clear and legible.

To avoid you incurring unnecessary costs, it is advisable that you proceed one stage at a time.

Enhanced DBS Check

Before you register your application with the Council you will need to make an application to the Disclosure and Barring Service (DBS.) This is administered by GBG Online Disclosures.

An application for a drivers' licence is an exempt activity listed in the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975 (as amended in 2013) and as such both spent and unspent convictions and cautions must be declared.

If you have lived in the United Kingdom for less than 5 years, we will also require a 'Certificate of Good Conduct' from the appropriate Embassy (It should be accompanied by a translation into English if necessary.)

DBS Online application Instructions

You will need access to a computer and a valid email address.

The online application form will guide you through each step of the application to ensure your application is complete and accurate and therefore minimising the risk of your application being delayed.

The online application can be completed with these five steps:

1. Go to <https://gbg.onlinedisclosures.co.uk> and select

Register

2. Then use the PIN code and secret word in the table below.

Org name	BCP Council
Org PIN	XXX
Secret word	XXXX

3. Complete the application online with all your details.
4. Select the relevant identification documents (ID) for verification using the online help tool. You will need your Passport or Driving Licence plus two proofs of address, in the form of an official letter such as a utility bill, bank statement or credit card statement. The documents need to be in your name at your current address.
5. Complete the online application and present the barcoded letter (to be printed from the online system) with your original identification documents to a participating Post Office. A full list is provided at the end of the application form, one is located at:
Westbourne
10 - 12 Seamoor Road,
Bournemouth,
Dorset,
BH4 9AP
6. Once your identity has been verified your application will be sent electronically to the Disclosure and Barring Service. Your Enhanced Disclosure will be sent to your current address.
7. Applicants may login using their PIN, email and password to receive status updates on their application.
8. Applicants **MUST** register with the Update Service, this requires the DBS issued E-number or Disclosure number and go to the DBS Update Service at <https://www.gov.uk/db-update-service>. Please note a Disclosure must be registered in the Update Service within 19 days of the issue date.

Keep track of your application

You can track the progress of your application by asking for automatic email updates as you are completing your application.

Help and support

Should you require help and support with your Disclosure application you can contact the GBG support team on 0845 251 5000 (option 3) or email: onlinedisclosure@gbgplc.com

DRAFT

Application Process

To begin your application, you will first need to create an account in the Bournemouth Section of the BCP Council website. **Please ensure that you write down your user name and password and keep it somewhere safe.**

Once your account is created, you can then start to make your application through this link.

[New Licensed Driver Application - Bournemouth Zone – *amend to BCP*](#)

Please note: You only have 45 minutes to complete any page or action. If you exceed this limit you could be 'timed out' and risk losing anything you have already done. You may then have to start the application all over again. To avoid this, you can 'Save for later' this will save what you have already done and then automatically take you to the front screen.

Stage One

Documents to accompany your application

The documents you will need to scan are: -

1. Proof that you have the right to work in the UK.
2. A valid driving licence – if photocard both the front and back.
3. Proof of current address – this must be your residential address and match the address on your driving licence and must be dated no more than 3 months before your application. We accept any of the following:
 - Utility Bill – Gas, Water, Electricity or Telephone.
 - Bank/Building Society Statement
 - Credit Card Statement
 - Benefit statement
 - Council tax Bill
4. Enhanced DBS certificate (dated within 3 months of the date of your application).
5. A certificate Introduction to the role of professional private hire and taxi driver.
6. A passport style photograph recently taken.

All documents must show the current address where you live.

When all your documents have been uploaded and you have paid the application fee you will be issued with a unique **TLN number**. **Please ensure that you write down this down and keep it somewhere safe.**

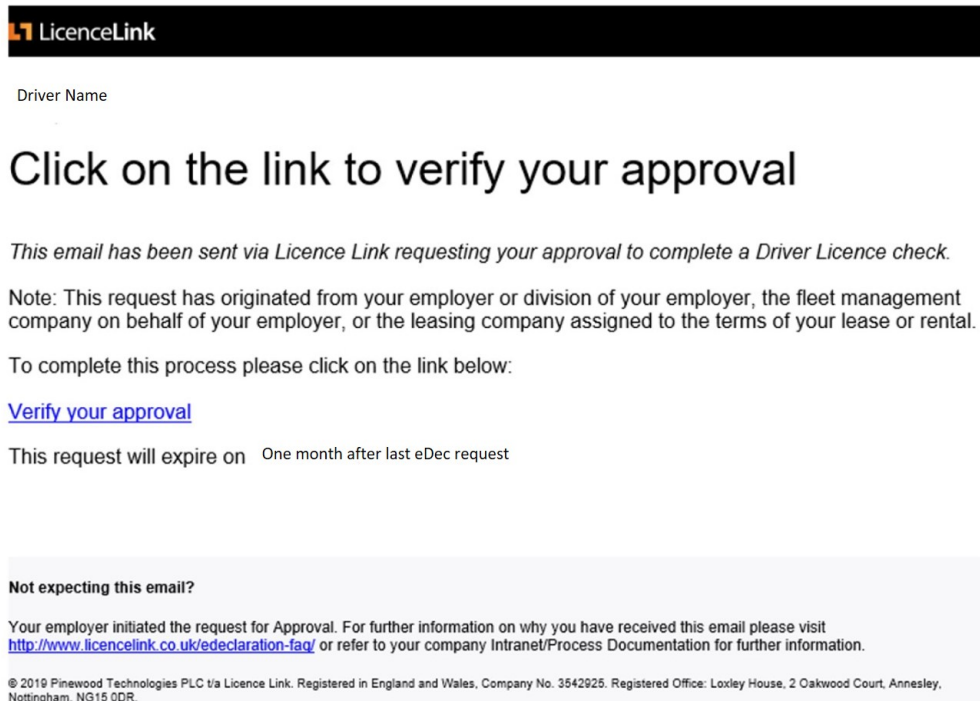
If we require any further information or clarification of information that you have submitted with your application, we will send an email clearly outlining what we require to progress your application.

Once everything has been approved, you will receive an email to advise you can proceed to Stage 2.

Stage Two

DVLA Driving Licence Check – Licence Link

The following email will be sent to you from Licence Link to enable you to provide your consent to allow your driving licence to be checked.



LicenceLink

Driver Name

Click on the link to verify your approval

This email has been sent via Licence Link requesting your approval to complete a Driver Licence check.

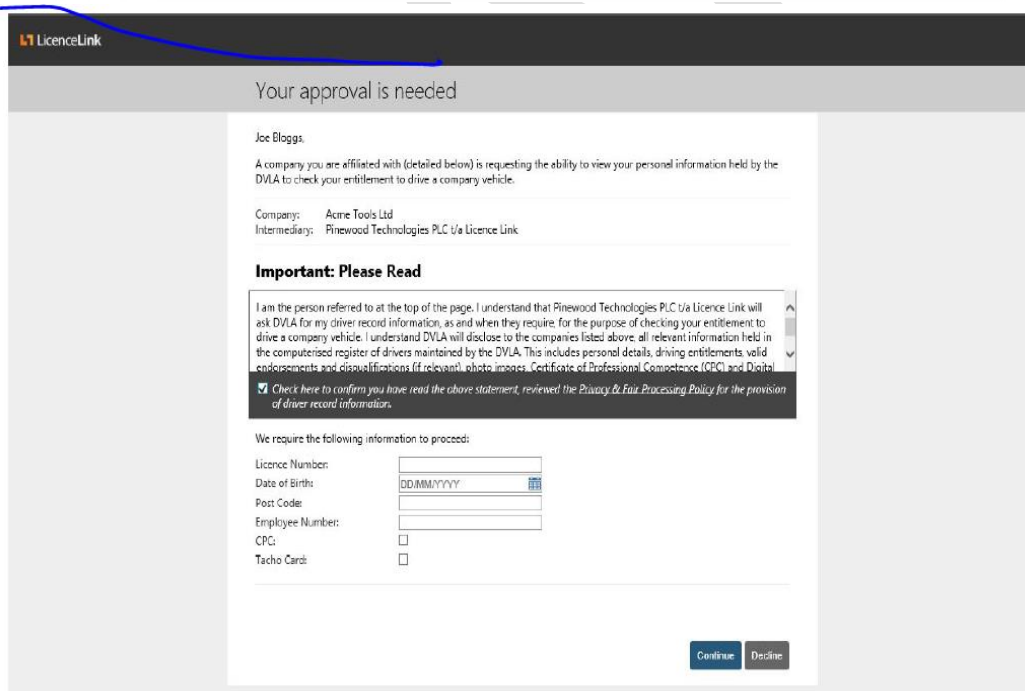
Note: This request has originated from your employer or division of your employer, the fleet management company on behalf of your employer, or the leasing company assigned to the terms of your lease or rental.

To complete this process please click on the link below:

[Verify your approval](#)

This request will expire on One month after last eDec request

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LicenceLink

Your approval is needed

Joe Bloggs.

A company you are affiliated with (detailed below) is requesting the ability to view your personal information held by the DVLA to check your entitlement to drive a company vehicle.

Company: Acme Tools Ltd
Intermediary: Pinewood Technologies PLC t/a Licence Link

Important: Please Read

I am the person referred to at the top of the page. I understand that Pinewood Technologies PLC t/a Licence Link will ask DVLA for my driver record information, as and when they require, for the purpose of checking your entitlement to drive a company vehicle. I understand DVLA will disclose to the companies listed above all relevant information held in the computerised register of drivers maintained by the DVLA. This includes personal details, driving entitlements, valid endorsements and disqualifications (if relevant), photo images, Certificate of Professional Competence (CPC) and Dosit.

☒ Check here to confirm you have read the above statement, reviewed the Privacy & Fair Processing Policy for the provision of driver record information.

We require the following information to proceed:

Licence Number:

Date of Births:

Post Code:

Employee Number:

CPC: ☐

Tacho Card: ☐

[Continue](#) [Decline](#)

Please complete with the relevant information boxes, the **employee number is your TLN number**.

You do not need to tick the CPC or Tacho Card Box.

Once you have successfully completed this, you will then be sent an email inviting you to book a knowledge test.

The Knowledge Test and

Once booked, you cannot swap your test date with anyone else and if you decide to cancel your test you will have to pay again in order to rebook the test.

Generally, the test is a written examination and falls into four distinct sections.

- **Section 1** consists of 30 multiple choice questions that require you to identify the roads at the beginning and end of a specified location.
- **Section 2** consists of places of interest and you must know the road on which they are located.
- **Section 3** is questions regarding taxi policy, passenger service and highway code questions.

Private Hire Drivers will require a XXXX (score not %) pass mark on each section.

Hackney Carriage Drivers will require an XXXX (score not %) pass mark on each section.

The fee to re-sit is £60.00 per test which is non-refundable and non-transferable.

From the date of your application you can only take the knowledge test up to **three times** within a 12-month period. If after 12 months you have not passed the test, your application will be closed, and you will not be permitted to make another application for 12 months.

When you have successfully completed your knowledge test you will be sent an email with the details of the next step in the process.

Child Sexual Exploitation and Human Trafficking Awareness Training

This will be delivered by officers on the same day as the knowledge test and included in the exam.

Medical Examination Report

Issued by a doctor at the medical practice where you are registered, it must show you meet the requirements of the DVLA Group 2 standard for professional drivers. The medical examination must be less than six months old.

You can download and print a blank [Medical Examination form](#).

Once completed you will need to scan the completed certificate (all pages) and submit it to the Bournemouth licensing team at taxi.privatehire@bcpcouncil.gov.uk.

A Driver Competency Assessment

This is a practical test on your current driving ability. Payment is made directly to the instructor.
The approved instructor is: -

Brian Chidgey 01202 309922 or 07970 482431 or email brianchidgey@virginmedia.com

You will need to scan the completed certificate and submit it to the Bournemouth licensing team at taxi.privatehire@bcpcouncil.gov.uk

Stage 4

Hackney Carriage and/or Private Hire Driver Licence

When you have successfully completed all stages of the application you will receive an email requesting payment for your licence this will be valid for three years.

The type of licence you can be issued will depend at what level you passed the knowledge test.

Single Licence either Hackney or Private Hire £285

Dual Licence Hackney and Private Hire £360

If you passed for Private Hire you can only apply to upgrade to Hackney Carriage once you have obtained your private hire licence.

When the licence is ready you will be sent an email to advise you to collect it from the Customer Contact Centre, St Stephens Road Bournemouth BH2 6EA.

You will receive an Identification Badge, Paper Licence and copy of the Public Carriage Conditions, Bylaws and Guidance known as the 'Blue Book.'

Data Matching

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see <http://www.bcpcouncil.gov.uk/nfi>

[NAFN data statement as well](#)

Appendix B

Private Hire / Hackney Carriage Driver Conditions of Licence

These conditions of licence are made pursuant to Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 46 of the Town and Police Clauses Act 1847

1 DRIVER BADGE

- a. The driver must at all times, when driving a licensed vehicle for hire or reward, wear the driver's badge issued by the Council on a prominent visible place on the outer clothing.
- b. The driver's badge remains the property of the Council. Upon expiry of the licence and badge (whether application to renew has been made or not) the badge must be returned to the Council within 7 days of expiry or other such time as the Council may specify.
- c. The badge must be returned to the Council immediately should the licence be suspended, revoked or becomes invalid for any reason (eg: expiry).

2 CONDUCT OF DRIVER

- a. The driver must dress in accordance with the BCP Council Licensed Driver Dress Code. [\(link to policy section 14\)](#)
- b. The driver must comply with the BCP Code of Conduct in relation to working with vulnerable passengers. [\(link to policy section 15\)](#)
- c. The driver must behave in a civil and orderly manner and comply with all reasonable requirements of any person hiring or being conveyed in the vehicle.
- d. The driver must afford all reasonable assistance with passenger luggage as may be required. At the conclusion of the journey the driver must similarly offer all reasonable assistance to passengers leaving the vehicle and assist them with luggage or any disability aids or wheelchair.
- e. Particular care must be taken with unaccompanied children and vulnerable adults. Drivers must remain alert safeguarding matters related to children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination (if it is safe and legal to do so).
- f. The driver must take all reasonable steps to ensure the safety of passengers entering or conveyed in or alighting from the vehicle, especially those passengers with a disability – see 4 below.
- g. The driver must not smoke tobacco or like substance (including vape) in the vehicle at any time as detailed by the Health Act 2006.
- h. The driver must not, without the express consent of the hirer, drink or eat in the vehicle (water may be drunk) or play any radio or sound reproducing instrument or equipment in the vehicle other than for the sending or receiving messages in connection with the operation of the vehicle.
- i. The driver must at all times when driving a licensed vehicle ensure that such vehicle is maintained in a roadworthy and clean condition.
- j. The driver of a licensed vehicle must ensure that none of the markings / signs / notices that are required to be displayed on the vehicle become concealed from public view or be so damaged or defaced that any figure or material particular is rendered illegible.
- k. The driver of a private hire vehicle must if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator or

proprietor of the vehicle to be in attendance at an appointed time and place punctually attend at the appointed time and place unless delayed or prevented by sufficient cause.

l. The use of scanner equipment is prohibited.

m. The driver of a wheelchair accessible vehicle is required to hold a Driving Standards Agency (DSA) Wheelchair Assessment Certificate.

n. Drivers must undertake an inspection of any vehicle that they are driving whilst working as a private hire / hackney carriage driver. This inspection must be undertaken at least daily and before the first carriage of fare paying passengers in the vehicle whilst it is being driven by the licence holder. The checks to be carried out by the driver must include all vehicle maintenance items listed in the annex to the Highway Code entitled 'vehicle maintenance, safety and security'. In addition, a check must be made to ensure that all signage and notices that are required by BCP Council licensing conditions are appropriately fixed / attached to the vehicle. A record must be made by the driver to confirm that the checks have been undertaken, this record must be available for inspection by an authorised officer of the council.

o. The driver must ensure that in cases where the vehicle has been fitted with a CCTV system, it is operational at all times that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example when being used for domestic purposes).

Video recording must be active at all times.

The driver must not tamper or otherwise interfere with the system or the footage that is contained within it (nor must the driver allow the system to be tampered or interfered with by any person that does not have the council's express authority to do so), except as would be expected in order to operate the system in accordance with the manufacturers directions.

3 FARES AND FARECARDS

a. The driver of a **private hire vehicle** must ensure that a notice is visibly displayed for the benefit of passengers to the effect that in the absence of a published fare scale, the fare should be agreed between passenger(s) and driver before commencement of the journey.

When a fare scale is used that fare scale must be displayed and must be a similar size to the fare cards carried by Hackney Carriages and must give an accurate reflection of the charge, including any specific additions (i.e. Bank Holiday and after midnight loading) the customer may be expected to pay.

b. The driver must not, if driving a licensed vehicle fitted with a taximeter, other approved device, cause the fare recorded thereon to be cancelled or concealed until the hirer has had the opportunity of examining it and has paid the fare.

c. The driver must not demand from any hirer of a **private hire vehicle** a fare in excess of any previously agreed for that hiring between the hirer and the operator or if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.

d. The driver must, if requested by the hirer, provide a receipt for the fare paid, such receipt to bear the name and address of the proprietor of the vehicle together with the badge number of the driver.

4 PASSENGERS

a. The licence holder must not cause or suffer or permit to be conveyed in a licensed vehicle a greater number of persons exclusive of the driver than the number of persons specified in the licence issued in respect of that licensed vehicle. In addition the driver must ensure that seat belt legislation is complied with in respect of all children conveyed in the vehicle.

b. The driver must not allow to be conveyed in the front of a licensed vehicle:-

i. more than one person unless the vehicle is manufactured to carry two front seat passengers and seat belts are fitted for both passengers, or

- ii. subject to paragraph iv below, any child under the age of 10 years old,
- iii. subject to paragraph iv below, any person between the ages of 10 and 18 years old, unless the passenger is part of a group that includes at least one person over the age of 18, or all other passenger seats in the vehicle are occupied by persons under the age of 18.
- iv. Paragraphs ii and iii above do not apply in cases where it is not reasonably practicable for the child to sit in the rear of the vehicle due to them having impaired mobility or some other impairment that would mean that it is safer for them to sit in the front seat. The impairment must be confirmed by an appropriate adult (who is independent of the driver). The adult must be familiar with the child's specific needs and confirm that it is not reasonably practicable for the child to sit in the rear seat as a result of that impairment. In these cases a record must be made of the adult's name and contact details and this record must be retained by the driver for at least 28 days.
- c. The driver must not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in that vehicle.
- d. The driver must provide all reasonable assistance to passengers and especially those with a disability.

All drivers must comply with the requirements of The Equality Act 2010

Duty to assist passengers in Wheelchairs

Section 36 of the Disability Discrimination Act 1995 places a duty on the driver of a designated* wheelchair accessible hackney carriages and private hire vehicles to:

- Carry the passenger while in the wheelchair;
- Not to make any additional charge for doing so;
- If the passenger chooses to sit in a passenger seat to carry the wheelchair;
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required.

* Designated vehicles are those listed by the Licensing Authority under section 167 of the Equality Act 2010 as being a 'wheelchair accessible vehicle'

Section 36 of the DDA 1995 remains in effect until such time as section 165 of the Equalities Act 2010 comes into force. It will then be a condition of licence that drivers adhere to the requirements of s165 of the 2010 Act.

Duty to carry guide dogs and assistance dogs The driver must not fail or refuse to carry out a booking by or on behalf of a person with disabilities who is accompanied by an 'assistance dog' unless the driver has a Medical Exemption granted by the Licensing Authority and is displaying the Exemption Certificate in the approved manner or in the vehicle.

Any animal belonging to or in the custody of any passenger should remain with that passenger and be conveyed in the front or rear of the vehicle.

Drivers are advised to have a blanket / towel which is kept in the boot of the licensed vehicle to be used where he/she may have concerns about excess dog hair being left in the vehicle.

5 FOUND PROPERTY

The driver must, following the setting down of passengers, ascertain if any property belonging to the hirer(s) has been left in the vehicle and if not immediately able to return any such property. Must at the earliest opportunity deliver the item to the Customer Services centres in the Civic Offices, unless an alternative arrangement has been made with the owner of the property.

6 MEDICAL CONDITION(S)

- a. The licence holder must notify the Council ***in writing without undue delay*** of any change in medical condition.
- b. The licence holder must at any time, or at such intervals as the Council may reasonably require, produce a certificate in the form prescribed by the Council signed by a registered medical practitioner to the effect that he/she is or continues to be physically fit to be a driver of a private hire/hackney carriage vehicle.

7 CONVICTIONS, CAUTIONS, ARREST ETC.

The licence holder must notify the Council **in writing within 5 working days (or 3 working days in the case of arrest)** providing full details of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her during the period of the licence.

The 5 days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day on which the Licensing Office is closed.

What should be reported:-

- Any conviction (criminal or driving matter);
- Any caution (issued by the Police or any other agency);
- Issue of any Magistrate's Court summonses against you;
- Issue of any fixed penalty notice for any matter;
- Any harassment or other form of warning or order within the criminal law including anti-social behaviour orders or similar;
- Arrest for any offence (whether or not charged).
- Any acquittal following a criminal case heard by a court.

Fixed Penalty Notices

The driver must notify the Council in writing of the acceptance of any fixed penalty endorsement within **5 working days**. The driver must subsequently produce his / her driving licence to the Council, immediately following its endorsement.

Arrest for any Offence

Whether charged or not the driver must notify the Council within 3 working days of their arrest for an alleged offence(s).

9 DISCLOSURE AND BARRING SERVICE ONLINE UPDATE SERVICE

All licence holders must subscribe to the Disclosure and Barring Service Online Update Service. Any costs associated with maintaining this subscription must be met by the licence holder.

<https://www.gov.uk/dbs-update-service>

The licence holder must give permission for the council to undertake checks of their DBS status should the council consider it necessary to do so. The council will use the update service to monitor the criminal record of licence holders.

10 CHANGE OF OPERATOR

The licence holder must notify the Council ***in writing within 5 working days*** * of any change of operator through whom he/she works.

**** The 5 working days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day on which the Licensing Office is closed.***

11 CHANGE OF ADDRESS AND EMAIL ADDRESS

- a. The licence holder must notify the Council ***in writing/email within 5 working days*** * of any change of his/her address taking place during the period of the licence, whether permanent or temporary.
- b. The licence holder must notify the Council ***in writing/email within 5 working days*** * of any change of his/her contact email address taking place during the period of the licence, whether permanent or temporary

**** The 5 working days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day on which the Licensing Office is closed.***

12 WORKING HOURS

Licensed drivers will not drive when their ability to do so is impaired by having worked excessive hours.

13 CUSTOMER AND OTHER PERSONAL INFORMATION

Drivers must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to those that will use it for the purpose for which it has been collected.

Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates.

For example, telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the driver after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing calls).

14 DUTY TO COOPERATE ON REGULATORY MATTERS

Licensed drivers must co-operate with authorised officers of the council in all matters relating to the regulation of the licensed vehicle trade. However nothing in this condition affects the licence holders statutory protection afforded by other legislation.

15 APPEARANCE OF DRIVER

If a licensed driver alters their appearance significantly (for example by growing / removing a beard or moustache, changing hair colour etc), they must request a replacement ID badge from the council at the earliest opportunity and supply them with a up to date photograph that is an accurate portrayal of their current appearance.

16 ACCIDENTS

If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 1 working day (by telephone or email).

Appendix C

Equality Act 2010

Duty to assist passengers in wheelchairs

1. Under section 165 licensed drivers of designated wheelchair accessible vehicles **MUST** undertake the following duties
 - Carry the passenger while in the wheelchair
 - Not make any additional charge for doing so – this includes making sure the meter is NOT running while you are rendering assistance into and out of the vehicle
 - If the passenger chooses to sit in a passenger seat to carry the wheelchair
 - To take such steps as are necessary to ensure that the passenger is carried in safety and comfort
 - To provide such assistance as it necessary to :-
 - enable the passenger to get into and out of the vehicle, this should include installing the boarding ramp
 - if the passenger wishes to remain in the wheelchair, to enable them to get into and out of the vehicle while in the wheelchair. This should include pushing a manual wheelchair or light electric wheelchair up a ramp
 - to load the passenger's luggage into out of the vehicle
 - if the passenger does not want to remain in the wheelchair to load the wheelchair into and out of the vehicle. This should include folding a manual wheelchair and placing it in the luggage compartment, or stowing a light electric wheelchair in the luggage compartment
2. It is expected by the Council that the owner and/or driver of a designated wheelchair accessible vehicle is fully aware of the safe method for loading, securing and unloading of wheelchair users. The owner and/or driver should also be aware of any limitations that the vehicle may have in relation to different types of wheelchairs.
3. It is a criminal offense to refuse to undertake any of the duties listed above any driver who breaches the duties outlines above will be liable to prosecution and their taxi license could be a risk.
4. It is recognised that some types of wheelchair, particularly some powered wheelchairs, may be unable to access some of the vehicles included in the LA's list. The Act recognises this possibility, and section 165(9) provides a defence for the driver if it would not have been possible for the wheelchair to be carried safely in the vehicle.
5. Drivers who have a certified medical condition or physical condition, which makes it impossible or unreasonably difficult for them to assist wheelchair users may apply to the council for an exemption from one or more of the duties listed above. Any such application will need to be supported by a completed medical form which is available to download from the council website. The medical form must be completed by the drivers' doctor or specialist, detailing the following:
 - What duties cannot be undertaken;
 - Why they cannot be undertaken;
 - Date the conditions was first noted;
 - Whether any modification to the vehicle or the way the driver provides the service can be made that would negate the need for an exemption;

- How long the medical exemption will be required for;
 - Provide medical reports in support of the request being made.
6. The Council reserves the right to refer the driver to the Council's own medical or occupational health practitioner if an assessment by a third party medical practitioner is felt necessary. Any additional costs will be borne by the driver.
 7. On a case by case basis a temporary exemption certificate or a permanent exemption certificate will be issued which must be displayed clearly in the front windscreen of the vehicle at all times that the driver is using the vehicle. **The exemption only applies if the notice is displayed correctly.**
 8. In cases where the licensing officer has any concerns regarding granting an exemption then the matter will be referred to the Licensing Committee.
 9. There is a right of appeal to any decision made and the driver can appeal to the Magistrates court within 28 days of the decision being made.

Carrying of Assistance dogs

10. Under section 168 licensed drivers of taxis and private hire vehicles are under a duty to carry passengers with guide, hearing and other assistance dogs without additional charge. When carrying such passengers drivers must: -
 3. Convey the disabled passengers dog and allow it to remain under the physical control of the owner and
 4. Not make any additional charge for doing so.
11. It is a criminal offence to refuse to carry an assistance dog and any driver who breaches the duties outlines above will be liable to prosecution and their taxi licence could be a risk.
12. Drivers who have a certified medical conditions which is aggravated by exposure to dogs may apply to the Council for an exemption from the duties listed above. Any such application will need to be supported by a completed medical form which is available to download from the council website. The medical form must be completed by the driver's doctor or specialist, detailing the following:
 - What duties cannot be undertaken;
 - Why they cannot be undertaken;
 - Date the conditions was first noted;
 - Whether any modification to the vehicle or the way the driver provides the service can be made that would negate the need for an exemption;
 - How long the medical exemption will be required for;
 - Provide medical reports in support of the request being made.
13. The Council reserves the right to refer the driver to the Council's own medical or occupational health practitioner if an assessment by a third party medical practitioner is felt necessary. Any additional costs will be borne by the driver.

14. On a case by case basis a temporary exemption certificate or a permanent exemption certificate will be issued which **must be displayed clearly in the front of the vehicle at all times that the driver is using the vehicle**. The exemption only applies if the notice is displayed correctly.
15. In cases where licensing officer have any concerns regarding granting an exemption then the matter will be referred to the Licensing Committee.
16. There is a right of appeal to any decision made and the driver can appeal to the Magistrates court within 28 days of the decision being made.

Appendix D

Criminal Convictions Guidelines

NOTE: In the Council's view this statement and the guidelines that follow are compatible with the rights and freedoms under the European Convention on Human Rights.

This document aims to provide guidance to any person with an interest in public and private hire licensing. In particular, but not exclusively:

- Applicants for drivers' licences
- Existing licensed drivers whose licences are being reviewed/renewed
- Applicants for operators' licences
- Existing licensed operators whose licences are being reviewed/renewed
- Licensing Officers
- Members of the Licensing Committee (or other relevant decision making body)
- Magistrates hearing appeals against local authority decisions
- Police Officers

Thereby providing transparency and consistency, in accordance with the principles of good enforcement and relevant Regulatory Compliance Codes.

Where Licensing Officers have delegated powers to grant or refuse licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the Licensing Committee (or other relevant decision-making body). Whilst Officers and the Committee will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances demand, the Committee may depart from the guidelines.

1. Background

- 1.1 In this policy the word "individual" includes an existing licence holder, an applicant for a new licence, and an applicant for the renewal of an existing licence.

- 1.2 Licences for drivers of hackney carriages, private hire vehicles or private hire operator may only be granted where the Council is satisfied that the individual is a fit and proper person to hold such a licence.
- 1.3 In this policy the word “issue” is used. This includes complaints made to the Council, Police, Operators or any other agency, breaches of licensing conditions and intelligence received from other agencies (including circumstances which have not resulted in a criminal conviction, caution or other disposal). E.g. incidents which have resulted in a police investigation where there has been no further action due to the criminal burden of proof will still be considered if Licensing Committee is satisfied that the incident occurred based on the balance of probabilities.
- 1.4 Licences for operators of private hire vehicles may only be granted where the Council is satisfied that the individual is a fit and proper person to hold such a licence.
- 1.5 The document is intended to give guidance on one aspect of whether a person is or is not a fit and proper person namely the situation where a person has previous convictions and cautions.
- 1.6 The Council is concerned to ensure:
- a. That a person is a fit and proper person.
 - b. The public are not exposed to persons with a history of dishonesty, indecency or violence.
 - c. The safeguarding of children and young persons and vulnerable adults.
- 1.7 The public are not normally permitted to attend Committee hearings for private hire, hackney carriage driver applications or private hire operator applications or reviews, however, in determining whether to grant a licence the Committee or Officers will take into account the human rights of the wider public and balance these against the human rights of the applicant.
- 1.8 When submitting an application for a licence to drive a hackney carriage or private hire vehicle, or for an operators’ licence, individuals are required to declare all previous convictions they may have. Individuals are also required to declare all formal/simple cautions, any matters of restorative justice and all fixed penalties and all endorsable fixed penalties they have received and to provide details of all criminal matters of which they are currently the subject of criminal investigation or prosecution.
- 1.9 An application for a drivers’ licence is an exempt activity listed in the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975 (as amended in 2013) and as such both spent and unspent convictions and cautions must be declared.
- 1.10 The information given will be treated in confidence and will only be taken into account in relation to the relevant application to assist the Council in determining whether the applicant is a fit and proper person to hold a licence for the purposes of sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, or whether the Council should exercise any of its powers under section 61 and 62 of the Act (i.e. suspension, revocation or refusal to renew a licence).

Where a person is referred to the Licensing Committee and they hold more than one Licence the fit and proper test will be applied individually to each Licence.

- 1.11 Applicants for a licence to drive a hackney carriage or private hire vehicle should be aware that the Council is empowered by law to check with the Disclosure Barring Service for the existence and content of any criminal record and other intelligence held in their name. Officers from the licensing section will where appropriate contact other agencies for any other information which they may hold for instance, Housing Service, Children's Services and Dorset Police. Information received from the Disclosure Barring Service or other agency will be kept in strict confidence while the licensing process takes its course and will be retained no longer than is necessary and in any event, will be destroyed in accordance with the requirements of the Data Protection Act 1998 and in accordance with good practice after the application is determined or any appeal against such determination is decided.
- 1.12 The disclosure of a criminal convictions/fines or cautions or other relevant information relating to an individual's conduct will not necessarily debar an individual from being granted, retaining or renewing a licence. It will depend on whether or not the individual can satisfy the Council that they are a fit and proper person to hold such a licence.
- 1.13 The Council may fail to be satisfied that an individual is a fit and proper person to hold a driver's licence or an operator's licence for any reasonable cause. If an applicant is unable to produce adequate evidence that they are a fit and proper person or if there is reasonable cause to question or doubt the evidence provided, then that could amount to reasonable cause to refuse a licence.
- 1.14 In considering evidence of an individual's good character and fitness to hold a driver's licence or operator's licence, where previous convictions/cautions or other information relating to criminal matters/character is disclosed, the Council will consider the nature of the offence/issue and penalty; when it was committed/took place; the date of conviction/issue and the length of time which has elapsed, the individual's age when the offence was committed/issue took place; whether or not it is part of a pattern of criminal behaviour, the intent, the harm which was, or could have been caused and any other factors which might be relevant. Where an individual has been convicted of a criminal offence, the Council cannot review the merits of the conviction [*Nottingham City Council v. Mohammed Farooq (1998)*].
- However, if an individual is acquitted of an offence, the Council are entitled to go behind the acquittal because of the different standard of proof (*R v Maidstone Crown Court Ex Parte Olson 1992*).
- 1.15 The Council has adopted the following guidelines relating to the relevance of convictions to which it refers in determining new/renewal applications for drivers' licences and operators' licences and when considering whether to take any disciplinary action against an existing licence holder.
- 1.16 The guidelines do not deal with every type of offence, and do not prevent the Council from taking into account offences not listed in the guidelines, or any other conduct, which may be relevant to an individual. Regard will be given to all relevant information when deciding to issue or renew a licence or whether any disciplinary action should be taken.
- 1.17 Offences described in the guidelines and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines.

- 1.18 The guidelines are not an attempt to define what is a “fit and proper person”. There is no statutory definition of what is a “fit and proper person” but is guidance given in the case of *McCool v Rushcliffe BC 1998*.
- 1.19 Any individual who is refused a driver’s licence or has such a licence suspended or revoked on the ground that the Council is not satisfied he/she is a fit and proper person to hold such a licence has a right of appeal to the Magistrates’ Court within 21 days of the notice of refusal.
- 1.20 Any individual who is refused an operator’s licence has a right of appeal to the Magistrates’ Court within 21 days of the notice of refusal.

2. General Policy

- 2.1 Each case will be decided on its own merits. A person with a conviction for a single serious offence or a number of separate offences need not be automatically barred from obtaining a licence, but would normally be expected to:
- Remain free of conviction for an appropriate period (which will depend on the nature of the offence); and
 - Show adequate evidence that he or she is a fit and proper person;
 - Simply remaining free of conviction will not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.
- 2.2 The Council has a duty to ensure so far as possible that drivers and operators are fit and proper persons to hold licences. One aspect of that is the extent to which previous convictions, including but not limited to convictions for offences against children and young persons, dishonesty, sexual offences, traffic offences, violence and drugs indicate that a person is not a fit and proper person, and would not take advantage of passengers or abuse or assault them.
- 2.3 In reaching a decision the Council may assess the seriousness of the offence in accordance with the penalty imposed in using the following table:

Sentence length	Rehabilitation period
0-6 Months	3 years
6-30 Months	5 years
30 months to 4 years	7 years
Over 4 years	None

- 2.4 Restorative justice and other criminal disposals are increasingly used by the police as a less formal way of dealing with issues and as an alternative to the criminal disposals tend to be applied in less serious cases or for first time offenders, nevertheless all such disposals will be taken into account when determining if a person is a fit and proper person.

- 2.5 Amongst situations where it may be appropriate to depart from the general policy, for example, may be situations where the offence is an isolated one with mitigating circumstances or where a conviction defaults outside of the policy between the application and determination date. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account. In any case which involves certain specified sexual offences, murder or manslaughter a licence will normally

be refused.

- 2.6 The Council through the Licensing Committee will convene to consider any information/representations received that a person is not/no longer a “fit and proper” person, or if a breach of a condition of a licence. If proved they may refuse, or revoke a licence or suspend for any specified period.
- a. Hearing with notice – Where a Committee is to be convened to consider whether or not a person is a “fit and proper” person, notice of the time and date of the meeting will be given in order to allow the person to seek independent legal advice and to attend and be represented at the hearing.
 - b. Hearing without notice – Where a sub-committee is convened as a result of sensitive information being received by the Council an assessment will be undertaken in balancing a person’s right to a fair hearing against whether or not it is in the public interest to hold the hearing without notice against the Councils first priority of Public Safety.
 - c. Where new offences are created or existing offences are consolidated or re- enacted etc. they will be treated in a manner appropriate to their severity whether or not this guidance has been updated to reflect the changes.

3. Disclosed Convictions General Guide

Spent Convictions

- 3.1 The Council will only consider spent convictions if it appears to be relevant for deciding whether the individual is a fit and proper person to hold a licence and that justice cannot be done in the case, except by admitting or requiring evidence relating to that spent conviction. The council will consider the nature of the offence(s), the history or pattern of offending, the lapse of time and whether all the convictions have previously been considered.

Formal/Simple Cautions and Endorsable Fixed Penalties

- 3.2 For the purpose of these guidelines formal/simple/conditional cautions and endorsable fixed penalties shall be treated as though they were convictions.

Multiple Convictions from a Single Incident

- 3.3 Where an individual has multiple convictions arising from a single incident, the convictions will generally be treated as one conviction for the purposes of these guidelines.
- 3.4 In these circumstances the period for which the individual would normally be expected to show free from conviction will be the longest applicable period calculated by reference to each offence.

4. Offence of Dishonesty

- 4.1 In view of the nature of their work drivers of hackney carriage and private hire vehicles are expected to be trustworthy.

- 4.2 Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing, Passengers may include especially vulnerable people and children.
- 4.3 It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways.
- 4.4 The widespread practice of delivering unaccompanied property is indicative of the trust that businesses put into drivers.
- 4.5 In certain situations, drivers will know that a property is empty whilst the occupants are away on holiday for a set period of time after taking them to the airport or railway station.
- 4.6 For these reasons a serious view is taken of any convictions involving dishonesty. In general, an applicant with convictions for dishonesty, which are less than 5 years old, is unlikely to be considered favourably and are to be referred to the Licensing Committee for determination.
- 4.7 In particular, an application will normally be refused where the individual has a conviction for an offence or similar offences or offences which replace the below offences.
- i. Theft
 - ii. Burglary
 - iii. Fraud
 - iv. Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
 - v. Handling or receiving stolen goods
 - vi. Forgery (e.g. producing false insurance policy)
 - vii. Conspiracy to defraud
 - viii. Obtaining money or property by deception
 - ix. Other deception
 - x. Blackmail

5. Violence

- 5.1 Members of the public and in particular, the elderly, infirm and children or vulnerable adults entrust their personal safety to private hire and hackney carriage drivers whenever they take a journey.
- 5.2 Passengers often travel alone and are vulnerable to physical attack etc. Users of private hire and hackney carriage vehicle have a right to expect that drivers are not individuals with a predisposition towards or a propensity for violent behaviour at any level.

6. Offences against Other Persons

- 6.1 As hackney carriage and private hire vehicle drivers maintain close contact with the public, where the commission of an offence involved loss of life a licence will normally be refused.
- 6.2 The Council seeks to minimise risks associated with children and young persons and for that reason a more serious view will be taken where offences of violence children under 14 or young persons.
- 6.3 An application will normally be refused where the individual has a conviction for an

offence or similar offence(s), or similar offence(s) which replace the below offences:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving

6.4 An application will also normally be refused where the individual has a conviction for an offence or similar offence(s) or similar offence(s) which replace the below offences:

- Malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998)
- Actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)
- Grievous bodily harm with intent (s.18 Offences Against the Person Act)
- Grievous bodily harm with intent (s.20 Offences Against the Person Act)
- Robbery
- Possession of firearm
- Riot
- Assault Police
- Common assault with racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)
- Violent disorder
- Resisting arrest

6.5 An application will also normally be refused where the individual has a conviction for an offence or similar offence(s) or similar offence(s) which replace the below offences.

- Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)
- Racially-aggravated s.4 Public Order Act 1986 offence (fear of provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)
- Racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress (s.31(1)(b) Crime and Disorder Act 1998)
- Racially-aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998)
- Racially-aggravated s.4 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32(1)(b) Crime and Disorder Act 1998)
- Racially-aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)

6.6 An application will also normally be refused where the individual has a conviction for an offence or similar offence(s) or similar offence(s) which replace the below offences.

- Common assault
- Assault occasioning actual bodily harm (s.47 Offences Against the Person Act)
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Harassment- breach of restraining order- on conviction Protection from Harassment Act 1997 s5(5) = s. 5(6)
- Obstruction

- Possession of offensive weapon
- Criminal damage

7. Drugs

- 7.1 An application will normally be refused where the individual has a conviction for an offence related to the supply of drugs and the conviction is less than 5-10 years prior to the date of application.
- 7.2 An offence related to the supply of drugs and the conviction is less than 10 years prior to the date of application will be referred to the Panel for determination. A conviction less than 5 years old will generally be refused.
- 7.3 An application will normally be refused where the individual has more than one conviction for offences related to the possession of drugs.
- 7.4 For convictions for driving whilst unfit through drugs see Section 10 'Drunkenness.'
- 7.5 If any applicant was an addict, then they will normally be required to show evidence of 5 years free from drug taking after detoxification treatment as required by the Council.

8. Sexual and Indecency Offences

- 8.1 Any individual currently on the sex offenders' register would not normally be granted a licence.
- 8.2 Drivers of hackney carriage and private hire vehicles are often entrusted with care of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons.
- 8.3 Where the commission of a sexual offence involves a child or young person an application for a licence will normally be refused.
- 8.4 The Council will sometimes be made aware of other intelligence or low level information about an individual which has not resulted in the conviction of that person but is relevant in relation to their character. Officers will give appropriate consideration to this information and will seek to consult with other appropriate agencies such as police and social services, in order to ensure that they have a comprehensive understanding. Where appropriate, officers will refer such information/ intelligence to other agencies. Any additional information gathered through this process may then be taken into account at any subsequent licensing committee.

9. Offences against persons other than children / young persons

- 9.1 As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers, an individual with a conviction for rape, indecent assault, or other similar offences or similar offences under the Sexual Offences Act 2003, will normally be refused a licence.

- 9.2 Individuals with a conviction relating to sexual offences such as soliciting, importuning, indecent exposure or other similar offences or similar offences under the Sexual Offences Act 2003, will normally be referred to the Committee for determination.
- 9.3 Amongst circumstances, which the Council may wish to consider, are circumstances, which if they occurred at the time of the consideration of the application would not now be a criminal offence.

10 Drunkenness

- 10.1 Driving whilst under the influence of drink is unacceptable under any circumstances and puts not only the driver, but passengers and other road users at risk. Such irresponsible behaviour is not conducive with the responsibilities of a private hire or hackney carriage driver.

With a motor vehicle (No Disqualification)

- 10.2 A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink.
- 10.3 An application will normally be refused where the individual has a conviction, which does not result in disqualification, for an offence within 2 years of the date of the application.

With a motor vehicle (Disqualification)

- 10.4 Where a disqualification has occurred as a result of a drink-driving offence, an application will not normally be considered until at least 5 years have passed from the date of the restoration of the DVLA licence.

Not in a motor vehicle

- 10.5 An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate.
- 10.6 In addition, individual will generally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic.
- 10.7 More than one conviction for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence.

11. Motoring Convictions

Major Traffic Offences

- 11.1 New applicants and existing licensed drivers with a conviction for a 'Major Traffic Offence' as defined below, which is less than 5 years prior to the date of the application (the present date in relation to existing licensed drivers) will be referred to the Licensing Committee for determination. A conviction less than 2 years prior to the date of the application will generally be refused.
- 11.2 Where the conviction resulted in a period of disqualification, an application will normally be refused unless a period of 3 years free from conviction has lapsed from the restoration of

the DVLA licence and 5 years where the disqualification relates to driving whilst unfit through drink or drugs

For the purposes of these guidelines the following motoring offences are classed as 'Major Traffic Offences':

AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of Court
BA30	Attempting to drive while disqualified by order of Court
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death through careless driving when unfit through drugs
CD60	Causing death through careless driving with alcohol level above the limit
CD70	Causing death through careless driving then failing to supply a specimen for alcohol analysis
CD71	Causing death through careless driving the failing to supply a specimen for drug analysis
DD10	Causing Serious injury by dangerous driving
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DD90	Furious driving
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for
DR31	Driving or attempting to drive when unfit through drugs
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide specimen for analysis in circumstances other
DR61	Failure to provide specimen for drug analysis in circumstances other than driving / attempting to drive
DR70	Failing to provide specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs
IN10	Using a vehicle uninsured against third party risks
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying

LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
MS90	Failure to give information as to identity of driver, etc.
UT50	Aggravated taking of a vehicle

Aiding, Abetting, Counselling or Procuring

- 11.3 Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12).

Causing or Permitting

- 11.4 Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14).

Inciting

- 11.5 Offences as coded above, but with 0 changed to 6 (e.g. IN10 becomes IN16). Or similar offences or offences which replace the above offences.

Intermediate and Minor Traffic Offences

- 11.6 New applicants and existing licensed drivers with a Conviction / Fine / Simple Caution/Fixed Penalty Points for an offence which falls under the headings of 'Minor' or 'Intermediate' Traffic Offences and where the total number of accumulated points on their drivers licence is less than 12 or does not result in a period of disqualification, can have their applications granted without the application being referred to the Committee.
- 11.7 An applicant with a disqualification owing to the totting up system or in relation to an offence under these two group headings for any period of disqualification, will not normally be granted a licence unless they have held a DVLA licence for at least 12 months following the expiry of the period of the disqualification.
- 11.8 Existing drivers disqualified for incurring 12 or more penalty points within a three year period, will be required to complete a driver competency assessment on expiry of the disqualification before they are allowed to drive a public carriage. If the driver is not disqualified their Public Carriage Licence will be suspended until a driver competency assessment has been completed.

For the purposes of these guidelines the following motoring offences are classed as 'Intermediate Traffic Offences':

CU10	Using vehicle with defective brakes
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30	Using a vehicle with defective tyres
CU40	Using a vehicle with defective steering

CU50	Causing or likely to cause danger by reason of load or passengers
CU80	Breach of requirements as to control of the vehicle mobile phones
CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration of other road users
SP10	Exceeding goods vehicle speed limit
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road – not resulting in a fixed penalty
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motorway
SP60	Exceeding speed limit offence

Aiding, Abetting, Counselling or Procuring

11.9 Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12).

Causing or Permitting

11.10 Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14).

Inciting

11.11 Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16).

For the purposes of these guidelines the following motoring offences are classed as 'Minor Traffic Offences':

MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street offences
MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MW10	Contravention of Special Road Regulations (excluding speed limits)
PC10	Undefined contravention of Pedestrian Crossing Regulations
PC20	Contravention of Pedestrian Crossing Regulations with moving
PC30	Contravention of Pedestrian Crossing Regulations with stationary
SP30	Exceeding statutory speed limit on a public road resulting in a fixed
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines

TS30	Failing to comply with a “Stop” sign
TS40	Failing to comply with direction of a constable or traffic warden
TS50	Failing to comply with traffic sign (excluding “Stop” sign, traffic lights or double white lines)
TS60	Failing to comply with school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction sign

Aiding, abetting, counselling or procuring

11.12 Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12).

Causing or permitting

11.13 Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14).

Inciting

11.14 Offences as coded above, but with 0 changed to 6 (e.g. PC10 becomes PC16).

12. Plying for Hire

12.1 Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Byelaws and Section 167 Criminal Justice and Public Order Act 1994.

12.2 One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 (“the Acts”) and Hackney Carriage Byelaws, is to ensure the protection of the public.

12.3 For this reason, a serious view is taken of convictions for offences under the Acts (including illegally plying for hire and/or touting) when deciding whether an individual is to be treated as a fit and proper person to hold a licence.

12.4 In particular, an individual will normally be refused a licence if (s)he has been convicted of an offence under the Acts at any time during the 2 years preceding the application or has more than one conviction within the last 5 years preceding the date of the application.

12.5 In the case of a private hire driver found guilty of an offence of plying for hire, the driver would be asked to appear before the Licensing Committee to show why they believe they are still a fit and proper person to hold a public carriage drivers licence. The Committee will consider whether any further disciplinary action should be taken.

13. Breach of Conditions, and complaints

13.1 This guidance is not intended to cover every possible circumstance and there is an expectation that licensees will comply with all relevant legislation.

13.2 The Licensing Authority will act with proportionality and consistency. Disciplinary action taken under this policy is without prejudice to the Licensing Authorities right to institute legal proceedings, where a criminal offence has been committed.

Examples of licensing breaches or conduct likely to receive a written caution

- 13.3 Cautioning may be appropriate for single breaches, where the offender has not received any written caution or other disciplinary action for the same or similar breach within the last 12 months:

General

- Persistent failure to comply with Road Traffic legislation.
- Failure to behave in a civil and orderly manner to customer and/or other road users.
- Refusal to carry passengers without reasonable excuse/ refusing to wait.
- Failure to convey or assist with carrying of luggage.
- Driving in a manner likely to cause alarm to passengers/ road users.
- Failure to display tariff or fares or to conceal same.
- Vehicle not cleaned or well maintained.
- Failure to wear/display driver badge.
- Failure to deliver lost property to Town Hall.

Vehicle defects

- Failure to display vehicle licence plate/licence disc internally/ other signage.
- Failure to report accident within 72 hours.
- Failure to produce insurance documents at request of authorised officer within 5 days.
- Failure to produce interim MOT.
- Unauthorised signs /window stickers/ adverts.
- Failure to notify transfer of vehicle licence—or change of vehicle.
- Defective taxi meter/ printer.
- Defective taxi top light.
- Unattended Hackney Carriage vehicle on rank.
- Failure to attend mechanical inspection.
- Late cancellation of mechanical inspection—give less than 24 hours' notice.
- Defective lights, horn, indicators, exhaust system, tyres, brakes.

Operator breaches

- Premises unclean—not fit for use.
- Failure to keep proper records of bookings of complaints.
- Failure to keep current driver/ vehicle licence details.

- 13.4 In all cases the caution will be in writing and stipulate a timescale for the matter to be corrected, if appropriate. If the matter is not corrected within the timescale stipulated, or there is a repetition, further disciplinary action may follow.

- 13.5 The Licensing Team Manager or another manager at principal officer level or higher, has authority to approve and issue letters of caution.

Examples of licensing breaches or conduct likely to receive suspension for a defined period, or revocation of licence:

- Any of the contraventions listed in the 'caution' section above, in these or similar circumstances:

- where the offender has received a written caution or other disciplinary action for the same or a similar breach within the last 12 months; or
- where the offender did not correct a matter as required by a written caution; or where several breaches have been committed together; or where the matter is considered too serious for a caution to be appropriate.
- Permitting no insurance, or insurance that is invalid to cover public carriage use
- Permitting unauthorised/ unlicensed drivers.
- Using or permitting use of unlicensed /unauthorised vehicle.
- Falsifying or making untrue representations in Licence applications or other council licensing documentation.
- Obstruction of an authorised officer of the Council or of a Police Officer in the course of their duty.
- The commission of a criminal offence, or engagement in an activity of a type that brings suitability as a licensee into question.
- Causing injury to passengers, members of the public or other road users by negligence or intent.

13.6 The action taken will be proportionate and take into account all the circumstances including previous suspensions and cautions. Decisions will be determined by a review of available facts at the time the decision is taken.

14. Authority to suspend or revoke.

Suspension/Revocation with immediate effect:

14.1 A licence can be suspended or revoked immediately in the interests of public safety under the provisions of section 61(2B) of the Local Government (Miscellaneous Provisions) 1976. If the Council is advised of such conduct, a decision may be taken in consultation between officers and at least three members of the Licensing Committee. In such cases efforts, will be made to contact the driver to advise of the situation and establish if there is any other information that may be relevant and should be considered before any decision is made.

Suspension/Revocation/Caution following Licensing Committee hearing:

14.2 Where a decision does not need to be considered immediately, it will be considered at a formal hearing of the Licensing Committee where the alleged offender (and any witnesses) will be afforded the opportunity to hear the evidence and present their case.

14.3 Following a hearing members may direct that letters of caution be issued, suspend a licence for specified periods of time, or revoke a licence. Other conditions or stipulations may be attached to the decision as Members see fit.

Appeals against decisions taken

14.4 Decision to caution by manager—register a complaint in writing to the Head of Community Safety .

14.5 Decision to caution by Members—no appeal possible.

14.6 Decision to suspend or revoke licence— relevant information regarding statutory right of appeal to the Magistrates Court, will be provided in a written notification of the Council's decision.

15. Reapplication

15.1 Where an applicant has previously had a licence revoked by the Council the Authority will not, save in exceptional circumstances, consider any further application from the applicant for a period of three years from the date of the Authority's decision or, if that decision was appealed against and the appeal was dismissed, abandoned, or otherwise failed, from the date of the dismissal, abandonment or other failure of the appeal, whichever is the later.

Hackney Carriage and Private Hire Vehicle Policy

2020

DRAFT

BCP Licensing

Author: Nananka Randle
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Introduction

The Licensing Committee and officers are committed to ensuring the highest standards in order to protect public safety when administering this policy.

All requirements contained within this policy together with conditions on the licence are a mandatory requirement for holding a Private Hire or Hackney Carriage Vehicle Licence issued by BCP Council.

From the first day of adoption of this policy ALL licence holders are required to meet these high standards and it is expected that they will ensure they are fully aware of this policy and comply with all the requirements set out within it.

The Licensing Committee will not accept the excuse that a licence holder was not aware of these requirements when considering any matters brought before them.

1. Purpose statement

- 1.1 BCP Council has a responsibility to issue Hackney Carriage and Private Hire vehicles, operators and driver licences under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.
- 1.2 The policy also reflects government guidance as set out in the Department for Transport Statutory Taxi and Private Hire Vehicle Standards issued in July 2020.
<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>
- 1.3 In the interest of public safety BCP Council seek to ensure that anyone issued with such a licence is considered to be 'fit and proper' and that the vehicle meets the safety standards prior to issuing or reissuing any licence.
- 1.4 This Policy is concerned with the regulation of hackney carriage and private hire licenced vehicles, operators and drivers and the council adopts the overall approach to encouraging the responsible activity of all licence holders. In the interests of its residents and visitors, it will not tolerate any vehicle which poses a threat to the safety of any passenger or other road user.
- 1.5 Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits. Where it is appropriate for the Council to depart from its Policy clear reasons will be given for doing so. Nothing in this Policy will prevent an applicant or licence holder requesting that the Council considers the individual merits of their case and give reasonable consideration to departing from its Policy. Such requests may either be in writing via email or orally before the Licensing Committee or Sub Committee.

2. Who the policy applies to

- 2.1 This Policy will assist applicants, licence holders, officers of the Licensing Authority, Members of the Licensing Committee, and persons using public carriages to be aware of the standards of conduct and behaviour required of all prospective or existing licenced vehicle proprietors, drivers and operators.

- 2.2 This Policy also affords members of the Licensing Committee and Officers alike, to consider the concerns of the public and other recognised bodies, and to take appropriate measures where the behaviour of licensed vehicle proprietors, drivers and operators are called into question at application or after licences have been issued.

3. This policy replaces

- 3.1 This Policy replaces the three previous Taxi and Private Hire Public Carriage Policies that covered Bournemouth Borough Council, Christchurch Borough Council and The Borough of Poole.

4. Approval process

- 4.1 BCP Council as the Licensing Authority has delegated the Licensing Committee to oversee the development and review of its Hackney Carriage and Private Hire Operator Policy.
- 4.2 Once drafted the policy is subject to a period of public consultation. Consultation responses are reported to the full licensing committee for consideration.
- 4.3 Once finalised the policy is presented to the Full Council for ratification.

5. Links to Council Strategies

- 5.1 This policy supports the BCP Council Core Strategy.
- 5.2 During the preparation of this policy document due consideration has been given to the following Key Council Strategies:
- Corporate Plan
 - Sustainable Transport Plan
 - Workforce Strategy
 - Health & Wellbeing Strategy
 - Safeguarding Strategy
 - Climate Change Strategy
 - Children in Care Strategy
 - Crime & Disorder Reduction Strategy
 - Equality & Diversity

6. The policy

- 6.1 This policy is a working document and the Licensing Authority reserves the right to alter and amend the policy as appropriate to correct errors, inconsistencies, clarify guidance, legislative changes and issue a revised version of the policy at any time. However, any **significant changes** to the Policy will only be implemented after a formal consultation process with the trade and public.
- 6.2 Any **significant amendment** is defined as one that:-
- Is likely to have a significant financial effect on licence holders or
 - Is likely to have a significant procedural effect on licence holders or
 - Is likely to have a significant adverse effect on the community

7. Vehicle requirements for new or replacement vehicles

7.1 All vehicles must comply with British and European vehicle regulations, be approved to the standard of type M1 European Whole Vehicle Type Approval (EWVTA), and materially unaltered from the type approval specification. A certificate of conformity bearing the vehicle's unique identification number which relates to an M1 whole vehicle type approval may be required. This requirement is subject to the following provisions:

- The Council may, at its discretion, accept vehicles converted and certified as conforming to a national Small Series or Low Volume Type Approval in place of the above requirement, providing no further modifications have been made to the vehicle since conversion. A certificate of conformity, bearing the vehicle's unique identification number, will be required as evidence of the satisfactory conversion.
- Proprietors of vehicles which have been modified from an original type approval specification must additionally provide proof of type conformity by way of successful completion of a voluntary Individual Vehicle Approval (IVA) test to M1 standards at a Vehicle and Operator Services Agency (VOSA) testing station, following completion of the modification and with any additional equipment (e.g. wheelchair access/restraints) in place. In such cases, the original vehicle, prior to modification, must be of M1 EWVTA Approval.
- Vehicles converted from other base vehicle types (e.g. M2 or N1) will not be accepted for licensing, unless converted and certified in accordance with sub-paragraph 7.1.1.

7.2 No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made subsequent to the inspection of the vehicle by the Council at any time while the licence is in force and at all times the vehicle shall comply with the specifications of the Council for a licensed private hire vehicle. (Vehicles which have been modified in any way from the manufacturer's standard of construction may not be considered suitable for licensing purposes depending upon the nature of the modification).

7.3 The vehicle should have a minimum of four opening doors, two on each side of the vehicle with the exception of London style taxis.

7.4 To assist applicants the council will publish a list of approved vehicles on the website for reference purposes only.

Vehicle age and emissions

7.5 A vehicle must be no more than 3.5 years old from the date of first registration and the vehicle engine emissions must meet euro 6 emission standard or higher (or other equivalent standard.) See section 9.

7.6 For wheelchair accessible vehicles additional requirements are set out in section 11, the age limit for is no more than 5 years from the date of first registration and the vehicle engine emissions must meet euro 6 emission standard or higher (or other equivalent standard.) See section 9.

Tinted windows

- 7.7 Window tints are not recommended in licenced vehicles. In order to safeguard vulnerable passengers the glass in doors behind the driver at the side of the rear passengers must let in at least 70% of the light. This is the same as that in front windscreens. If you have tinted windows you must provide calibrated evidence that the windows allow in the permitted amounts of light.
- 7.8 After-market tinted or blacked out windows are not acceptable. Tint film must not be applied to any windows.

Passenger seating

- 7.9 The vehicle must have sufficient seating capacity to carry not less than four and not more than eight passengers in addition to the driver. (The seating capacity is determined on the assumption that allowance is made for a rear seating width of approximately 400 mm (16") per passenger measured laterally along the widest part of the seat and where arm rests are positioned over such seats the measurement shall be taken between arm rests.)
- 7.10 Access to every passenger seat must be unobstructed and be easily accessible to passengers and without the need for more than one passenger to move.
- 7.11 Head rests must be fitted to all forward or rear facing seats.

Luggage

- 7.12 A suitable space separated from the passenger compartment for the safe carriage of luggage.
- 7.13 The boot capacity shall be no less than 300 cubic meters, please ensure with estate and hatchback or similar type cars this is not calculated to include above the parcel shelf unless there is a permanently fixed divider behind the rear seats.
- 7.14 The vehicle shall not carry luggage on the roof of any vehicle without ensuring that it is adequately fixed on a secure luggage rack which complies with necessary safety standards and weight restrictions.

Executive private hire vehicles

- 7.15 Speciality vehicles such as limousines, executive or party private hire vehicles must comply with the requirements as set out in Appendix A.

8. Vehicle Inspections

- 8.1 All licenced vehicles regardless of age or mileage will be required to have two mechanical inspections per calendar year.
- Prior to the issue of a licence and annually thereafter a licensed vehicle must undergo a mechanical examination at one of the Council approved designated testing centres. The testing station will issue a Mechanical Examination Certificate (MEC) for twelve months.
 - The vehicle must then be tested no more than 6 months but no less than five months after the MEC issue date (8.1.1). This inspection will take the form of a standard MoT

and can take place at any DVSA authorised garage. (if there is an existing MoT this can mean the vehicle is tested three times the first year to bring the testing into synchronisation with the policy requirements_

- 8.2 Failure to submit the MEC or MoT certificate by the due date will result in the vehicle licence being immediately suspended and the vehicle cannot be used as a licensed vehicle until confirmation that the test has been successfully completed is received and reviewed by the taxi licensing team.
- 8.3 For the annual MEC test the vehicle must also be presented no more than 4 weeks of the anniversary of the first MEC test inspection date.
- 8.4 The Council does not have a duty to notify the licence holder's that their vehicle requires a test certificate to remain licenced. It is the licence holder's responsibility to ensure that the vehicle is tested in accordance with the requirements of the licence. As a courtesy the Council will try to ensure that we send out notification to the licence holder prior to the test date.

9. Vehicle emission requirements

- 9.1 BCP council has declared an Environment Emergency, vehicles exhaust emissions are a principle source of air pollution.
- 9.2 From the date of this new policy no licence will be issued to any vehicle which does not meet the minimum emission standard Euro 6 or equivalent standard.
- 9.3 The aim of Euro 6 is to reduce levels of harmful car and van exhaust emissions, both in petrol and diesel cars.
- 9.4 All existing licenced vehicles will have a period of 3 years from the date of this policy to comply with this emission standard.
- 9.5 All vehicles licenced by BCP council will meet the Euro 6 emission standard by 31st December 2023. No vehicle licences at renewal will be issued for vehicles which fail to meet this standard after this date.

10. Applications for new or replacement vehicles

- 10.1 Vehicle licences for new or replacement vehicles will only be issued on receipt of all the necessary paperwork. Applicants are reminded that the licence is for the vehicle and the plate together so the person who applies for the licence MUST own the vehicle as well be a licence holder. Licences can be issued to multiple applicants to ensure everyone who has a financial interest in the vehicle and its licence are named.
- 10.2 Applications must be accompanied by the following documents
 - V5 – this is the registered keeper details
 - Certificate of mechanical inspection from appointed testing centre
 - Proof of purchase – receipt/bill of sale/HP agreement
 - Valid insurance which includes hire and reward
 - Basic DBS certificate, if the applicant already holds a private hire or hackney carriage drivers licence issued by BCP council the DBS update service details must be provided with the application. The basic DBS certificate or DBS update details are required for each named person applying for the vehicle licence

- Certificate of conformance (for wheelchair accessible vehicles only on first application)
- Driver wheelchair accessible training certificates (for wheelchair accessible vehicle only)
- Correct fee

10.3 Once all the relevant paperwork has been submitted a vehicle licence and plate will be issued to the main designated licence holder.

10.4 Once issued the licence holder is responsible for complying with the licence conditions as set out in Appendix B Private Hire and Hackney Carriage Conditions of Licence.

11. Renewal of licence

11.1 From the date of this policy no licence will be issued for the renewal for any vehicle aged 10 years or older from the date for first registration. In the case of wheelchair accessible vehicles this maximum age is 15 years old from the date of first registration.

11.2 The applicant must submit the necessary documentation via email to taxi.privatehire@bcpcouncil.gov.uk in order for the application to be considered to be valid.

11.3 Holders of existing vehicle licences must apply to renew their licence as early as possible prior to the expiry of the previous licence.

11.4 The council has no duty to notify the holder that their licence is due for renewal as it is the licence holder's responsibility to renew their licence. As a courtesy an email will be sent to the driver 2 months in advance of their renewal date.

11.5 Renewal applications must be submitted electronically via email to taxi.privatehire@bcpcouncil.gov.uk.

11.6 Licence holders are advised that renewals can take up to 5 working days to process. Late applications on or within 5 working days of the expiry date of their licence will result in the vehicle being suspended until the new licence can be issued.

11.7 The renewal criteria as the same as for application as set out section 10.

11.8 Licence holder who do not renew their licence by the expiry date are no longer authorised and must return their external plates within 5 working days.

11.9 In the case of Hackney Carriage Vehicle Licences if they are not renewed by the expiry date, the licence will then be offered to the next person on the waiting list for a vehicle licence in the relevant zone.

12. Criminal Records

12.1 The applicant must declare any previous criminal convictions, cautions and fixed penalty notices received, including those awaiting appeal, and any charges pending. The council will make a decision as to the relevance of convictions, cautions, charges and fixed penalty notices in accordance with criminal convictions guidelines in Appendix C.

- 12.2 The council may require further information from the Police or Crown Prosecution Service. Applicants who have previous criminal convictions, cautions, fixed penalty notices or charges pending will be interviewed and details of that interview may be included in any report which is referred to the Licensing Committee.
- 12.3 Failure to disclose or declare any previous convictions, cautions, fixed penalty notices or pending charges may be construed as an attempt to deceive and appropriate and proportionate action will be taken
- 12.4 BCP Council will have regard to the IOL guidance on determining the suitability of applicants and licensees in the taxi and private hire trade as a minimum standard [https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_\(16_May_2018\).pdf](https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf), however the convictions guidelines in Appendix C will be taken as the base line relating to convictions.
- 12.5 In addition consideration on suitability may include other factors including the conduct of the applicant during the application process or during the term of their existing or previous licence as well as their conduct, co-operation and working relationship with the Authority and its officers.
- 12.6 In essence a 'fit and proper' vehicle proprietor;
- should not be violent, abusive or threatening in their behaviour even if subjected to unpleasant, confrontational or dishonest passenger behaviour or when subject to enforcement action from officers
 - should be honest and trustworthy with integrity as they have access to a large amount of personal information that could be misused and significant opportunity to defraud people
 - should work co-operatively with and be civil and respectful towards officers of the Licensing Authority who are carrying out their duties.
- 12.7 This list is not exclusive and other factors may also be relevant to the fit and proper person definition.
- 12.8 The Licensing Authority will consider all information provided to it from sources such as the Police, Children and Adults Safeguarding Committees, Passenger Services and other statutory agencies. Existing licence holders will also have previous history/outcomes during their time as a licensed driver /operator or previous applicant taken into account and their ability to work constructively and positively with the Licensing Authority.
- 12.9 The Licensing Authority will consider all criminal history, unacceptable behaviour and conduct irrespective of whether the specific history, behaviour or conduct occurred whilst licence holders drivers were directly engaged in their professional capacity at work or whether they occurred during the licence holders own personal time.

13. CCTV and other electronic equipment

FOR DISCUSSION

13.1 The Licensing Authority has determined that CCTV systems can be installed and operated in hackney carriage and private hire vehicles for the following legitimate purposes:

- preventing and detecting crime
- reducing the fear of crime
- enhancing the safety of hackney carriage and private hire vehicle drivers, and their passengers

13.2 The policy seeks to ensure that the installation and operation of CCTV systems does not (a) unreasonably interfere with the rights and freedoms of members of the public; and (b) compromise the safety of drivers and passengers.

13.3 A CCTV system will include any electronic recording device attached to the inside of a taxi or private hire car having the technical capability to capture and retain visual images from inside or external to the vehicle. See Appendix D

13.4 Any CCTV system to be fitted in a hackney carriage or private hire car must, as a minimum, meet the requirements of this policy.

13.5 Where a licensed vehicle proprietor/driver wishes to install and use a CCTV system, it will be a condition of the hackney carriage or private hire vehicle licence that the requirements of this policy are fully complied with.

13.6 This policy does not place a mandatory requirement to install a CCTV system in all hackney carriage or private hire vehicles.

13.7 Other electronic equipment which is not supplied with the vehicle as standard should be for the receiving and fulfilling of bookings and be of an approved type.

13.8 Unauthorised equipment for the recording and replay of video and audio is not permitted.

13.9 Dashcams can be installed with the agreement of the licensing team, which must be set up correctly for recording outside of the vehicle only.

14. Wheelchair accessibility

Wheelchair Accessible Vehicle Requirements and published list

14.1 The Equality Act 2010 statutory guidance requires that local authorities must publish a list of wheelchair accessible vehicles that are capable of transporting a reference wheelchair as set out in Public Services Vehicles Accessibility Regulations 2000 <http://www.legislation.gov.uk/uksi/2000/1970/schedule/1/made>

14.2 It is expected all vehicles presented to the council to be licenced as a wheelchair accessible vehicle will meet required space standards which are 1500mm high, 750mm wide and 1300mm length.

14.3 Prior to any licence being issued the applicant will have to provide a copy of the vehicle conformance certificate for the adaptation of any vehicles which are not purpose-built vehicles.

14.4 These regulations also set out the requirements for the testing of wheelchair restraints and hoists. It will be a requirement at first licence and each subsequent renewal that

testing certificates showing annual maintenance of any hoist, restraint system and ramps is submitted. (this may form part of the annual advanced mechanical test)

- 14.5 The council has a duty to publish a list of wheelchair accessible vehicles so that anyone that requires such a vehicle is able to book one directly. All wheelchair accessible vehicle licence holders will be required to provide a contact name and number together with vehicle availability details on an annual basis on first application and at renewal. If the details change it is the responsibility of the licence holder to notify the licensing team.

Duty to assist passengers in wheelchairs

- 14.6 Under section 165 of the Equality Act 2010 licensed drivers of designated wheelchair accessible vehicles MUST undertake the following duties
- Carry the passenger while in the wheelchair
 - Not make any additional charge for doing so – this includes making sure the meter is NOT running while you are rendering assistance into and out of the vehicle
 - If the passenger chooses to sit in a passenger seat to carry the wheelchair
 - To take such steps as are necessary to ensure that the passenger is carried in safety and comfort
 - To provide such assistance as it necessary to enable the passenger to get into and out of the vehicle, this should include
 - installing the boarding ramp, if the passenger wishes to remain in the wheelchair, to enable them to get into and out of the vehicle while in the wheelchair. This should include pushing a manual wheelchair or light electric wheelchair up a ramp.
 - to load the passenger's luggage into out of the vehicle
 - if the passenger does not want to remain in the wheelchair to load the wheelchair into and out of the vehicle. This should include folding a manual wheelchair and placing it in the luggage compartment or stowing a light electric wheelchair in the luggage compartment.
- 14.7 It is expected by the Council that the proprietor and/or driver of a designated wheelchair accessible vehicle is fully aware of the safe method for loading, securing and unloading of wheelchair users for their particular vehicle.
- 14.8 The licence holder will be responsible for ensuring drivers of their vehicle can safely transport and assist passengers in a wheelchair and as such they must submit a certificate of training for each named driver as part of the vehicle renewal process.

15. Hackney carriages

- 15.1 Hackney Carriage vehicles are available for immediate hire by being hailed (flagged down) in a public street or hired from a taxi rank.
- 15.2 As these vehicles are not pre-booked it is important that members of the public can easily identify a licenced vehicle in order to flag it down or accept a ride from a rank.
- 15.3 Hackney Carriages can also be used as a private hire vehicle and can work for any operator regardless of the area the operator is licenced in.
- 15.4 Hackney Carriage appearance and livery reflects the conurbation and in order to ensure visitors and residents alike they should be easily identifiable as a BCP Hackney Carriage. See Section 15.

15.5 All Hackney Carriages must have an illuminated roof sign. See Section 16.

15.6 The Hackney Carriage licence plates issued by BCP Council must be displayed in the approved positions. See Section 18.

15.7 All Hackney Carriages must be fitted with a meter and receipt printer. See Section 18.

16. Quantity restrictions on hackney carriage numbers

16.1 An unmet needs survey was undertaken on behalf of the licensing authority in January 2020, the survey concluded that there is no unmet need in any of the licensed zones within the BCP area. A copy of the survey can be found on the council website (LINK).

OPTIONS to discuss:-

- Maintain current Hackney Carriage levels in B 249 and P 89 zone and introduce cap in C?
- Remove cap for all zones?
- Remove zones?
- Release additional numbers of WAV hackney carriages in B and P and introduce cap in C?
- Release additional number of WAV hackney carriages in B and P and maintain no cap in C? numbers could balloon in C zone as easier to not put on WAV

17. Hackney Carriage Livery

17.1 From the date of this policy all new/ replacement hackney carriage vehicles must be white in colour with a blue reflective stripe down the side of the vehicle just under the window line.

- The blue strip should be 85mm wide and run continually along each side (exact colour to be agreed)
- BCP logo on bonnet of vehicle

17.2 Existing licensed hackney carriage vehicles will not be expected to change colour however on replacement all vehicles must comply with the new livery requirements.

17.3 The vehicle door insignia (as approved by BCP Council) must be displayed on both front doors of the vehicle. These should be permanently affixed in the prescribed position.

17.4 All licenced hackney carriage vehicles will be required to meet the livery standards by December 2023.

18. Hackney Carriage Roof Signs

17.1. All Hackney carriage vehicle must be fitted with an illuminated roof sign of a size and design approved by BCP Council Licensing Office.

17.2. The front of the sign should have a white background and in black letters a minimum of height of 62.5mm and a maximum of 75mm display the word 'TAXI'.

17.3. The rear of the sign should be the same size letters and wording as 16.2 but it should be on a red background.

19. Hackney Carriage Licence Plates

19.1 All Hackney Carriages will be issued with three licence plates two to be displayed externally and one internally.

19.2 The external vehicle plates are to be displayed on outer rear of the vehicle by the number plate or bumper and be clearly visible.

19.3 The internal licence plate is to be displayed in the front windscreen preferably in the top passenger side of the vehicle or on the internal partition if present in the vehicle. The internal plate must be clearly visible with the illuminated side showing into the vehicle so all traveling passengers can easily identify the licence number and how to make a complaint .

19.4 Any damaged or lost plates must be notified to the Licensing authority immediately. The cost of a replacement plate will incur an additional charge to the licence holder.

19.5 External plates will be replaced for free once in any five-year period.

19.6 The licence plate is the property of BCP Council and must be returned to the Licensing Office when the licence expires and/or it is not to be renewed.

20. Hackney Carriage Fare Meters and Printers

20.1 All Hackney Carriages must be fitted with meter of the clock/calendar type to calculate distance and time of the hiring and a receipt printer attached to the meter.

- The Licensing Authority consider a taximeter to include a GPS type system or any other system that is capable of meeting the requirements as set out in Clause 4 of the Bylaws with respect of Hackney Carriages made in 1968.
- Any such system shall be approved by the Licensing Authority prior to installation.

20.2 The meter must be calibrated so as not to exceed the maximum tariff fare as agreed by the Licensing Authority.

20.3 All Hackney Carriage vehicles should be fitted with a printer connected to the meter or other approved system this must be either hard wired or connected via Bluetooth and must be able to provide either a printed receipt or a virtual receipt to any passenger on request. (A handwritten receipt is not permitted except if the vehicle has a meter temporary permit.)

20.4 A receipt which must include the following information: -

- a. fare displayed and calculated by the meter together with other approved charges in accordance with the fare chart
- b. Licence number of the vehicle

20.5 It is not necessary to produce a physical receipt. It is accepted that were technology is able to many passengers are happy for a receipt to be sent via text or email. However, the means to be able to print a receipt should always be available.

- 20.6 The meter and any associated receipt printer must be maintained in proper working order at all times.
- 20.7 The licensed holder must ensure that any driver using the licensed vehicle is trained to use the meter and printer in order to facilitate the above requirements.
- 20.8 In cases where a meter or approved system /and or printer is out of action the licensed vehicle holder must notify the Licensing Office immediately. A meter temporary permit to ply for hire without a meter and or printer may then be issued for a period not exceeding fourteen days and subject to immediate steps being taken to effect repair.

21. Private Hire Vehicles

- 21.1 Private hire vehicles cannot be hired without a prior booking via a licenced Private Hire Operator. The requirements of the legislation require that licenced private hire vehicles, drivers and operators must all be licenced within the licensing area.
- 21.2 BCP council will create one private hire area which covers the entire council area allowing licenced private hire vehicles to be used any BCP licenced Private Hire Operator.
- 21.3 Private hire vehicle categories
- Vehicles of the approved type will be licensed according to their proposed usage in the following categories:-
 - A. Non-metered Vehicles: Specialist and port/airport vehicles
 - B. Metered Vehicles: All other vehicles
 - The proprietor of a private hire vehicle shall at all times ensure the vehicle is not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage.

22. Private Hire fare meter and printer

- 22.1 Category B private hire vehicles must be fitted with meter of the clock/calendar type to calculate distance and time of the hiring and a receipt printer attached to the meter.
- The Licensing Authority consider a taximeter to include a GPS type system or any other system that is capable of meeting the requirements as set out in Clause 4 of the Bylaws with respect of Hackney Carriages made in 1968.
 - Any such system shall be approved by the Licensing Authority prior to installation.
- 22.2 Category B private hire vehicles should be fitted with a printer connected to the meter or other approved system this must be either hard wired or connected via Bluetooth and must be able to provide either a printed receipt or a virtual receipt to any passenger on request. (A handwritten receipt is not permitted except if the vehicle has a meter temporary permit.)
- 22.3 A receipt which must include the following information: -
- c. fare displayed and calculated by the meter together with other approved charges in accordance with the fare chart
 - d. Licence number of the vehicle

- 22.4 It is not necessary to produce a physical receipt. It is accepted that were technology is able to many passengers are happy for a receipt to be sent via text or email. However, the means to be able to print a receipt should always be available.
- 22.5 The meter and any associated receipt printer must be maintained in proper working order at all times.
- 22.6 The licensed holder must ensure that any driver using the licensed vehicle is trained to use the meter and printer in order to facilitate the above requirements.
- 22.7 In cases where a meter or approved system /and or printer is out of action the licensed vehicle holder must notify the Licensing Office immediately. A meter temporary permit to ply for hire without a meter and or printer may then be issued for a period not exceeding fourteen days and subject to immediate steps being taken to effect repair.

23. Private Hire Vehicle Colour and signage

- 23.1 No vehicle licensed as a Private Hire shall be coloured white. (this is to avoid confusion with hackney carriages.)
- 23.2 Signage all category B vehicles shall permanently affixed in the prescribed positions the following:
- Large 'No booking No ride' stickers on both rear passenger doors as near to the door handle as is possible either to the side or directly underneath. (they are clearly visible to the customer when entering the vehicle).
 - Small 'No booking, No ride' sticker on front passenger door in as above.
 - If the vehicle wishes to use the bus lanes in the BCP Council area a 'Chequered flag' sticker should be on the offside, front of the bonnet.

24. Private Hire Licence Plates

- 24.1 All Private Hire vehicles will be issued with two licence plates one to be displayed externally and one internally.
- 24.2 The external vehicle plate must be displayed on outer rear of the vehicle by the number plate or bumper and be clearly visible.
- 24.3 The internal licence plate is to be displayed in the front windscreen preferably in the top passenger side of the vehicle. The internal plate must be clearly visible with the illuminated side showing into the vehicle so all traveling passengers can easily identify the licence number and how to make a complaint.
- 24.4 Any damaged or lost plates must be notified to the Licensing authority immediately. The cost of a replacement plate will incur an additional charge to the licence holder.
- 24.5 External plates will be replaced for free once in any five-year period.
- 24.6 The licence plate is the property of BCP Council and must be returned to the Licensing Office when the licence expires and/or it is not to be renewed.

25. Vehicle advertising

- 25.1 All vehicle advertising must be approved by the Licensing Office before being used.
- 25.2 A proof of the proposal must be provided to the Licensing Office and where necessary an appropriate fee prior to approval.
- 25.3 All advertising and signs should meet the following as stated in Appendix D.

26. Changes to Vehicle Licence holder

- 26.1 Vehicle licences can be amended to add or remove licence holders. This process is undertaken in person with all the existing and new licence holders present.
- 26.2 A vehicle licence includes the licence and the vehicle to which it relates, as such a vehicle cannot change hands without the licence being updated to reflect this change in ownership. In addition a licence cannot change hands if the vehicle is not owned by anyone on the licence.
- 26.3 As a vehicle licence is technically a business, the licensing team must ensure that everyone involved in the business is aware of any change in ownership of the licence. This is why any changes are made in person with the existing and any new licence holders all being present. Identity documentation will be checked and copies will be required prior to the change in licence being administered.
- 26.4 Changes to any vehicle licence are made by appointment only and all, provide copies of identification and make an appointment prior to attending the Civic Offices.

27. Accidents/damage to vehicles and temporary substitution

- 27.1 In the event that a licenced vehicle requires repair due to accident or mechanical breakdown the licence holder can apply for a temporary licence to allow an alternative vehicle to be used for a period of no more than 28 days on application to the licensing authority.
- 27.2 In the case of repair due to an accident, the licence holder must have reported the accident as per the conditions of the licence.
- 27.3 Temporary vehicles must meet the councils colour requirements.
- 27.4 The age policy for temporary substitute vehicle will not apply provided that the vehicle has undergone a mechanic inspection at one of the appointed council testing centres within XXXX days of the application.
- 27.5 The application form must be completed by the vehicle licence holder (not vehicle hire company) and must include the following requirements:
- V5 – this is the registered keeper details
 - Certificate of mechanical inspection from appointed testing centre
 - Proof of purchase – receipt/bill of sale/HP agreement
 - Valid insurance which includes hire and reward
 - Correct fee

25.6 Temporary substitute plates will be provided by appointment only at the civic offices and at the time of appointment the licence holder must provide the plate from the vehicle being repaired in exchange for a temporary plate. On the expiry of 28 days, by appointment, the licence holder must return the temporary plate to the civic officers in exchange for the plate for the licenced vehicle.

25.7 In exceptional circumstances an extension for the temporary substitute will be granted on receipt of written request detailing the reasons that an extension is necessary. A further fee will be payable.

28. How to use this policy

28.1 All BCP vehicle licence holders should ensure that they are fully compliant with their policy and appendices.

29. Roles and responsibilities

29.1 The Licensing Manager is responsible for overseeing the functions and work of the licensing team who deliver the policy.

29.2 The Licensing Committee or Sub-Committee will be presented with reports in cases where drivers do not meet the conditions of their licence or where complaints have been received and a decision is required if the driver remains a fit and proper person.

29.3 Decisions by the Licensing Committee are subject to appeal to the Magistrates court within a statutory appeal period of 28 days from the notification of any committee hearing decision.

30. Enforcement and sanctions

30.1 Any driver who does not comply with the policy and legislation will be referred to the licensing committee for consideration. The Licensing Committee can choose to revoke a licence or suspend a licence pending any necessary action by the drivers such as attending training or counselling as required.

30.2 Decisions by the Licensing Committee are subject to appeal to the Magistrates court within a statutory appeal period of 28 days from the notification of any committee hearing decision.

31. Complaints, disciplinary and delegation to officers

31.1 In cases of complaints or allegations about a licenced vehicle, the licensing officer will investigate the matter fully and determine the seriousness of the allegation.

31.2 Where there are serious allegations that are deemed to pose an **imminent risk to public safety**, the Licensing Manager or other senior officer, will contact the vehicle proprietor/operator in question and obtain their version of the event. If the officer deems that the complaint is founded the matter will be referred to three members of the Licensing Committee to include the chair and vice chair.

31.3 If members determine that the evidence presented demonstrates there is an imminent risk to public safety, the drivers licence will be immediately revoked and the person

concerned will be notified and required to surrender their badge and paper licence the same day. Members will confirm in writing the decision made and the reasons why the decision was reached.

- 31.4 If members agree there is a risk to public safety, but it is not an imminent risk the matter will be referred to the Licensing Sub-Committee.
- 31.5 For complaints of a less serious matter with no requirement for consideration by the Licensing Committee, the Licensing Manager is permitted to issue/authorise caution letters and can suspend a licence for a period of no more than 2 weeks.
- 31.6 In all cases of complaint, officers will make reference this policy and any conditions as specified as well as the Institute of Licensing guidance on the suitability of applicants and licensees in the hackney and private hire trades.

[https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_\(16_May_2018\).pdf](https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf)

Appendix A

Executive/Speciality Private Hire Vehicles requirements

Executive Private Hire Vehicle licences will only be granted to vehicles which comply with sections 1, 2 and 4 below. Limousine or Party Private Hire Vehicle Licenses will only be granted to vehicles which comply with 1, 3 & 4 below

1.Executive/limousine/party

1.1The vehicle shall be of a make and model which the Council considers appropriate for an Exemption Notification. The Council may consult any person or organisation as it considers appropriate before deciding whether an Exemption Notification shall be granted in respect of any vehicle.

1.2Without prejudice to the generality of Clause 1 above, the vehicle shall comply with all of the following minimum requirements:

- a) Be a recognised model of a four door saloon motor car or people carrier but **not** a hatchback, kit car or vehicle substantively altered in appearance or modified in any way except as within the section Limousines/Party Vehicles below.
- b) The vehicle interior and exterior shall be of the very highest quality in design and use of materials available and in exceptional condition.
- c) The vehicle shall not be designed or adapted for off road purposes.
- d) Vehicles manufactured as people carriers may be considered for an exemption to display the plate. However, the vehicle shall be of the highest specification, quality and condition. Each application will be considered on its own merits. Only vehicles on the approved executive list shall be considered for licensing as an executive vehicle.

1.3Any vehicle presented for licensing for the first time shall not be older than five years on the day that the fully and correctly completed application is received with the appropriate fee. (Limousines and Party vehicles shall be considered for exemption of this condition in exceptional circumstances where the vehicle is in immaculate condition).

1.4Only vehicles that satisfy Clauses 2 (a) to 2 (d) above, are on the approved executive list and at the top of the range within the manufactures fleet of vehicles, may be considered for a Exemption Notice, not to display the vehicle plate, which will be at the Council's discretion.

2 Executive

2.1The makes and models of vehicle which **will** be considered for licensing as an executive vehicle are:

- BMW 7 SERIES
- MERCEDES S CLASS
- MERCEDES E CLASS
- LEXUS GS and LS
- CHRYSLER CDR
- JAGUAR XJ SWB and LWB
- AUDI A8

For vehicles not included on the above list contact the Licensing team by email:
taxi.privatehire@bpcouncil.gov.uk.

3 Limousine and party

3.1 On being presented for licensing for the first time, the vehicle shall have proof of one of the following:

- Individual Vehicle approval certificate
- a European whole vehicle certificate
- a UK low vehicle type approval certificate

3.2 No Stretched Limousine/Party Vehicle shall be licensed by the Council where the conversion carried out results in the vehicle being more than 330.2cm (10 feet 10 inches) long. Where the conversion has been approved there shall be displayed on the vehicle a fixed plate giving the details of the company that carried out the conversion.

3.3 No Stretched Limousine/Party Vehicle shall be licensed by the Council where the maximum unladen weight of the vehicle exceeds 3,220.50kg (7,100 lbs).

3.4 A Stretched Limousine/Party Vehicle shall only be considered for licensing where the applicant produces evidence that the “stretch” was performed by the manufacturer or by a coachbuilder approved by the vehicle manufacturer. American limousines/party vehicles shall have been built by an approved coachbuilder under the QVM programme for Ford vehicles or the CMC programme for Cadillac vehicles. The onus shall be upon the applicant to prove that the vehicle meets the prescribed standards.

3.5 Any replacement parts fitted to a Stretched Limousine/Party Vehicle shall meet the approved standards of the stretched specifications i.e. tyres shall meet both the size and weight specifications.

3.6 Vehicles shall be capable of carrying no fewer than three and not more than eight passengers in addition to the driver. Side facing seats shall only be permitted on a Stretched Limousine/Party Vehicle if they meet the minimum requirements of lap belts fitted to each passenger seat of the side facing seats. A seat shall be a minimum width of 400mm. Stretched limousines shall only be licensed to carry a maximum of eight passengers regardless of how many seats are fitted to the vehicle.

3.7 Vehicles shall be equipped at all times with seat belts of an acceptable type in respect of every seat which can be used for the carriage of passengers. Seat belts shall comply with current legislation and be in proper working order at all times.

3.8 passenger shall have direct access to a door without the need to fold flat, tilt up or remove other seating.

3.9 Vehicles shall be fitted with at least four doors and four wheels.

3.10 The vehicle may be left or right hand drive.

3.11 All paintwork shall be free of rust and corrosion and be of a very high standard.

3.12 Vehicles shall have adequate space for luggage.

3.13 All brakes and mechanical parts shall be kept in good order and condition.

3.14 The vehicle shall have a serviceable spare wheel, together with the proper tools and equipment to change the wheel in the event of a tyre or wheel becoming defective.

3.15 All tyres (including the spare) shall be suitable for the vehicle

3.16 The vehicle shall not be designed or adapted for off road purposes.

3.17 The vehicle shall not be designed or adapted as a people carrier, mini bus, people mover or other like vehicle.

Note: **PRIOR TO** purchasing any vehicle to be used as an executive vehicle or limousine/party vehicle you are strongly advised to contact the Licensing Team for advice concerning the different makes and models of vehicles considered appropriate for licensing for this type of work.

4. Identification signs

Executive, Limousine and Party private hire vehicles are not required to display a vehicle plate to rear or side identification panels.

Appendix B

Private Hire and Hackney Carriage Conditions of Licence

These conditions of licence are made pursuant to of the Local Government (Miscellaneous Provisions) Act 1976 the Town and Police Clauses Act 1847

The licence holder must observe and carry out the requirements of the Local Government (Miscellaneous Provisions) Act 1976, Part II, and any orders or regulations made thereunder.

1. Change to licence holders address

The licence holder must notify the Council *in writing/email within 5 working days* * of any change of his/her address taking place during the period of the licence, whether permanent or temporary.

2. Change to licence holders contact information including email address

The licence holder must notify the Council *in writing/email within 5 working days* * of any change of his/her contact numbers and/or email address taking place during the period of the licence, whether permanent or temporary

**** The 5 working days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day on which the Licensing Office is closed.***

3. Insurance

At all times during the licence period the licence holder shall hold valid insurance in relation to the use of the vehicle as a licenced vehicle for hire and reward. The licence holder is required to produce the most up to date copy of this on request by the Licensing Authority.

4. Cooperation in regulatory matters

Licensed holders must co-operate with authorised officers of the council in all matters relating to the regulation of the licensed vehicle. However nothing in this condition affects the licence holders statutory protection afforded by other legislation.

5. Reporting of accidents

The licence holder must report any accident or damage to the vehicle within 1 day of the incident and provide full details

6. Maintenance of vehicle

The vehicle, all of its fittings and any attached equipment shall at all times when the vehicle is in use or available for hire, be kept in a clean, safe, tidy and efficient state, and

must also comply with all relevant statutory provisions including in particular those contained in the Road Vehicles (Construction and Use) Regulations 1986.

No material alteration or change to the vehicle, its fittings or any attached equipment shall be made without the prior approval of the Council. 1

7. Tyres

A spare wheel tyre appropriate for the trailer must be carried when the vehicle is being used for public hire.

Tyres All tyres fitted to the vehicle or carried as a spare must comply with the Motor Vehicles (Construction and Use) Regulations 1986 and Motor Vehicle (Tests) Regulations 1981. Re-cut and Remoulded Tyres Re-cut tyres are not acceptable for M1 passenger vehicles and remould tyres shall only be acceptable if they carry a recognised approval marking (currently BSAU144e) and display the following information clearly displayed on each tyre:

- a) Nominal size;
- b) Construction type (e.g. radial ply);
- c) Load capacity; and d) Speed capability Space Saver Tyres

The carrying and use of Space saver tyres and tyre sealant kits will only be approved with the support of a method statement. The method statement will detail the drivers and vehicle owners responsibility with regard to the maximum permitted speed and restrictions of use and highlight that they are ONLY a temporary measure to complete the journey in which the puncture occurred.

An approved repair to BS AU159 or a replacement tyre must be undertaken before any further fares are carried. Run flat tyres fitted to any vehicle by the manufacturer will not be replaced by any other type or make either individually or all of them. The use of these tyres must be supported by a method statement (such as the manufacturers handbook for the vehicle) specifying the capability and restrictions of use following a puncture. In all cases the Tyre Pressure Monitoring System (TPMS) must be working correctly and if required, be reset when a tyre(s) are renewed ore replaced. Worn or damaged run flat tyres must be replaced by the same make and size.

8. Roof racks

A roof rack may only be used when excess luggage is to be carried and any luggage so carried shall be safely secured and shall not exceed such weight or size that as can safely be carried on the vehicle.

9. Advertising

The proprietor of any licenced vehicle shall not place or allow any window or on any part of the exterior of such carriage any advertisement or printed matter other than such as may be required to comply with this policy or approved by the Council.

10. No smoking

The Health Act 2006 prohibits smoking in enclosed places, all licensed vehicles are designated as an enclosed public space and therefore it is unlawful for any person to

smoke in a licensed vehicle at any time, including any time when it is not being used for hire.

11. Driver records

If the proprietor permits or employs any other person to drive the vehicle as a Taxi or Private Hire vehicle, the proprietor shall retain the person's Taxi or Private Hire drivers licence until such time as the driver ceases to be permitted or employed to drive the vehicle.

12. Licenced drivers

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 or Hackney Carriage driver's licence, as appropriate, issued by the Council.

Criminal Convictions Guidelines

NOTE: In the Council's view this statement and the guidelines that follow are compatible with the rights and freedoms under the European Convention on Human Rights.

This document aims to provide guidance to any person with an interest in public and private hire licensing. In particular, but not exclusively:

- Applicants for drivers' licences
- Existing licensed drivers whose licences are being reviewed/renewed
- Applicants for operators' licences
- Existing licensed operators whose licences are being reviewed/renewed
- Licensing Officers
- Members of the Licensing Committee (or other relevant decision making body)
- Magistrates hearing appeals against local authority decisions
- Police Officers

Thereby providing transparency and consistency, in accordance with the principles of good enforcement and relevant Regulatory Compliance Codes.

Where Licensing Officers have delegated powers to grant or refuse licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the Licensing Committee (or other relevant decision-making body). Whilst Officers and the Committee will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances demand, the Committee may depart from the guidelines.

1. Background

- 1.1 In this policy the word "individual" includes an existing licence holder, an applicant for a new licence, and an applicant for the renewal of an existing licence.
- 1.2 Licences for drivers of hackney carriages, private hire vehicles or private hire operator may only be granted where the Council is satisfied that the individual is a fit and proper person to hold such a licence.
- 1.3 In this policy the word "issue" is used. This includes complaints made to the Council, Police, Operators or any other agency, breaches of licensing conditions and intelligence received from other agencies (including circumstances which have not resulted in a criminal conviction, caution or other disposal). E.g. incidents which have resulted in a police investigation where there has been no further action due to the criminal burden of proof

will still be considered if Licensing Committee is satisfied that the incident occurred based on the balance of probabilities.

- 1.4 Licences for operators of private hire vehicles may only be granted where the Council is satisfied that the individual is a fit and proper person to hold such a licence.
- 1.5 The document is intended to give guidance on one aspect of whether a person is or is not a fit and proper person namely the situation where a person has previous convictions and cautions.
- 1.6 The Council is concerned to ensure:
 - a. That a person is a fit and proper person.
 - b. The public are not exposed to persons with a history of dishonesty, indecency or violence.
 - c. The safeguarding of children and young persons and vulnerable adults.
- 1.7 The public are not normally permitted to attend Committee hearings for private hire, hackney carriage driver applications or private hire operator applications or reviews, however, in determining whether to grant a licence the Committee or Officers will take into account the human rights of the wider public and balance these against the human rights of the applicant.
- 1.8 When submitting an application for a licence to drive a hackney carriage or private hire vehicle, or for an operators' licence, individuals are required to declare all previous convictions they may have. Individuals are also required to declare all formal/simple cautions, any matters of restorative justice and all fixed penalties and all endorsable fixed penalties they have received and to provide details of all criminal matters of which they are currently the subject of criminal investigation or prosecution.
- 1.9 An application for a drivers' licence is an exempt activity listed in the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975 (as amended in 2013) and as such both spent and unspent convictions and cautions must be declared.
- 1.10 The information given will be treated in confidence and will only be taken into account in relation to the relevant application to assist the Council in determining whether the applicant is a fit and proper person to hold a licence for the purposes of sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, or whether the Council should exercise any of its powers under section 61 and 62 of the Act (i.e. suspension, revocation or refusal to renew a licence).

Where a person is referred to the Licensing Committee and they hold more than one Licence the fit and proper test will be applied individually to each Licence.

- 1.11 Applicants for a licence to drive a hackney carriage or private hire vehicle should be aware that the Council is empowered by law to check with the Disclosure Barring Service for the existence and content of any criminal record and other intelligence held in their name. Officers from the licensing section will where appropriate contact other agencies for any other information which they may hold for instance, Housing Service, Children's Services and Dorset Police. Information received from the Disclosure Barring Service or other agency will be kept in strict confidence while the licensing process takes its course and will be retained no longer than is necessary and in any event, will be destroyed in accordance with the requirements of the Data Protection Act 1998 and in accordance with good practice after the application is determined or any appeal against such determination is decided.

- 1.12 The disclosure of a criminal convictions/fines or cautions or other relevant information relating to an individual's conduct will not necessarily debar an individual from being granted, retaining or renewing a licence. It will depend on whether or not the individual can satisfy the Council that they are a fit and proper person to hold such a licence.
- 1.13 The Council may fail to be satisfied that an individual is a fit and proper person to hold a driver's licence or an operator's licence for any reasonable cause. If an applicant is unable to produce adequate evidence that they are a fit and proper person or if there is reasonable cause to question or doubt the evidence provided, then that could amount to reasonable cause to refuse a licence.
- 1.14 In considering evidence of an individual's good character and fitness to hold a driver's licence or operator's licence, where previous convictions/cautions or other information relating to criminal matters/character is disclosed, the Council will consider the nature of the offence/issue and penalty; when it was committed/took place; the date of conviction/issue and the length of time which has elapsed, the individual's age when the offence was committed/issue took place; whether or not it is part of a pattern of criminal behaviour, the intent, the harm which was, or could have been caused and any other factors which might be relevant. Where an individual has been convicted of a criminal offence, the Council cannot review the merits of the conviction [*Nottingham City Council v. Mohammed Farooq (1998)*].

However, if an individual is acquitted of an offence, the Council are entitled to go behind the acquittal because of the different standard of proof (*R v Maidstone Crown Court Ex Parte Olson 1992*).

- 1.15 The Council has adopted the following guidelines relating to the relevance of convictions to which it refers in determining new/renewal applications for drivers' licences and operators' licences and when considering whether to take any disciplinary action against an existing licence holder.
- 1.16 The guidelines do not deal with every type of offence, and do not prevent the Council from taking into account offences not listed in the guidelines, or any other conduct, which may be relevant to an individual. Regard will be given to all relevant information when deciding to issue or renew a licence or whether any disciplinary action should be taken.
- 1.17 Offences described in the guidelines and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines.
- 1.18 The guidelines are not an attempt to define what is a "fit and proper person". There is no statutory definition of what is a "fit and proper person" but is guidance given in the case of *McCool v Rushcliffe BC 1998*.
- 1.19 Any individual who is refused a driver's licence or has such a licence suspended or revoked on the ground that the Council is not satisfied he/she is a fit and proper person to hold such a licence has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.
- 1.20 Any individual who is refused an operator's licence has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.

2. General Policy

2.1 Each case will be decided on its own merits. A person with a conviction for a single serious offence or a number of separate offences need not be automatically barred from obtaining a licence, but would normally be expected to:

- a. Remain free of conviction for an appropriate period (which will depend on the nature of the offence); and
- b. Show adequate evidence that he or she is a fit and proper person;
- c. Simply remaining free of conviction will not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

2.2 The Council has a duty to ensure so far as possible that drivers and operators are fit and proper persons to hold licences. One aspect of that is the extent to which previous convictions, including but not limited to convictions for offences against children and young persons, dishonesty, sexual offences, traffic offences, violence and drugs indicate that a person is not a fit and proper person, and would not take advantage of passengers or abuse or assault them.

2.3 In reaching a decision the Council may assess the seriousness of the offence in accordance with the penalty imposed in using the following table:

Sentence length	Rehabilitation period
0-6 Months	3 years
6-30 Months	5 years
30 months to 4 years	7 years
Over 4 years	None

2.3.1 Restorative justice and other criminal disposals are increasingly used by the police as a less formal way of dealing with issues and as an alternative to the criminal disposals tend to be applied in less serious cases or for first time offenders, nevertheless all such disposals will be taken into account when determining if a person is a fit and proper person.

2.3.2 Amongst situations where it may be appropriate to depart from the general policy, for example, may be situations where the offence is an isolated one with mitigating circumstances or where a conviction defaults outside of the policy between the application and determination date. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account. In any case which involves certain specified sexual offences, murder or manslaughter a licence will normally be refused.

2.6 The Council through the Licensing Committee will convene to consider any information/representations received that a person is not/no longer a “fit and proper” person, or if a breach of a condition of a licence. If proved they may refuse, or revoke a licence or suspend for any specified period.

- a. Hearing with notice – Where a Committee is to be convened to consider whether or not a person is a “fit and proper” person, notice of the time and date of the meeting will be given in order to allow the person to seek independent legal advice and to attend and be represented at the hearing.
- b. Hearing without notice – Where a sub-committee is convened as a result of sensitive information being received by the Council an assessment will be undertaken in balancing a person’s right to a fair hearing against whether or not it is in the public interest to hold the hearing without notice against the Councils first priority of Public Safety.

- c. Where new offences are created or existing offences are consolidated or re-enacted etc. they will be treated in a manner appropriate to their severity whether or not this guidance has been updated to reflect the changes.

3. Disclosed Convictions General Guide

Spent Convictions

- 3.1 The Council will only consider spent convictions if it appears to be relevant for deciding whether the individual is a fit and proper person to hold a licence and that justice cannot be done in the case, except by admitting or requiring evidence relating to that spent conviction. The council will consider the nature of the offence(s), the history or pattern of offending, the lapse of time and whether all the convictions have previously been considered.

Formal/Simple Cautions and Endorsable Fixed Penalties

- 3.2 For the purpose of these guidelines formal/simple/conditional cautions and endorsable fixed penalties shall be treated as though they were convictions.

Multiple Convictions from a Single Incident

- 3.3 Where an individual has multiple convictions arising from a single incident, the convictions will generally be treated as one conviction for the purposes of these guidelines.
- 3.4 In these circumstances the period for which the individual would normally be expected to show free from conviction will be the longest applicable period calculated by reference to each offence.

4. Offence of Dishonesty

- 4.1 In view of the nature of their work drivers of hackney carriage and private hire vehicles are expected to be trustworthy.
- 4.2 Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. Passengers may include especially vulnerable people and children.
- 4.3 It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways.
- 4.4 The widespread practice of delivering unaccompanied property is indicative of the trust that businesses put into drivers.
- 4.5 In certain situations, drivers will know that a property is empty whilst the occupants are away on holiday for a set period of time after taking them to the airport or railway station.
- 4.6 For these reasons a serious view is taken of any convictions involving dishonesty. In general, an applicant with convictions for dishonesty, which are less than 5 years old, is unlikely to be considered favourably and are to be referred to the Licensing Committee for determination.
- 4.7 In particular, an application will normally be refused where the individual has a conviction for an offence or similar offences or offences which replace the below offences.

- i. Theft
- ii. Burglary
- iii. Fraud
- iv. Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
- v. Handling or receiving stolen goods
- vi. Forgery (e.g. producing false insurance policy)
- vii. Conspiracy to defraud
- viii. Obtaining money or property by deception
- ix. Other deception
- x. Blackmail

5. Violence

- 5.1 Members of the public and in particular, the elderly, infirm and children or vulnerable adults entrust their personal safety to private hire and hackney carriage drivers whenever they take a journey.
- 5.2 Passengers often travel alone and are vulnerable to physical attack etc. Users of private hire and hackney carriage vehicle have a right to expect that drivers are not individuals with a predisposition towards or a propensity for violent behaviour at any level.

6. Offences against Other Persons

- 6.1 As hackney carriage and private hire vehicle drivers maintain close contact with the public, where the commission of an offence involved loss of life a licence will normally be refused.
- 6.2 The Council seeks to minimise risks associated with children and young persons and for that reason a more serious view will be taken where offences of violence children under 14 or young persons.
- 6.3 An application will normally be refused where the individual has a conviction for an offence or similar offence(s), or similar offence(s) which replace the below offences:
 - Murder
 - Manslaughter
 - Manslaughter or culpable homicide while driving
- 6.4 An application will also normally be refused where the individual has a conviction for an offence or similar offence(s) or similar offence(s) which replace the below offences:
 - Malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998)
 - Actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)
 - Grievous bodily harm with intent (s.18 Offences Against the Person Act)
 - Grievous bodily harm with intent (s.20 Offences Against the Person Act)
 - Robbery
 - Possession of firearm
 - Riot
 - Assault Police
 - Common assault with racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)

- Violent disorder
- Resisting arrest

6.5 An application will also normally be refused where the individual has a conviction for an offence or similar offence(s) or similar offence(s) which replace the below offences.

- Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)
- Racially-aggravated s.4 Public Order Act 1986 offence (fear of provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)
- Racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress (s.31(1)(b) Crime and Disorder Act 1998)
- Racially-aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998)
- Racially-aggravated s.4 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32(1)(b) Crime and Disorder Act 1998)
- Racially-aggravated s5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)

6.6 An application will also normally be refused where the individual has a conviction for an offence or similar offence(s) or similar offence(s) which replace the below offences.

- Common assault
- Assault occasioning actual bodily harm (s.47 Offences Against the Person Act)
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Harassment- breach of restraining order- on conviction Protection from Harassment Act 1997 s5(5) = s. 5(6)
- Obstruction
- Possession of offensive weapon
- Criminal damage

7. **Drugs**

7.1 An application will normally be refused where the individual has a conviction for an offence related to the supply of drugs and the conviction is less than 5-10 years prior to the date of application.

7.2 An offence related to the supply of drugs and the conviction is less than 10 years prior to the date of application will be referred to the Panel for determination. A conviction less than 5 years old will generally be refused.

7.3 An application will normally be refused where the individual has more than one conviction for offences related to the possession of drugs.

7.4 For convictions for driving whilst unfit through drugs see Section 10 'Drunkenness.'

7.5 If any applicant was an addict, then they will normally be required to show evidence of 5 years free from drug taking after detoxification treatment as required by the Council.

8. Sexual and Indecency Offences

- 8.1 Any individual currently on the sex offenders' register would not normally be granted a licence.
- 8.2 Drivers of hackney carriage and private hire vehicles are often entrusted with care of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons.
- 8.3 Where the commission of a sexual offence involves a child or young person an application for a licence will normally be refused.
- 8.4 The Council will sometimes be made aware of other intelligence or low level information about an individual which has not resulted in the conviction of that person but is relevant in relation to their character. Officers will give appropriate consideration to this information and will seek to consult with other appropriate agencies such as police and social services, in order to ensure that they have a comprehensive understanding. Where appropriate, officers will refer such information/ intelligence to other agencies. Any additional information gathered through this process may then be taken into account at any subsequent licensing committee.

9. Offences against persons other than children / young persons

- 9.1 As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers, an individual with a conviction for rape, indecent assault, or other similar offences or similar offences under the Sexual Offences Act 2003, will normally be refused a licence.
- 9.2 Individuals with a conviction relating to sexual offences such as soliciting, importuning, indecent exposure or other similar offences or similar offences under the Sexual Offences Act 2003, will normally be referred to the Committee for determination.
- 9.3 Amongst circumstances, which the Council may wish to consider, are circumstances, which if they occurred at the time of the consideration of the application would not now be a criminal offence.

10 Drunkenness

- 10.1 Driving whilst under the influence of drink is unacceptable under any circumstances and puts not only the driver, but passengers and other road users at risk. Such irresponsible behaviour is not conducive with the responsibilities of a private hire or hackney carriage driver.

With a motor vehicle (No Disqualification)

- 10.2 A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink.
- 10.3 An application will normally be refused where the individual has a conviction, which does not result in disqualification, for an offence within 2 years of the date of the application.

With a motor vehicle (Disqualification)

- 10.4 Where a disqualification has occurred as a result of a drink-driving offence, an application will not normally be considered until at least 5 years have passed from the date of the restoration of the DVLA licence.

Not in a motor vehicle

- 10.5 An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate.
- 10.6 In addition, individual will generally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic.
- 10.7 More than one conviction for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence.

11. Motoring Convictions

Major Traffic Offences

- 11.1 New applicants and existing licensed drivers with a conviction for a 'Major Traffic Offence' as defined below, which is less than 5 years prior to the date of the application (the present date in relation to existing licensed drivers) will be referred to the Licensing Committee for determination. A conviction less than 2 years prior to the date of the application will generally be refused.
- 11.2 Where the conviction resulted in a period of disqualification, an application will normally be refused unless a period of 3 years free from conviction has lapsed from the restoration of the DVLA licence and 5 years where the disqualification relates to driving whilst unfit through drink or drugs
For the purposes of these guidelines the following motoring offences are classed as 'Major Traffic Offences':

AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of Court
BA30	Attempting to drive while disqualified by order of Court
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death through careless driving when unfit through drugs
CD60	Causing death through careless driving with alcohol level above the limit
CD70	Causing death through careless driving then failing to supply a specimen for alcohol analysis
CD71	Causing death through careless driving the failing to supply a specimen for drug analysis
DD10	Causing Serious injury by dangerous driving
DD40	Dangerous driving

DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DD90	Furious driving
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for
DR31	Driving or attempting to drive when unfit through drugs
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide specimen for analysis in circumstances other
DR61	Failure to provide specimen for drug analysis in circumstances other than driving / attempting to drive
DR70	Failing to provide specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs
IN10	Using a vehicle uninsured against third party risks
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
MS90	Failure to give information as to identity of driver, etc.
UT50	Aggravated taking of a vehicle

Aiding, Abetting, Counselling or Procuring

- 11.3 Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12).

Causing or Permitting

- 11.4 Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14).

Inciting

- 11.5 Offences as coded above, but with 0 changed to 6 (e.g. IN10 becomes IN16). Or similar offences or offences which replace the above offences.

Intermediate and Minor Traffic Offences

- 11.6 New applicants and existing licensed drivers with a Conviction / Fine / Simple Caution/Fixed Penalty Points for an offence which falls under the headings of 'Minor' or 'Intermediate' Traffic Offences and where the total number of accumulated points on their drivers licence is less than 12 or does not result in a period of disqualification, can have their applications granted without the application being referred to the Committee.
- 11.7 An applicant with a disqualification owing to the totting up system or in relation to an offence under these two group headings for any period of disqualification, will not normally be granted a licence unless they have held a DVLA licence for at least 12 months following the expiry of the period of the disqualification.
- 11.8 Existing drivers disqualified for incurring 12 or more penalty points within a three year period, will be required to complete a driver competency assessment on expiry of the disqualification before they are allowed to drive a public carriage. If the driver is not disqualified their Public Carriage Licence will be suspended until a driver competency assessment has been completed.

For the purposes of these guidelines the following motoring offences are classed as 'Intermediate Traffic Offences':

CU10	Using vehicle with defective brakes
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30	Using a vehicle with defective tyres
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
CU80	Breach of requirements as to control of the vehicle mobile phones etc
CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration of other road users
SP10	Exceeding goods vehicle speed limit
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road – not resulting in a fixed penalty
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motorway
SP60	Exceeding speed limit offence

Aiding, Abetting, Counselling or Procuring

- 11.9 Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12).

Causing or Permitting

11.10 Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14).

Inciting

11.11 Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16).

For the purposes of these guidelines the following motoring offences are classed as 'Minor Traffic Offences':

MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street offences
MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MW10	Contravention of Special Road Regulations (excluding speed limits)
PC10	Undefined contravention of Pedestrian Crossing Regulations
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30	Contravention of Pedestrian Crossing Regulations with stationary
SP30	Exceeding statutory speed limit on a public road resulting in a fixed
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with a "Stop" sign
TS40	Failing to comply with direction of a constable or traffic warden
TS50	Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)
TS60	Failing to comply with school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction sign

Aiding, abetting, counselling or procuring

11.12 Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12).

Causing or permitting

11.13 Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14).

Inciting

11.14 Offences as coded above, but with 0 changed to 6 (e.g. PC10 becomes PC16).

12. Plying for Hire

- 12.1 Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Byelaws and Section 167 Criminal Justice and Public Order Act 1994.
- 12.2 One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 (“the Acts”) and Hackney Carriage Byelaws, is to ensure the protection of the public.
- 12.3 For this reason, a serious view is taken of convictions for offences under the Acts (including illegally plying for hire and/or touting) when deciding whether an individual is to be treated as a fit and proper person to hold a licence.
- 12.4 In particular, an individual will normally be refused a licence if (s)he has been convicted of an offence under the Acts at any time during the 2 years preceding the application or has more than one conviction within the last 5 years preceding the date of the application.
- 12.5 In the case of a private hire driver found guilty of an offence of plying for hire, the driver would be asked to appear before the Licensing Committee to show why they believe they are still a fit and proper person to hold a public carriage drivers licence. The Committee will consider whether any further disciplinary action should be taken.

13. Breach of Conditions, and complaints

- 13.1 This guidance is not intended to cover every possible circumstance and there is an expectation that licensees will comply with all relevant legislation.
- 13.2 The Licensing Authority will act with proportionality and consistency. Disciplinary action taken under this policy is without prejudice to the Licensing Authorities right to institute legal proceedings, where a criminal offence has been committed.

Examples of licensing breaches or conduct likely to receive a written caution

- 13.3 Cautioning may be appropriate for single breaches, where the offender has not received any written caution or other disciplinary action for the same or similar breach within the last 12 months:

General

- Persistent failure to comply with Road Traffic legislation.
- Failure to behave in a civil and orderly manner to customer and/or other road users.
- Refusal to carry passengers without reasonable excuse/ refusing to wait.
- Failure to convey or assist with carrying of luggage.
- Driving in a manner likely to cause alarm to passengers/ road users.
- Failure to display tariff or fares or to conceal same.
- Vehicle not cleaned or well maintained.
- Failure to wear/display driver badge.
- Failure to deliver lost property to Town Hall.

Vehicle defects

- Failure to display vehicle licence plate/licence disc internally/ other signage.
- Failure to report accident within 72 hours.
- Failure to produce insurance documents at request of authorised officer within 5 days.
- Failure to produce interim MOT.
- Unauthorised signs /window stickers/ adverts.

- Failure to notify transfer of vehicle licence—or change of vehicle.
- Defective taxi meter/ printer.
- Defective taxi top light.
- Unattended Hackney Carriage vehicle on rank.
- Failure to attend mechanical inspection.
- Late cancellation of mechanical inspection—give less than 24 hours' notice.
- Defective lights, horn, indicators, exhaust system, tyres, brakes.

Operator breaches

- Premises unclean—not fit for use.
- Failure to keep proper records of bookings of complaints.
- Failure to keep current driver/ vehicle licence details.

13.4 In all cases the caution will be in writing and stipulate a timescale for the matter to be corrected, if appropriate. If the matter is not corrected within the timescale stipulated, or there is a repetition, further disciplinary action may follow.

13.5 The Licensing Team Manager or another manager at principal officer level or higher, has authority to approve and issue letters of caution.

Examples of licensing breaches or conduct likely to receive suspension for a defined period, or revocation of licence:

- Any of the contraventions listed in the 'caution' section above, in these or similar circumstances:
- where the offender has received a written caution or other disciplinary action for the same or a similar breach within the last 12 months; or
- where the offender did not correct a matter as required by a written caution; or where several breaches have been committed together; or where the matter is considered too serious for a caution to be appropriate.
- Permitting no insurance, or insurance that is invalid to cover public carriage use
- Permitting unauthorised/ unlicensed drivers.
- Using or permitting use of unlicensed /unauthorised vehicle.
- Falsifying or making untrue representations in Licence applications or other council licensing documentation.
- Obstruction of an authorised officer of the Council or of a Police Officer in the course of their duty.
- The commission of a criminal offence, or engagement in an activity of a type that brings suitability as a licensee into question.
- Causing injury to passengers, members of the public or other road users by negligence or intent.

- 13.6 The action taken will be proportionate and take into account all the circumstances including previous suspensions and cautions. Decisions will be determined by a review of available facts at the time the decision is taken.

14. Authority to suspend or revoke.

Suspension/Revocation with immediate effect:

- 14.1 A licence can be suspended or revoked immediately in the interests of public safety under the provisions of section 61(2B) of the Local Government (Miscellaneous Provisions) 1976. If the Council is advised of such conduct, a decision may be taken in consultation between officers and at least three members of the Licensing Committee. In such cases efforts, will be made to contact the driver to advise of the situation and establish if there is any other information that may be relevant and should be considered before any decision is made.

Suspension/Revocation/Caution following Licensing Committee hearing:

- 14.2 Where a decision does not need to be considered immediately, it will be considered at a formal hearing of the Licensing Committee where the alleged offender (and any witnesses) will be afforded the opportunity to hear the evidence and present their case.
- 14.3 Following a hearing members may direct that letters of caution be issued, suspend a licence for specified periods of time, or revoke a licence. Other conditions or stipulations may be attached to the decision as Members see fit.

Appeals against decisions taken

- 14.4 Decision to caution by manager—register a complaint in writing to the Head of Community Safety .
- 14.5 Decision to caution by Members—no appeal possible.
- 14.6 Decision to suspend or revoke licence— relevant information regarding statutory right of appeal to the Magistrates Court, will be provided in a written notification of the Council's decision.

15. Reapplication

- 15.1 Where an applicant has previously had a licence revoked by the Council the Authority will not, save in exceptional circumstances, consider any further application from the applicant for a period of three years from the date of the Authority's decision or, if that decision was appealed against and the appeal was dismissed, abandoned, or otherwise failed, from the date of the dismissal, abandonment or other failure of the appeal, whichever is the later.

Appendix D

CCTV specification

1. A CCTV system must not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified except in very exceptional circumstances.
2. Wherever possible, the CCTV system should not have any sound recording facility. However, if the system comes equipped with a sound recording facility then this functionality should be disabled and only capable of being utilised in the following limited circumstances:- where the recording is triggered due to a specific threat to driver or passenger safety, e.g. a 'panic button' is utilised and must be subject to the following safeguards:-
 - a) Where this audio recording facility is utilised a reset function must be installed which automatically disables audio recording and returns the system to normal default operation after a specified time period has elapsed.
 - b) The time period that audio recording may be active should be the minimum possible and should be declared at the time of submission for approval of the equipment.

In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.

3. The installation and operation of a CCTV system must comply with the requirements of the Information Commissioner's CCTV Code of Practice, which is available at the following address:- <https://ico.org.uk/for-organisations/guide-to-data-protection/cctv/>
4. All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations.
5. All equipment must meet any and all requirements as regards safety, technical acceptability and operational/data integrity.
6. All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or to the driver, including impact with the equipment in the event of a collision or danger from the electrical integrity being breached

through vandalism, misuse, or wear and tear. In particular, the camera(s) must be fitted safely and securely in such a way that it does not adversely encroach into the passenger area and must not impact on the safety of the driver, passenger or other road users.

7. All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions by a qualified auto-electrician.
8. The CCTV system must not weaken the structure or any component part of the vehicle or interfere with the integrity of the manufacturer's original equipment.
9. All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers.
10. All equipment must be protected from the elements, secure from tampering and located such as to have the minimum intrusion into any passenger or driver area or impact on the luggage carrying capacity of the vehicle.
11. It is contrary to the Motor Vehicle (Construction and Use) Regulations 1986 for equipment to obscure the view of the road through the windscreen.
12. Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, i.e. not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems.
13. Viewing screens within the vehicle for the purposes of viewing captured images will not be permitted.
14. The location of the camera(s) installed within the vehicle must be for the purpose of providing a safer environment for the benefit of the hackney carriage and private hire vehicle driver and passengers, and not for any other purpose.
15. All equipment must be checked regularly and maintained to operational standards, including any repairs after damage.
16. All system components requiring calibration in situ should be easily accessible.

Automotive Electromagnetic Compatibility Requirements (Emc)

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

2. Any electrical equipment such as an in-vehicle CCTV system fitted after the vehicle has been manufactured and registered, is deemed to be an Electronic Sub Assembly (ESA) under the European Community Automotive Electromagnetic Compatibility Directive and therefore must meet with requirements specified in that Directive.
3. CCTV equipment should be e-marked or CE-marked. If CE marked confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles is required.
4. Activation of the equipment may be via a number and combination of options, such as - door switches, time delay, drivers' panic button or in the case of incident/event recorder, predetermined G-Force parameters set on one or more axis (i.e. braking, acceleration, lateral forces) and configured to record for a short period of time before the event, during the event and a short period following the event.

Security of Images

1. All images captured by the CCTV system must remain secure at all times.
2. The captured images must be protected using encryption software which is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen.
3. It is recommended by the Information Commissioner that the data controller ensures that any encryption software used meets or exceeds the current FIPS 140-2 standard or equivalent.
4. System protection access codes will also be required to ensure permanent security.

Retention of Images

1. The installed CCTV equipment must have the capability of retaining images either:
 - within its own hard drive;
 - using a fully secured and appropriately encrypted detachable mass storage device, for example, a compact flash solid state card;
 - or where a service provider is providing storage facilities, transferred in real time using fully secured and appropriately encrypted GPRS GSM telephone) signalling to a secure server within the service provider's monitoring centre.
2. Images must not be downloaded onto any kind of portable media device (e.g. CDs or memory sticks) for the purpose of general storage outside the vehicle.

The CCTV system must include an automatic overwriting function, so that images are only retained within the installed storage device for a maximum period of 31 days from the date of capture.

Where a service provider is used to store images on a secure server, the specified retention period must also only be for a maximum period of 31 days from the date of capture.

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

Use of the Information Recorded by the CCTV system

1. Any images and any audio recording should only be used for the purposes described in this policy.
2. Requests may be made to the data controller by Authorised Officers of the Licensing Authority, the Police or other statutory law enforcement agencies, insurance companies/brokers/loss adjusters or exceptionally other appropriate bodies, to view captured images, or obtain audio recordings if applicable. The **licence holder**, as data controller, is responsible for responding to these requests.
3. All requests should only be accepted where they are in writing and specify the reasons why disclosure is required.
4. Under the Data Protection Act 1998, members of the public may also make a request for the disclosure of images, but only where they have been the subject of a recording. This is known as a 'subject access request'. Such requests must only be accepted where they are in writing and include sufficient proofs of identity (which may include a photograph to confirm they are in fact the person in the recording).

The Data Controller

1. The Information Commissioner defines a "data controller" as the body which has legal responsibility under the Data Protection Act 1998 for all matters concerning the use of personal data. **For the purpose of the installation and operation of a CCTV system in hackney carriage and private hire vehicles, the "data controller" will be the holder of the hackney carriage and private hire vehicles licence and not the driver.**
2. **The licence holder**, as data controller, will therefore be responsible for ensuring compliance with the requirements of this policy and with all relevant data protection legislation, including the Data Protection Act 1998. The data controller is legally responsible for the use of all images including breaches of legislation.

Third Party Data Processor

1. Where a service provider is used for the remote storage of CCTV data they will act as a 'data processor'.

2. A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions.
3. The data controller retains full responsibility for the actions of the data processor.
4. There must be a formal written contract between the data controller and the data processor. The contract must contain provisions covering security arrangements, retention/deletion instructions, access requests and termination arrangements.
5. A copy of the contract must be provided to an authorised officer of the Licensing Authority, or to the Police, on reasonable request.

Advertising and signs guidelines

EXTERNAL

Hackney Carriages

Advertising for Hackney Carriage vehicles using Licensed Private Hire Operator Radio Circuit

- Advertising shall only be located on the rear passenger doors or the equivalent portions
- The advertising panel shall not larger than 420mm wide x 300mm high
- It must be positioned below window level and the licensed vehicle stripe

Private Hire Vehicles

Category A vehicles

- Advertising must be limited to the operator name, logo, email/website and contact number
- They can positioned on the rear passenger door and/or rear of the vehicle below the registration plate. Company logo can be located on the bonnet of the vehicle.

Category B vehicles are permitted the following

- Advertising shall only be located on the rear passenger doors or the equivalent portions
- The advertising panel shall not larger than 420mm wide x 300mm high
- It must be positioned below window level and the licensed vehicle stripe
- Advertising must include the words "Pre-Bookable Vehicle Only" in letters not less than 18mm high in a contrasting colour which is clearly visible.
- No advertising shall contain the words "Taxi", "Tax", "Cab" or any other words that might imply that the vehicle is a Hackney Carriage, whether in the singular or plural or as part of another word.

All Vehicles

Third Party Advertising

This includes those vehicles that use other app based services.

- One advert per car to be placed on the rear quarter/ sides of the vehicle
- Advert to be fixed and maintained in good condition - that is, no peeling, blistering or fading
- Adverts will be permitted to display website addresses/emails address but not telephone numbers
- Background colour of advert to be transparent or match with the vehicle colour as appropriate

INTERNAL

- Advertising shall only be displayed below window level.
- Advertising on headrests including use of display screens will be permitted subject to the normal approval process for third party advertising.

The Licensing Committee may waive this fee where the display of signage is considered to be in the public interest.

- No signs shall be displayed on or in vehicle including windows other than those approved/required by policy ie. No smoking signs No booking No ride Signs etc.

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Private Hire Operator Policy

2020

DRAFT

BCP Licensing

Author: Nananka Randle
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Review Date: 2025



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Introduction

All requirements contained within this policy together with conditions on the licence are mandatory requirements for holding a Private Hire Operator Licence issued by BCP Council.

From the first day of adoption of this policy ALL licence holders are required to meet these high standards and it is expected that they will ensure that they are fully aware of this policy and comply with all the requirements set out within it.

The Licensing Committee will not accept the excuse that a licence holder was not aware of these requirements when considering any matters brought before them.

1. Purpose Statement

- 1.1 BCP council has a responsibility to issue private hire operator licences under Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- 1.2 A private hire operator licence is required by anyone who, in the course of business, make provision for the invitation or acceptance of bookings for a private hire vehicles.
- 1.3 In the interest of public safety and to safeguard vulnerable persons BCP council seek to ensure that anyone issued with such a licence is considered to be 'fit and proper'.
- 1.4 This Policy is concerned with the regulation of private hire operators and the council adopts the overall approach to encouraging the responsible activity of all operators.
- 1.5 Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits.
- 1.6 Where it is appropriate for the Council to depart from its Policy clear reasons will be given for doing so. Nothing in this Policy will prevent an applicant or licence holder requesting that the Council considers the individual merits of their case and give reasonable consideration to departing from its Policy. Such requests may either be in writing via email or orally before the Licensing Committee or Sub Committee.

2. Who the policy applies to

- 2.1 This Policy will assist applicants, licence holders, officers of the Licensing Authority, Members of the Licensing Committee, and persons using public carriages to be aware of the standards of conduct and behaviour required of all prospective or existing licenced operators.
- 2.2 This Policy also affords members of the Licensing Committee and Officers alike, to consider the concerns of the public and other recognised bodies, and to take appropriate measures where the behaviour of operators is called into question at application or after licences have been issued.

3. This policy replaces

- 3.1 This Policy replaces the three previous Taxi and Private Hire Public Carriage Policies that covered Bournemouth Borough Council, Christchurch Borough Council and The Borough of Poole

4. Approval process

- 4.1 BCP Council as the Licensing Authority has delegated the Licensing Committee to oversee the development and review of its Private Hire Operator Policy.
- 4.2 Once drafted the policy is subject to a period of public consultation. Consultation responses are reported to the full licensing committee for consideration.
- 4.3 Once finalised the policy is presented to the Full Council for ratification.

5. Links to council strategies

- 5.1 This policy supports the BCP Council Core Strategy.
- 5.2 During the preparation of this policy document due consideration has been given to the following Key Council Strategies:
 - Corporate Plan
 - Sustainable Transport Plan
 - Workforce Strategy
 - Health & Wellbeing Strategy
 - Safeguarding Strategy
 - Climate Change Strategy
 - Children in Care Strategy
 - Crime & Disorder Reduction Strategy
 - Equality & Diversity

6. The policy

- 6.1 This policy is a working document and the Licensing Authority reserves the right to alter and amend the policy as appropriate to correct errors, inconsistencies, clarify guidance, legislative changes and issue a revised version of the policy at any time. However, any **significant changes** to the Policy will only be implemented after a formal consultation process with the trade and public.
- 6.2 Any **significant amendment** is defined as one that:-
 - Is likely to have a significant financial effect on licence holders or
 - Is likely to have a significant procedural effect on licence holders or
 - Is likely to have a significant adverse effect on the community

7. Requirements for applicants

- 7.1 The objective when licensing Private Hire operators is ensuring the protection of the public who will be using the operator's premises and the vehicles and drivers arranged through them.
- 7.2 A Private Hire vehicle may only be dispatched to a customer by a Private Hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a Private Hire vehicle.
- 7.3 A Private Hire operator must ensure that every Private Hire vehicle dispatched by him is licensed and driven by a person who holds a Private Hire driver's licence.

- 7.4 All three licences (operator, vehicle and driver) must be issued by the same licensing authority.
- 7.5 It is a criminal offence to operate a Private Hire vehicle without an operator's licence.
- 7.6 Basic DBS check is required for an initial Private Hire Operator application.
- 7.7 DBS checks will be required on an annual basis for licence holders unless they are already licenced as a driver by BCP Council.

Licence Duration

- 7.8 Operators licences will be issued for a standard 5 year period.
- 7.9 However, the council has the power to grant a licence for a shorter period should this be appropriate in the circumstances.
- 7.10 If an operator changes his name or address s/he must notify the council immediately.

Address from which an Operator may operate

- 7.11 Applicants must specify the address from which they will operate, and records can be inspected. These premises must be in the BCP council conurbation and will be expected to have planning consent for use as a Private Hire office. PO box addresses will not be accepted.
- 7.12 If an operator wishes to change the base from which they operate they will be required to submit a new application.

8. Application procedure

- 8.1 Applications must be submitted electronically by email to taxi.privatehire@bcpcouncil.gov.uk
- 8.2 To complete an application an applicant must
 - a) Complete an application form
 - b) For each listed director or individual, complete a standard criminal disclosure (DBS) form and produce at least 3 forms of valid identification as required by the DBS (note: a fee is payable for the DBS check). A DBS check may not be necessary if the applicant has registered for the DBS Update Service and provides evidence to that effect, or where the applicant is already a licenced driver with BCP Council;
 - c) All applicants must produce evidence of his or her right to work and live in the UK in accordance with the requirements of the Immigration Act 2016. Right to work in the UK will be checked as part of your licence application and this could include the checking of your immigration status with the Home Office. You must therefore provide a document or document combination that is stipulated as being suitable for this check. The list of documents found via this link [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/774286/Right to Work Checklist.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/774286/Right_to_Work_Checklist.pdf).
 - d) Provide evidence of appropriate public liability insurance, if the premises are open to the public;
 - e) Pay the appropriate fee.

- 8.3 Applications will not be considered valid until all the necessary information and original document(s) have been produced.
- 8.4 If there are restrictions on the length of time the applicant can work in the UK, the licence will not be issued for any longer than this period.
- 8.5 The application will not be determined until all of the above have been provided and the DBS criminal record disclosure certificate has been produced by the applicant.
- 8.6 Applicants are advised to obtain planning consent for the premises. If the planning consent is time restricted it is the operator's responsibility to ensure that a new permission is applied for prior to the current planning permission expiring.
- 8.7 Officers may require a site visit prior to the determination of the licence. The Council has power to impose such conditions on an operator's licence as it considers reasonably necessary.
- 8.8 Appendix A sets out the conditions to be attached to an operator's licence which cover the standards of service expected.
- 8.9 Any applicant who makes a false or inaccurate statement on their application form will not be deemed to be a fit and proper person to hold a licence and their application will be terminated. This includes not disclosing convictions, cautions, penalty or previous licence revocation.
- 8.10 Anyone whose application is terminated for making a false or inaccurate statement on their application form will not be permitted to reapply for a licence for 12 months from the termination of their application. It is an offence to knowingly or recklessly make a false statement or to omit information required by the Council by virtue of s.57 Local Government (Miscellaneous Provisions) Act 1976.

9. Criminal records

- 9.1 The applicant must declare any previous criminal convictions, cautions and fixed penalty notices received, including those awaiting appeal, and any charges pending. The council will make a decision as to the relevance of convictions, cautions, charges and fixed penalty notices in accordance with criminal convictions guidelines Appendix B.
- 9.2 The council may require further information from the Police or Crown Prosecution Service. Applicants who have previous criminal convictions, cautions, fixed penalty notices or charges pending will be interviewed and details of that interview may be included in any report which is referred to the Licensing Committee.
- 9.3 Failure to disclose or declare any previous convictions, cautions, fixed penalty notices or pending charges maybe construed as an attempt to deceive and appropriate and proportionate action will be taken
- 9.4 In considering what might be assessed to ensure that an operator is fit and proper or safe and suitable the Licensing Authority considers the following to be amongst appropriate matters that it will take into account:
- Criminality (see criminal convictions guidelines Appendix B)
 - Period of holding a operators licence

- Conduct of the operator during the licence period, including relationship and co-operation with officers of the Licensing Authority.
 - Right to work in the UK and any time restrictions
 - Characteristics displayed by a licence holder towards customers and others ie staff in the Licensing Team or other council officers and their overall integrity
- 9.5 BCP Council will have regard to the IOL guidance on determining the suitability of applicants and licensees in the taxi and private hire trade as a minimum standard [https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_\(16_May_2018\).pdf](https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf), however the convictions guidelines in Appendix D will be taken as the base line relating to convictions.
- 9.6 In addition consideration on suitability may include other factors including the conduct of the applicant during the application process or during the term of their existing or previous licence as well as their conduct, co-operation and working relationship with the Authority and its officers.
- 9.7 In essence a 'fit and proper' operator;
- should not be violent, abusive or threatening in their behaviour even if subjected to unpleasant, confrontational or dishonest passenger behaviour or when subject to enforcement action from officers
 - should be honest and trustworthy with integrity as they have access to a large amount of personal information that could be misused and significant opportunity to defraud people
 - should work co-operatively with and be civil and respectful towards officers of the Licensing Authority who are carrying out their duties.
- 9.8 This list is not exclusive and other factors may also be relevant to the fit and proper person definition.
- 9.9 The Licensing Authority will consider all information provided to it from sources such as the Police, Children and Adults Safeguarding Boards, Passenger Services and other statutory agencies. Existing licence holders will also have previous history/outcomes during their time as a licensed driver /operator or previous applicant taken into account and their ability to work constructively and positively with the Licensing Authority.
- 9.10 The Licensing Authority will consider all criminal history, unacceptable behaviour and conduct irrespective of whether the specific history, behaviour or conduct occurred whilst licence holders drivers were directly engaged in their professional capacity at work or whether they occurred during the licence holders own personal time.

10. Renewals

- 10.1 Holders of existing operators licences must apply to renew their licence as early as possible prior to the expiry of the previous licence.
- 10.2 The council has no duty to notify operators that their licence is due for renewal as it is the licence holder's responsibility to renew their licence. As a courtesy an email will be sent to the operator 2 months in advance of their renewal date.

10.3 Renewal applications and associated paperwork must be submitted electronically via email to taxi.privatehire@bcpcouncil.gov.uk, before the licence has expired. Payment should be made on line.

10.4 Applicants are advised that renewals can take up to 5 working days to process once all paperwork has been submitted.

11.Operator licence conditions

11.1 The Licensing Authority may attach such conditions to a licence as are considered necessary.

11.2 The standard conditions are available in Appendix A.

11.3 All operators must read and understand the licence conditions which will be available on the Council website.

11.4 Failure to comply with the conditions set out in this document may result in enforcement action (see section 15)

12.How to use this policy

12.1 All BCP licensed operators should ensure that they are fully compliant with the policy and appendices

12.2 At first application and renewal licence holders will be provided with an up to date link to this policy and its appendices.

12.3 It is a requirement that all licence holders adhere to this policy and the conditions set out in it. In the event of enforcement action being necessary, it is not deemed acceptable that a licenced operator uses the excuse they were not aware of the requirements of this policy.

13.Roles and responsibilities

13.1 The Licensing Manager is responsible for overseeing the functions and work of the licensing team who deliver the policy.

13.2 The Licensing Committee or Sub- Committee will be presented with reports in cases where operators do not meet the conditions of their licence, or where complaint investigation has resulted in the need for the licence to be reviewed.

14.Enforcement and sanctions

14.1 Any operator who does not comply with this policy, or any conditions contained in it, which leads to a breach of a condition or any complaint received will be subject to investigation, the result of which may be brought before the Licensing Committee.

14.2 The Licensing Committee can choose to revoke a licence or suspend a licence pending any necessary action by the operators such as attending training or improving systems and record keeping as required.

14.3 Decisions by the Licensing Committee are subject to appeal to the Magistrates court within a statutory appeal period of 21 days from the notification of any committee hearing decision.

15.Complaints, disciplinary and delegation to officers

15.1 In cases of complaints, allegations or reports of unacceptable behaviour by a licenced operatro, the licensing officer will investigate the matter fully and determine the seriousness of the allegation.

15.2 Where there are serious allegations that are deemed to pose an **imminent risk to public safety, they** will need to be investigated and actioned immediately. The Licensing Manager or other Licensing officer will try to contact the driver in question to discuss the allegations. If the officer deems that the complaint is founded, and the evidence is sufficient to support the allegation of an imminent risk to public safety, then the matter will be referred to three members of the Licensing Committee to include the Chair and/or Vice Chair for the to make a decision if any immediate action needs to be taken in respect of a licence.

15.3 If members determine that the evidence presented demonstrates there is an imminent risk to public safety, the driver's licence could be immediately revoked and the driver concerned will be notified and required to surrender their badge and paper licence the same day. Members will confirm in writing the decision made and the reasons why the decision was reached.

15.4 If members agree there is a risk to public safety, but it is not an imminent risk the matter will be referred to the Licensing Sub-Committee.

15.5 Complaints of a less serious matter will be dealt with by the Licensing Manager or another licensing officer, who is permitted to issue/authorise a letter of caution and/or suspend a licence for a period of no more than 2 weeks.

15.6 In all cases of complaint, officers will make reference to the driver licence conditions attached to all licences as detailed in Appendix B, the convictions guidelines in Appendix D as well as the Institute of Licensing guidance on the suitability of applicants and licensees in the hackney and private hire trades.

[https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_\(16_May_2018\).pdf](https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf)

Appendix A

Private Hire Operator Conditions of Licence

These conditions of licence are made pursuant to of the Local Government (Miscellaneous Provisions) Act 1976 the Town and Police Clauses Act 1847

All operators must comply with the requirements of The Equality Act 2010

1. Record Keeping

The records required to be kept by the operator under s.56 (2) of the Local Government (Miscellaneous Provisions) Act 1976 must be kept in a suitable book, the pages of which are numbered consecutively, or other durable recording format and the operator shall enter or cause to be entered therein before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him:-

- a) The time and date of the booking
- b) The name of the hirer
- c) The time of the pick-up
- d) The point of pick-up
- e) The destination
- f) The licence number of the vehicle allocated for the booking
- g) The name of any individual who responded to the bookings
- h) The name of any individual that dispatched the vehicle
- i) Remarks (including details of any sub-contract).

When the Operator passes the hiring to another company the record shall include the name, address and Council with which that Operator is licensed.

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

The operator shall also keep records of all employee who take booking and dispatch vehicles.

Copies of all vehicle and driver licences shall be kept by the operator. All records kept by the operator shall be preserved for a period of not less than TWO years following the date of the last entry.

The operator is required to keep a record of criminal record checks for all employees who take bookings and dispatch vehicles

2. Standard of Service

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 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) Ensure that any waiting area provided by the operator has adequate seating facilities;
- d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- e) Ensure that all vehicles dispatched by them are maintained at all times in a safe and roadworthy condition.

3. Safeguarding

The operator shall ensure all staff who take bookings and dispatch vehicles have been provided with suitable training in the awareness of and reporting of safeguarding concerns which includes human trafficking, county lines and child sexual exploitation.

The operator will keep records for all staff who have received training.

4. Complaints

The operator shall notify the Council in writing, within 7 days, of any complaints concerning a contract for hire or purported contract for hire relating to or arising from his business and of the action (if any) which the operator has taken or proposes to take in respect thereof.

5. Change of Operator's Home Address

The operator shall notify the Council in writing of any change of his/her home address during the period of the licence within seven days of such change taking place.

6. Change of Operator's Business Premises

If an operator wishes to change the base from which they operate they will be required to submit a new application. (Note: all operators' business premises must be within the BCP Council Boundary).

7. Convictions and Cautions

The operator shall within seven days disclose to the Council in writing details of any conviction or caution imposed on him/her (or, if the operator is a Company, of any its Directors) during the period of the licence.

8. Operator's Licence

Operators shall operate wholly from those premises specified in the licence and situated within the boundaries

The Operator shall display the Operator's Licence issued by the Council in a conspicuous position at the licensed premises.

9. Signage

Each Private Hire Operator is responsible for ensuring that their advertising is only placed on a vehicle linked to their circuit. Only advertising approved by the Licensing Officers may be displayed.

When an operator ceases to dispatch a vehicle, the operator shall ensure that the driver returns all such signage and livery to them

10. Public Liability Insurance

Operators shall have at all times a current valid policy of public liability insurance for the premises they are licensed to operate from, if those premises are open to the public.

11. Duty to cooperate on regulatory matters

Operators must co-operate with authorised officers of the council in all matters relating to the regulation of the licensed vehicle trade. However nothing in this condition affects the licence holders statutory protection afforded by other legislation.

Criminal Convictions Guidelines

NOTE: In the Council's view this statement and the guidelines that follow are compatible with the rights and freedoms under the European Convention on Human Rights.

This document aims to provide guidance to any person with an interest in public and private hire licensing. In particular, but not exclusively:

- Applicants for drivers' licences
- Existing licensed drivers whose licences are being reviewed/renewed
- Applicants for operators' licences
- Existing licensed operators whose licences are being reviewed/renewed
- Licensing Officers
- Members of the Licensing Committee (or other relevant decision making body)
- Magistrates hearing appeals against local authority decisions
- Police Officers

Thereby providing transparency and consistency, in accordance with the principles of good enforcement and relevant Regulatory Compliance Codes.

Where Licensing Officers have delegated powers to grant or refuse licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the Licensing Committee (or other relevant decision-making body). Whilst Officers and the Committee will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances demand, the Committee may depart from the guidelines.

1. Background

1.1 In this policy the word "individual" includes an existing licence holder, an applicant for a new licence, and an applicant for the renewal of an existing licence.

1.2 Licences for drivers of hackney carriages, private hire vehicles or private hire operator may only be granted where the Council is satisfied that the individual is a fit and proper person to hold such a licence.

1.3 In this policy the word "issue" is used. This includes complaints made to the Council, Police, Operators or any other agency, breaches of licensing conditions and intelligence received from other agencies (including circumstances which have not resulted in a criminal conviction, caution or other disposal). E.g. incidents which have resulted in a police investigation where there has been no further action due to the criminal burden of proof

will still be considered if Licensing Committee is satisfied that the incident occurred based on the balance of probabilities.

1.4 Licences for operators of private hire vehicles may only be granted where the Council is satisfied that the individual is a fit and proper person to hold such a licence.

1.5 The document is intended to give guidance on one aspect of whether a person is or is not a fit and proper person namely the situation where a person has previous convictions and cautions.

1.6 The Council is concerned to ensure:

- a. That a person is a fit and proper person.
- b. The public are not exposed to persons with a history of dishonesty, indecency or violence.
- c. The safeguarding of children and young persons and vulnerable adults.

1.7 The public are not normally permitted to attend Committee hearings for private hire, hackney carriage driver applications or private hire operator applications or reviews, however, in determining whether to grant a licence the Committee or Officers will take into account the human rights of the wider public and balance these against the human rights of the applicant.

1.8 When submitting an application for a licence to drive a hackney carriage or private hire vehicle, or for an operators' licence, individuals are required to declare all previous convictions they may have. Individuals are also required to declare all formal/simple cautions, any matters of restorative justice and all fixed penalties and all endorsable fixed penalties they have received and to provide details of all criminal matters of which they are currently the subject of criminal investigation or prosecution.

1.9 An application for a drivers' licence is an exempt activity listed in the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975 (as amended in 2013) and as such both spent and unspent convictions and cautions must be declared.

1.10 The information given will be treated in confidence and will only be taken into account in relation to the relevant application to assist the Council in determining whether the applicant is a fit and proper person to hold a licence for the purposes of sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, or whether the Council should exercise any of its powers under section 61 and 62 of the Act (i.e. suspension, revocation or refusal to renew a licence).

Where a person is referred to the Licensing Committee and they hold more than one Licence the fit and proper test will be applied individually to each Licence.

1.11 Applicants for a licence to drive a hackney carriage or private hire vehicle should be aware that the Council is empowered by law to check with the Disclosure Barring Service for the existence and content of any criminal record and other intelligence held in their name. Officers from the licensing section will where appropriate contact other agencies for any other information which they may hold for instance, Housing Service, Children's Services and Dorset Police. Information received from the Disclosure Barring Service or other agency will be kept in strict confidence while the licensing process takes its course and will be retained no longer than is necessary and in any event, will be destroyed in accordance with the requirements of the Data Protection Act 1998 and in accordance with good practice after the application is determined or any appeal against such determination is decided.

1.12 The disclosure of a criminal convictions/fines or cautions or other relevant information relating to an individual's conduct will not necessarily debar an individual from being granted, retaining or renewing a licence. It will depend on whether or not the individual can satisfy the Council that they are a fit and proper person to hold such a licence.

1.13 The Council may fail to be satisfied that an individual is a fit and proper person to hold a driver's licence or an operator's licence for any reasonable cause. If an applicant is unable to produce adequate evidence that they are a fit and proper person or if there is reasonable cause to question or doubt the evidence provided, then that could amount to reasonable cause to refuse a licence.

1.14 In considering evidence of an individual's good character and fitness to hold a driver's licence or operator's licence, where previous convictions/cautions or other information relating to criminal matters/character is disclosed, the Council will consider the nature of the offence/issue and penalty; when it was committed/took place; the date of conviction/issue and the length of time which has elapsed, the individual's age when the offence was committed/issue took place; whether or not it is part of a pattern of criminal behaviour, the intent, the harm which was, or could have been caused and any other factors which might be relevant. Where an individual has been convicted of a criminal offence, the Council cannot review the merits of the conviction [*Nottingham City Council v. Mohammed Farooq (1998)*].

However, if an individual is acquitted of an offence, the Council are entitled to go behind the acquittal because of the different standard of proof (*R v Maidstone Crown Court Ex Parte Olson 1992*).

1.15 The Council has adopted the following guidelines relating to the relevance of convictions to which it refers in determining new/renewal applications for drivers' licences and operators' licences and when considering whether to take any disciplinary action against an existing licence holder.

1.16 The guidelines do not deal with every type of offence, and do not prevent the Council from taking into account offences not listed in the guidelines, or any other conduct, which may be relevant to an individual. Regard will be given to all relevant information when deciding to issue or renew a licence or whether any disciplinary action should be taken.

1.17 Offences described in the guidelines and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines.

1.18 The guidelines are not an attempt to define what is a "fit and proper person". There is no statutory definition of what is a "fit and proper person" but is guidance given in the case of *McCool v Rushcliffe BC 1998*.

1.19 Any individual who is refused a driver's licence or has such a licence suspended or revoked on the ground that the Council is not satisfied he/she is a fit and proper person to hold such a licence has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.

1.20 Any individual who is refused an operator's licence has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.

2. General Policy

2.1 Each case will be decided on its own merits. A person with a conviction for a single serious offence or a number of separate offences need not be automatically barred from obtaining a licence, but would normally be expected to:

- a. Remain free of conviction for an appropriate period (which will depend on the nature of the offence); and
- b. Show adequate evidence that he or she is a fit and proper person;
- c. Simply remaining free of conviction will not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

2.2 The Council has a duty to ensure so far as possible that drivers and operators are fit and proper persons to hold licences. One aspect of that is the extent to which previous convictions, including but not limited to convictions for offences against children and young persons, dishonesty, sexual offences, traffic offences, violence and drugs indicate that a person is not a fit and proper person, and would not take advantage of passengers or abuse or assault them.

2.3 In reaching a decision the Council may assess the seriousness of the offence in accordance with the penalty imposed in using the following table:

Sentence length	Rehabilitation period
0-6 Months	3 years
6-30 Months	5 years
30 months to 4 years	7 years
Over 4 years	None

2.4 Restorative justice and other criminal disposals are increasingly used by the police as a less formal way of dealing with issues and as an alternative to the criminal disposals tend to be applied in less serious cases or for first time offenders, nevertheless all such disposals will be taken into account when determining if a person is a fit and proper person.

2.5 Amongst situations where it may be appropriate to depart from the general policy, for example, may be situations where the offence is an isolated one with mitigating circumstances or where a conviction defaults outside of the policy between the application and determination date. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account. In any case which involves certain specified sexual offences, murder or manslaughter a licence will normally be refused.

2.6 The Council through the Licensing Committee will convene to consider any information/representations received that a person is not/no longer a "fit and proper" person, or if a breach of a condition of a licence. If proved they may refuse, or revoke a licence or suspend for any specified period.

- a. Hearing with notice – Where a Committee is to be convened to consider whether or not a person is a "fit and proper" person, notice of the time and date of the meeting will be given in order to allow the person to seek independent legal advice and to attend and be represented at the hearing.

- b. Hearing without notice – Where a sub-committee is convened as a result of sensitive information being received by the Council an assessment will be undertaken in balancing a person's right to a fair hearing against whether or not it is in the public interest to hold the hearing without notice against the Council's first priority of Public Safety.
- c. Where new offences are created or existing offences are consolidated or re-enacted etc. they will be treated in a manner appropriate to their severity whether or not this guidance has been updated to reflect the changes.

3. Disclosed Convictions General Guide

Spent Convictions

3.1 The Council will only consider spent convictions if it appears to be relevant for deciding whether the individual is a fit and proper person to hold a licence and that justice cannot be done in the case, except by admitting or requiring evidence relating to that spent conviction. The council will consider the nature of the offence(s), the history or pattern of offending, the lapse of time and whether all the convictions have previously been considered.

Formal/Simple Cautions and Endorsable Fixed Penalties

3.2 For the purpose of these guidelines formal/simple/conditional cautions and endorsable fixed penalties shall be treated as though they were convictions.

Multiple Convictions from a Single Incident

3.3 Where an individual has multiple convictions arising from a single incident, the convictions will generally be treated as one conviction for the purposes of these guidelines.

3.4 In these circumstances the period for which the individual would normally be expected to show free from conviction will be the longest applicable period calculated by reference to each offence.

4. Offence of Dishonesty

4.1 In view of the nature of their work drivers of hackney carriage and private hire vehicles are expected to be trustworthy.

4.2 Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing, Passengers may include especially vulnerable people and children.

4.3 It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways.

4.4 The widespread practice of delivering unaccompanied property is indicative of the trust that businesses put into drivers.

4.5 In certain situations, drivers will know that a property is empty whilst the occupants are away on holiday for a set period of time after taking them to the airport or railway station.

4.6 For these reasons a serious view is taken of any convictions involving dishonesty. In general, an applicant with convictions for dishonesty, which are less than 5 years old, is unlikely to be considered favourably and are to be referred to the Licensing Committee for determination.

4.7 In particular, an application will normally be refused where the individual has a conviction for an offence or similar offences or offences which replace the below offences.

- i. Theft
- ii. Burglary
- iii. Fraud
- iv. Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
- v. Handling or receiving stolen goods
- vi. Forgery (e.g. producing false insurance policy)
- vii. Conspiracy to defraud
- viii. Obtaining money or property by deception
- ix. Other deception
- x. Blackmail

5. Violence

5.1 Members of the public and in particular, the elderly, infirm and children or vulnerable adults entrust their personal safety to private hire and hackney carriage drivers whenever they take a journey.

5.2 Passengers often travel alone and are vulnerable to physical attack etc. Users of private hire and hackney carriage vehicle have a right to expect that drivers are not individuals with a predisposition towards or a propensity for violent behaviour at any level.

6. Offences against Other Persons

6.1 As hackney carriage and private hire vehicle drivers maintain close contact with the public, where the commission of an offence involved loss of life a licence will normally be refused.

6.2 The Council seeks to minimise risks associated with children and young persons and for that reason a more serious view will be taken where offences of violence children under 14 or young persons.

6.3 An application will normally be refused where the individual has a conviction for an offence or similar offence(s), or similar offence(s) which replace the below offences:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving

6.4 An application will also normally be refused where the individual has a conviction for an offence or similar offence(s) or similar offence(s) which replace the below offences:

- Malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998)
- Actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)
 - Grievous bodily harm with intent (s.18 Offences Against the Person Act)
 - Grievous bodily harm with intent (s.20 Offences Against the Person Act)
 - Robbery
 - Possession of firearm
 - Riot
 - Assault Police
 - Common assault with racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)
 - Violent disorder
 - Resisting arrest

6.5 An application will also normally be refused where the individual has a conviction for an offence or similar offence(s) or similar offence(s) which replace the below offences.

- Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)
- Racially-aggravated s.4 Public Order Act 1986 offence (fear of provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)
- Racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress (s.31(1)(b) Crime and Disorder Act 1998)
- Racially-aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998)
- Racially-aggravated s.4 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32(1)(b) Crime and Disorder Act 1998)
- Racially-aggravated s5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)

6.6 An application will also normally be refused where the individual has a conviction for an offence or similar offence(s) or similar offence(s) which replace the below offences.

- Common assault
- Assault occasioning actual bodily harm (s.47 Offences Against the Person Act)
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Harassment- breach of restraining order- on conviction Protection from Harassment Act 1997 s5(5) = s. 5(6)
- Obstruction
- Possession of offensive weapon
- Criminal damage

7. Drugs

7.1 An application will normally be refused where the individual has a conviction for an offence related to the supply of drugs and the conviction is less than 5-10 years prior to the date of application.

7.2 An offence related to the supply of drugs and the conviction is less than 10 years prior to the date of application will be referred to the Panel for determination. A conviction less than 5 years old will generally be refused.

7.3 An application will normally be refused where the individual has more than one conviction for offences related to the possession of drugs.

7.4 For convictions for driving whilst unfit through drugs see Section 10 'Drunkenness.'

7.5 If any applicant was an addict, then they will normally be required to show evidence of 5 years free from drug taking after detoxification treatment as required by the Council.

8. Sexual and Indecency Offences

8.1 Any individual currently on the sex offenders' register would not normally be granted a licence.

8.2 Drivers of hackney carriage and private hire vehicles are often entrusted with care of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons.

8.3 Where the commission of a sexual offence involves a child or young person an application for a licence will normally be refused.

8.4 The Council will sometimes be made aware of other intelligence or low level information about an individual which has not resulted in the conviction of that person but is relevant in relation to their character. Officers will give appropriate consideration to this information and will seek to consult with other appropriate agencies such as police and social services, in order to ensure that they have a comprehensive understanding. Where appropriate, officers will refer such information/ intelligence to other agencies. Any additional information gathered through this process may then be taken into account at any subsequent licensing committee.

9. Offences against persons other than children / young persons

9.1 As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers, an individual with a conviction for rape, indecent assault, or other similar offences or similar offences under the Sexual Offences Act 2003, will normally be refused a licence.

9.2 Individuals with a conviction relating to sexual offences such as soliciting, importuning, indecent exposure or other similar offences or similar offences under the Sexual Offences Act 2003, will normally be referred to the Committee for determination.

9.3 Amongst circumstances, which the Council may wish to consider, are circumstances, which if they occurred at the time of the consideration of the application would not now be a criminal offence.

10 Drunkenness

10.1 Driving whilst under the influence of drink is unacceptable under any circumstances and puts not only the driver, but passengers and other road users at risk. Such irresponsible

behaviour is not conducive with the responsibilities of a private hire or hackney carriage driver.

With a motor vehicle (No Disqualification)

10.2 A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink.

10.3 An application will normally be refused where the individual has a conviction, which does not result in disqualification, for an offence within 2 years of the date of the application.

With a motor vehicle (Disqualification)

10.4 Where a disqualification has occurred as a result of a drink-driving offence, an application will not normally be considered until at least 5 years have passed from the date of the restoration of the DVLA licence.

Not in a motor vehicle

10.5 An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate.

10.6 In addition, individual will generally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic.

10.7 More than one conviction for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence.

11. Motoring Convictions

Major Traffic Offences

11.1 New applicants and existing licensed drivers with a conviction for a 'Major Traffic Offence' as defined below, which is less than 5 years prior to the date of the application (the present date in relation to existing licensed drivers) will be referred to the Licensing Committee for determination. A conviction less than 2 years prior to the date of the application will generally be refused.

11.2 Where the conviction resulted in a period of disqualification, an application will normally be refused unless a period of 3 years free from conviction has lapsed from the restoration of the DVLA licence and 5 years where the disqualification relates to driving whilst unfit through drink or drugs

For the purposes of these guidelines the following motoring offences are classed as 'Major Traffic Offences':

AC	Failing to stop after an accident
AC	Failing to give particulars or to report an accident within 24 hours
AC	Undefined accident offences
BA	Driving while disqualified by order of Court
BA	Attempting to drive while disqualified by order of Court
CD	Causing death through careless driving when unfit through drink

CD 50	Causing death through careless driving when unfit through drugs
CD 60	Causing death through careless driving with alcohol level above the limit
CD 70	Causing death through careless driving then failing to supply a specimen for alcohol analysis
CD 71	Causing death through careless driving then failing to supply a specimen for drug analysis
DD 10	Causing Serious injury by dangerous driving
DD 10	Dangerous driving
DD 60	Manslaughter or culpable homicide while driving a vehicle
DD 80	Causing death by dangerous driving
DD 80	Furious driving
DR 10	Driving or attempting to drive with alcohol level above limit
DR 30	Driving or attempting to drive while unfit through drink
DR 30	Driving or attempting to drive then failing to supply a specimen for Analysis
	Driving or attempting to drive when unfit through drugs
DR 40	In charge of a vehicle while alcohol level above limit
DR 50	In charge of a vehicle while unfit through drink
DR 60	Failure to provide specimen for analysis in circumstances other than driving / attempting to drive
DR 61	Failure to provide specimen for drug analysis in circumstances other than driving / attempting to drive
DR 70	Failing to provide specimen for breath test
DR 80	Driving or attempting to drive when unfit through drugs
DR 80	In charge of a vehicle when unfit through drugs
IN1 0	Using a vehicle uninsured against third party risks
LC 20	Driving otherwise than in accordance with a licence
LC 30	Driving after making a false declaration about fitness when applying for a licence
LC 40	Driving a vehicle having failed to notify a disability
LC 50	Driving after a licence has been revoked or refused on medical grounds
MS 50	Motor racing on the highway
MS 60	Offences not covered by other codes
MS 80	Failure to give information as to identity of driver, etc.
UT 50	Aggravated taking of a vehicle

Aiding, Abetting, Counselling or Procuring

11.3 Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12).

Causing or Permitting

11.4 Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14).

Inciting

11.5 Offences as coded above, but with 0 changed to 6 (e.g. IN10 becomes IN16). Or similar offences or offences which replace the above offences.

Intermediate and Minor Traffic Offences

11.6 New applicants and existing licensed drivers with a Conviction / Fine / Simple Caution/Fixed Penalty Points for an offence which falls under the headings of 'Minor' or 'Intermediate' Traffic Offences and where the total number of accumulated points on their drivers licence is less than 12 or does not result in a period of disqualification, can have their applications granted without the application being referred to the Committee.

11.7 An applicant with a disqualification owing to the totting up system or in relation to an offence under these two group headings for any period of disqualification, will not normally be granted a licence unless they have held a DVLA licence for at least 12 months following the expiry of the period of the disqualification.

11.8 Existing drivers disqualified for incurring 12 or more penalty points within a three year period, will be required to complete a driver competency assessment on expiry of the disqualification before they are allowed to drive a public carriage. If the driver is not disqualified their Public Carriage Licence will be suspended until a driver competency assessment has been completed.

For the purposes of these guidelines the following motoring offences are classed as 'Intermediate Traffic Offences':

CU 10	Using vehicle with defective brakes
CU 20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU 30	Using a vehicle with defective tyres
CU 40	Using a vehicle with defective steering
CU 50	Causing or likely to cause danger by reason of load or passengers
CU 60	Breach of requirements as to control of the vehicle mobile phones etc
CD 10	Driving without due care and attention
CD 20	Driving without reasonable consideration for other road users
CD 30	Driving without due care and attention or without reasonable consideration of other road users
SP 10	Exceeding goods vehicle speed limit
SP 20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP 30	Exceeding statutory speed limit on a public road – not resulting in a fixed penalty
SP 40	Exceeding passenger vehicle speed limit

SP 50 60	Exceeding speed limit on a motorway
SP 50 60	Exceeding speed limit offence

Aiding, Abetting, Counselling or Procuring

11.9 Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12).

Causing or Permitting

11.10 Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14).

Inciting

11.11 Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16).

For the purposes of these guidelines the following motoring offences are classed as 'Minor Traffic Offences':

MS 10 20	Leaving a vehicle in a dangerous position
MS 20 30	Unlawful pillion riding
MS 20 30	Play street offences
MS 70 80	Driving with uncorrected defective eyesight
MS 80 90	Refusing to submit to an eyesight test
M 10/1	Contravention of Special Road Regulations (excluding speed limits)
PC 10 20	Undefined contravention of Pedestrian Crossing Regulations
PC 20 30	Contravention of Pedestrian Crossing Regulations with moving vehicle
PC 20 30	Contravention of Pedestrian Crossing Regulations with stationary vehicle
SP 20 30	Exceeding statutory speed limit on a public road resulting in a fixed penalty
TS 10 20	Failing to comply with traffic light signals
TS 20 30	Failing to comply with double white lines
TS 20 30	Failing to comply with a "Stop" sign
TS 40 50	Failing to comply with direction of a constable or traffic warden
TS 50 60	Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)
TS 60 70	Failing to comply with school crossing patrol sign
TS 70	Undefined failure to comply with a traffic direction sign

Aiding, abetting, counselling or procuring

11.12 Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12).

Causing or permitting

11.13 Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14).

Inciting

11.14 Offences as coded above, but with 0 changed to 6 (e.g. PC10 becomes PC16).

12. Plying for Hire

12.1 Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Byelaws and Section 167 Criminal Justice and Public Order Act 1994.

12.2 One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 ("the Acts") and Hackney Carriage Byelaws, is to ensure the protection of the public.

12.3 For this reason, a serious view is taken of convictions for offences under the Acts (including illegally plying for hire and/or touting) when deciding whether an individual is to be treated as a fit and proper person to hold a licence.

12.4 In particular, an individual will normally be refused a licence if (s)he has been convicted of an offence under the Acts at any time during the 2 years preceding the application or has more than one conviction within the last 5 years preceding the date of the application.

12.5 In the case of a private hire driver found guilty of an offence of plying for hire, the driver would be asked to appear before the Licensing Committee to show why they believe they are still a fit and proper person to hold a public carriage drivers licence. The Committee will consider whether any further disciplinary action should be taken.

13. Breach of Conditions, and complaints

13.1 This guidance is not intended to cover every possible circumstance and there is an expectation that licensees will comply with all relevant legislation.

13.2 The Licensing Authority will act with proportionality and consistency. Disciplinary action taken under this policy is without prejudice to the Licensing Authorities right to institute legal proceedings, where a criminal offence has been committed.

Examples of licensing breaches or conduct likely to receive a written caution

13.3 Cautioning may be appropriate for single breaches, where the offender has not received any written caution or other disciplinary action for the same or similar breach within the last 12 months:

General

- Persistent failure to comply with Road Traffic legislation.
- Failure to behave in a civil and orderly manner to customer and/or other road users.
- Refusal to carry passengers without reasonable excuse/ refusing to wait.
- Failure to convey or assist with carrying of luggage.
- Driving in a manner likely to cause alarm to passengers/ road users.
- Failure to display tariff or fares or to conceal same.
- Vehicle not cleaned or well maintained.
- Failure to wear/display driver badge.

- Failure to deliver lost property to Town Hall.

Vehicle defects

- Failure to display vehicle licence plate/licence disc internally/ other signage.
- Failure to report accident within 72 hours.
- Failure to produce insurance documents at request of authorised officer within 5 days.
- Failure to produce interim MOT.
- Unauthorised signs /window stickers/ adverts.
- Failure to notify transfer of vehicle licence—or change of vehicle.
- Defective taxi meter/ printer.
- Defective taxi top light.
- Unattended Hackney Carriage vehicle on rank.
- Failure to attend mechanical inspection.
- Late cancellation of mechanical inspection—give less than 24 hours' notice.
- Defective lights, horn, indicators, exhaust system, tyres, brakes.

Operator breaches

- Premises unclean—not fit for use.
- Failure to keep proper records of bookings of complaints.
- Failure to keep current driver/ vehicle licence details.

13.4 In all cases the caution will be in writing and stipulate a timescale for the matter to be corrected, if appropriate. If the matter is not corrected within the timescale stipulated, or there is a repetition, further disciplinary action may follow.

13.5 The Licensing Team Manager or another manager at principal officer level or higher, has authority to approve and issue letters of caution.

Examples of licensing breaches or conduct likely to receive suspension for a defined period, or revocation of licence:

- Any of the contraventions listed in the 'caution' section above, in these or similar circumstances:
- where the offender has received a written caution or other disciplinary action for the same or a similar breach within the last 12 months; or
- where the offender did not correct a matter as required by a written caution; or where several breaches have been committed together; or where the matter is considered too serious for a caution to be appropriate.
- Permitting no insurance, or insurance that is invalid to cover public carriage use
- Permitting unauthorised/ unlicensed drivers.
- Using or permitting use of unlicensed /unauthorised vehicle.
- Falsifying or making untrue representations in Licence applications or other council licensing documentation.

- Obstruction of an authorised officer of the Council or of a Police Officer in the course of their duty.
- The commission of a criminal offence, or engagement in an activity of a type that brings suitability as a licensee into question.
- Causing injury to passengers, members of the public or other road users by negligence or intent.

13.6 The action taken will be proportionate and take into account all the circumstances including previous suspensions and cautions. Decisions will be determined by a review of available facts at the time the decision is taken.

14. Authority to suspend or revoke.

Suspension/Revocation with immediate effect:

14.1 A licence can be suspended or revoked immediately in the interests of public safety under the provisions of section 61(2B) of the Local Government (Miscellaneous Provisions) 1976. If the Council is advised of such conduct, a decision may be taken in consultation between officers and at least three members of the Licensing Committee. In such cases efforts, will be made to contact the driver to advise of the situation and establish if there is any other information that may be relevant and should be considered before any decision is made.

Suspension/Revocation/Caution following Licensing Committee hearing:

14.2 Where a decision does not need to be considered immediately, it will be considered at a formal hearing of the Licensing Committee where the alleged offender (and any witnesses) will be afforded the opportunity to hear the evidence and present their case.

14.3 Following a hearing members may direct that letters of caution be issued, suspend a licence for specified periods of time, or revoke a licence. Other conditions or stipulations may be attached to the decision as Members see fit.

Appeals against decisions taken

14.4 Decision to caution by manager—register a complaint in writing to the Head of Community Safety .

14.5 Decision to caution by Members—no appeal possible.

14.6 Decision to suspend or revoke licence— relevant information regarding statutory right of appeal to the Magistrates Court, will be provided in a written notification of the Council's decision.

15. Reapplication

15.1 Where an applicant has previously had a licence revoked by the Council the Authority will not, save in exceptional circumstances, consider any further application from the applicant for a period of three years from the date of the Authority's decision or, if that decision was appealed against and the appeal was dismissed, abandoned, or otherwise

failed, from the date of the dismissal, abandonment or other failure of the appeal, whichever is the later.

DRAFT

APPENDIX 4



Bournemouth, Christchurch & Poole
Hackney Carriage Unmet Demand Survey

February 2020

Executive Summary

This Taxi survey has been undertaken on behalf of Bournemouth Christchurch and Poole Council, following the guidance of the April 2010 DfT Best Practice Guidance document and all relevant case history in regard to unmet demand.

This Executive Summary draws together key points from the main report that are needed to allow a committee to determine from the facts presented their current position in regard to the policy of limiting hackney carriage vehicle licences according to Section 16 of the 1985 Transport Act. It is a summary of the main report which follows and it is recommended that the executive summary alone should not be relied upon solely to justify any decisions of a committee, but should be read in conjunction with the full report below.

Within the guidance, the Department for Transport recommend that if a Licensing Authority should seek to retain a quantity restriction, then a survey should be carried out to establish if there is any unmet demand for Hackney Carriages.

If the result of an unmet demand survey should demonstrate that there is evidence of significant unmet demand, the recommended actions for a licensing authority may be to either raise the limit on Hackney Carriage numbers to an appropriate level, or to remove the limit all together.

If the result of an unmet demand survey should demonstrate that there is no evidence of unmet demand, then a third choice of action becomes available to the licensing authority, which is to keep the cap in place at the same level, or indeed to introduce a cap if none exists already.

A licensing authority may choose at any time, to raise or remove a limit on Hackney Carriage numbers, but in order to retain or impose a limit; good practice guidance suggests that an unmet demand survey is required and that the result shows that there is no evidence of unmet demand.

Surveys were undertaken at active taxi ranks in Bournemouth, Christchurch and Poole, for three days, from a Thursday morning to the early hours of the following Sunday morning, 96 hours later. The volume of passengers and hackney carriages was recorded, together with wait times for any waiting passengers.

The rank observations were analysed separately for each of the licensing areas.

In Bournemouth, incidences of passenger waiting were observed, involving 274 passengers (out of 10,116 passengers observed over the three days).

Occasions when passengers had to wait for a Hackney Carriage to arrive at a rank were generally isolated events rather than lengthy continuous periods of queuing.

In Christchurch, 25 passengers (out of 1,069 passengers observed over the three days) had to wait for Hackney Carriages to arrive at the ranks.

In Poole, 50 passengers (out of 2,504 passengers observed over the three days) had to wait for Hackney Carriages to arrive at the ranks.

There were no incidences of extensive and persistent passenger waiting in any of the licensing areas. Passenger waiting tended to be isolated and discrete events over short periods.

Volumes at the ranks are summarised in the following tables and figures.

Bournemouth ranks

All 3 days					
Rank location	Total hackney carriages departing the ranks empty	Total hackney carriages departing the ranks with passengers	Total hackney carriages departing the ranks	Total passengers departing the ranks	Average passengers per hackney carriage
Total for all locations	2085	6024	8109	10116	1.7
Avenue Road	21	141	162	194	1.4
Leslie Road	37	14	51	16	1.1
Bournemouth Railway Station North Side	3	0	3	0	0.0
Exeter Road (Bournemouth Pier)	54	49	103	81	1.7
Cardigan Road	20	4	24	4	1.0
Wimborne Road	39	6	45	8	1.3
Cotlands Road	0	2	2	3	1.5
Heathcote Road	63	36	99	43	1.2
Poole Hill	2	3	5	5	1.7
Charminster Road	46	64	110	93	1.5
Deansleigh Road	37	4	41	5	1.3
Holdenhurst Road	74	456	530	747	1.6
Meyrick Road	229	216	445	288	1.3
Old Christchurch Road	69	679	748	1182	1.7
Poole Road	186	445	631	602	1.4
Transport Interchange	44	1489	1533	2674	1.8
Gervis Place (The Square)	60	1277	1337	2148	1.7
Exeter Road (Sixty Million Postcards)	63	586	649	1081	1.8
Palmerston Road	63	272	335	507	1.9
Westover Road	975	281	1256	435	1.5

Table 1 - Summary of Rank Observation Results – Three day totals, Bournemouth ranks.

A comparative profile of hire activity across rank locations in Bournemouth is presented below.

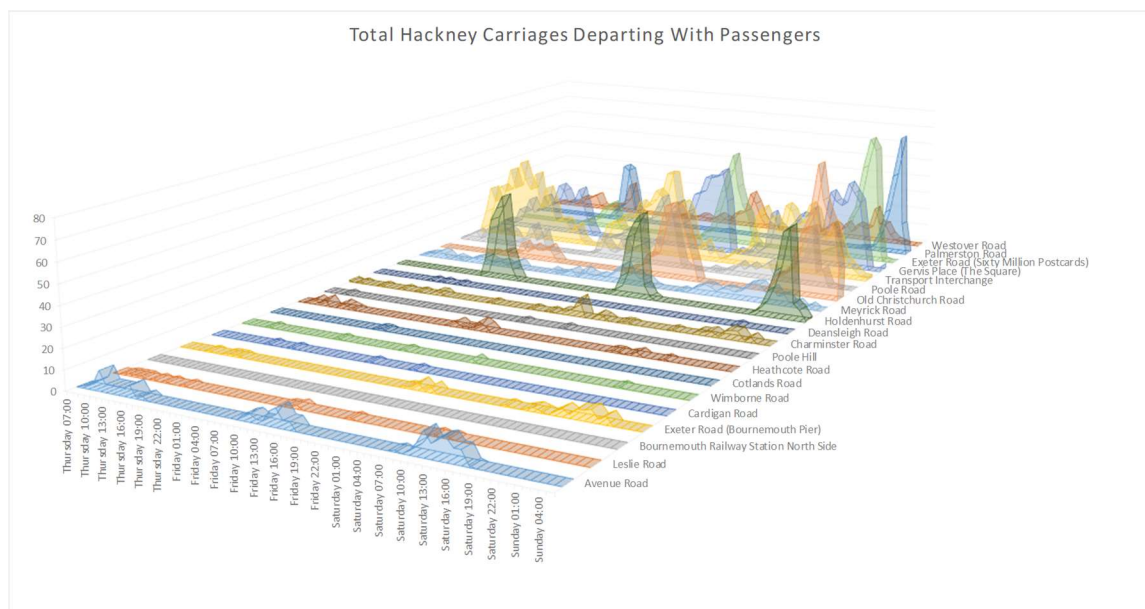


Figure 1 - Hourly profile of rank hires at each rank in Bournemouth

Hire activity at the most active ranks in Bournemouth are presented in more detail below.

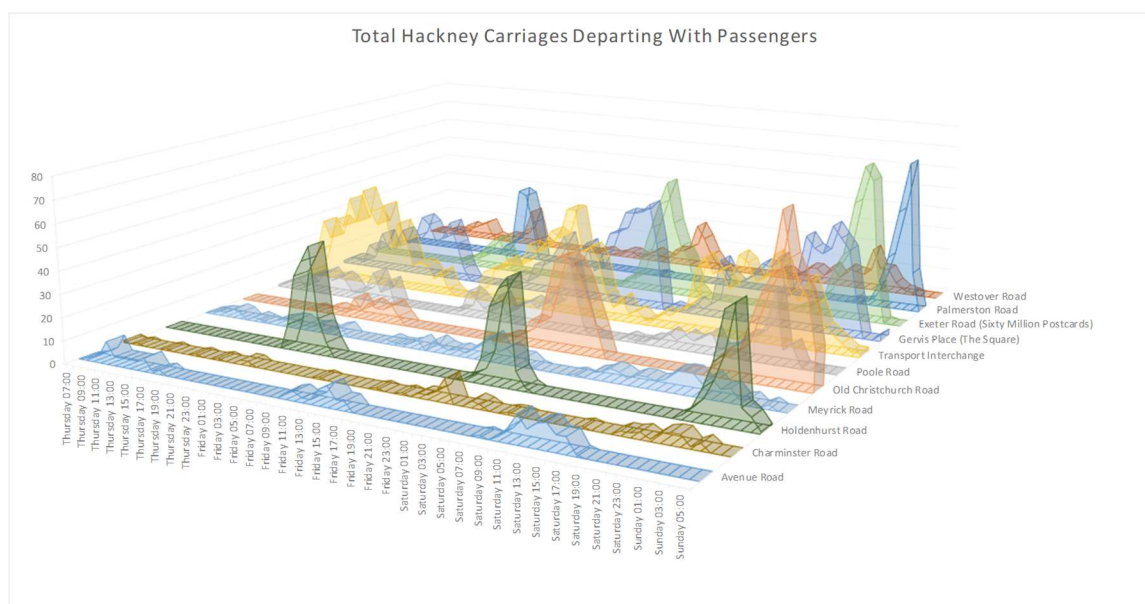


Figure 2 - Hourly profile of rank hires at the most active ranks in Bournemouth

Christchurch ranks

All 3 days					
Rank location	Total hackney carriages departing the ranks empty	Total hackney carriages departing the ranks with passengers	Total hackney carriages departing the ranks	Total passengers departing the ranks	Average passengers per hackney carriage
Total for all locations	343	660	1003	1069	1.6
Somerford Road	48	5	53	5	1.0
Lymington Road	5	0	5	0	0.0
Christchurch Railway Station	16	71	87	101	1.4
High Street (Christchurch)	107	184	291	260	1.4
Wick Lane	35	277	312	483	1.7
Bargates	132	123	255	220	1.8

Table 2 - Summary of Rank Observation Results – Three day totals, Christchurch ranks.

A comparative profile of hire activity across rank locations in Christchurch is presented below.

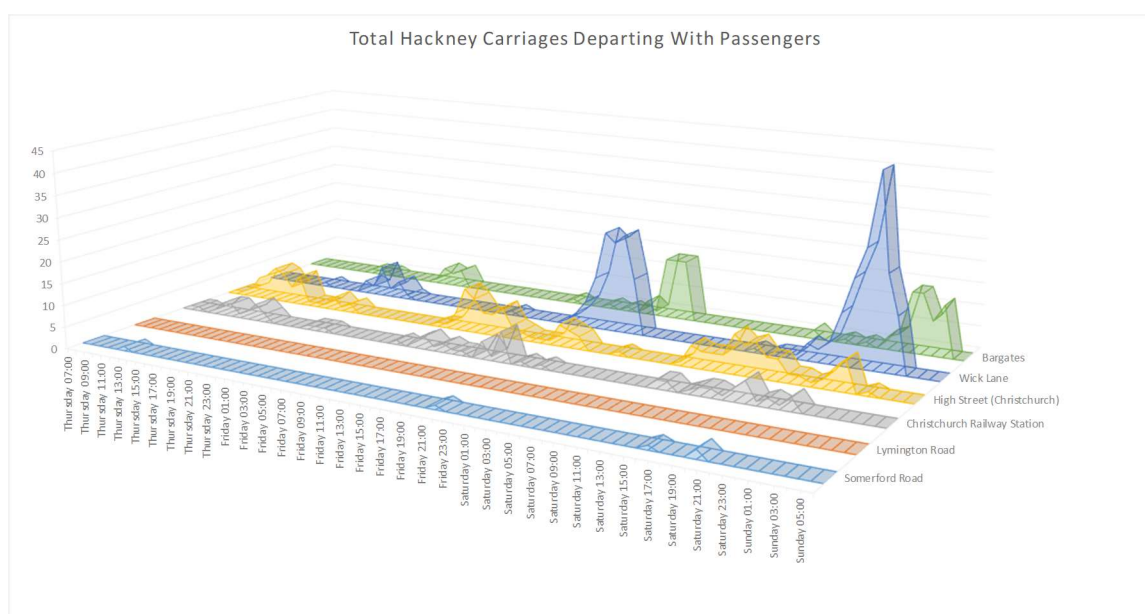


Figure 3 - Hourly profile of rank hires at each rank in Christchurch

Poole ranks

All 3 days					
Rank location	Total hackney carriages departing the ranks empty	Total hackney carriages departing the ranks with passengers	Total hackney carriages departing the ranks	Total passengers departing the ranks	Average passengers per hackney carriage
Total for all locations	497	1605	2102	2504	1.6
Penn Hill Avenue	0	1	1	1	1.0
Lagland Street	0	2	2	2	1.0
Old Orchard	7	7	14	10	1.4
The Quay	32	105	137	184	1.8
High Street (the Quay)	1	0	1	0	0.0
High Street	63	313	376	534	1.7
Longfeet Road (Hospital)	40	10	50	10	1.0
Railway Station	198	358	556	499	1.4
Dolphin Shopping Centre	83	273	356	393	1.4
Bournemouth Road (Ashley Cross)	73	536	609	871	1.6

Table 3 - Summary of Rank Observation Results – Three day totals, Poole ranks.

A comparative profile of hire activity across rank locations in Poole is presented below.

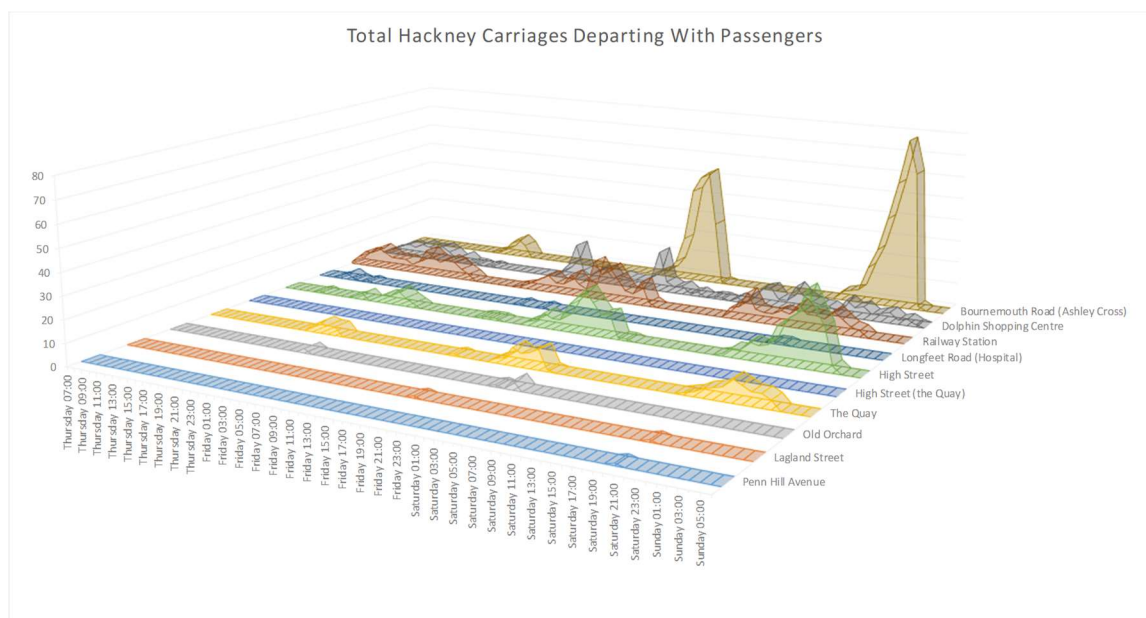


Figure 4 - Hourly profile of rank hires at each rank in Christchurch

Consultation

Public consultation was undertaken in each licensing area through questionnaire surveys conducted on street and an online questionnaire.

Stakeholder consultation was undertaken with minority group representatives, local businesses, hotels, licenced premises, police and transport providers.

The consultation feedback indicated that:

- Consultation feedback from stakeholders, the public and the trade suggests that there are few issues with the availability of Hackney Carriages and the levels of service provided.
- Some individual users faced occasional difficulties with availability of wheelchair accessible vehicles. These difficulties were generally related to the wait time involved.
- The principal feedback from the trade was comments regarding:
 - The number of licensed vehicles working in each area.
 - Rank capacity
 - Rank locations in Bournemouth.
- There is a trend within the Hackney Carriage fleet for drivers to also obtain pre-booked hires either directly or through a private hire booking circuit. Christchurch Hackney Carriages in particular are the most likely to rely on pre-booked hires, rather than rank based hires.

Unmet need assessment

Data from the taxi rank surveys was used, together with any indication from the public consultation surveys of frustration with non-availability of Hackney Carriages, to calculate an Index of Significant Unmet Demand (ISUD). The ISUD index value calculated from the survey results in each area was low. In Bournemouth and Christchurch, the values calculated were 0.0. In Poole, the value calculated was 0.3. A value of less than 80 is normally taken as an indicator that there is no significant unmet demand. Whilst the ISUD value is a strong indicator, it should not be taken in isolation as the only valid evidence. Further evidence from stakeholder and public consultation indicated that there were normally sufficient Hackney Carriages available to satisfy demand.

The conclusion of the unmet need assessment is that in each licensing area there is no significant unmet demand.

Future requirements

There is currently an adequate supply of Hackney Carriages in each area. Current levels of provision and working practices ensured that there were sufficient Hackney Carriages servicing rank based demand at all times, to cope with peaks in demand. No additional licences would be necessary to cater for foreseeable growth in general demand over the next three years.

Conclusions and recommendations

The primary purpose of this study was to determine whether there is evidence of significant unmet demand. The evidence gathered suggests that there is **no significant unmet demand**.

It is recommended that there is no need to increase the number of Hackney Carriage licences at the present time, to meet the needs of the travelling general public.

If a limit to the number of Hackney Carriages in Christchurch were to be considered, such a limit could be justified on the basis of no significant unmet demand in Christchurch.



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1 General introduction and background

Bournemouth Christchurch and Poole Council is responsible for the licensing of hackney carriage and private hire vehicles operating within the Council area and is the licensing authority for this complete area. Further details of the local application of Section 16 of the 1985 Transport Act with regard to limiting hackney carriage vehicle numbers is provided in further Chapters of this report. Hackney carriage vehicle licences are the only part of licensing where such a stipulation occurs and there is no legal means by which either private hire vehicle numbers, private hire or hackney carriage driver numbers, or the number of private hire operators can be limited. The Council has been formed through the merger of the previously existing Councils for the three constituent areas. Prior to the merger, licensing was managed separately for Bournemouth, Christchurch and Poole.

This review of current policy is based on the Best Practice Guidance produced by the Department for Transport in April 2010 (BPG). It seeks to provide information to the licensing authority to meet section 16 of the Transport Act 1985 “that the grant of a hackney carriage vehicle licence may be refused if, but only if, the licensing authority is satisfied that there is no significant demand for the services of hackney carriages within its local area, which is unmet.” This terminology is typically shortened to “no SUD”.

Current hackney carriage, private hire and operator licensing is undertaken within the legal frameworks first set by the Town Police Clause Act 1847 (TPCA), amended and supplemented by various following legislation including the Transport Act 1985, Section 16 in regard to hackney carriage vehicle limits, and by the Local Government Miscellaneous Provisions Act 1976 with reference to private hire vehicles and operations. This latter Act saw application of regulation to the then growing private hire sector which had not been previously part of the TPCA. Many of the aspects of these laws have been tested and refined by other more recent legislation and more importantly through case law.

Beyond legislation, the experience of the person in the street tends to see both hackney carriage and private hire vehicles both as ‘taxis’ – a term we will try for the sake of clarity to use only in its generic sense within the report. We will use the term ‘licensed vehicle’ to refer to both hackney carriage and private hire.

The legislation around licensed vehicles and their drivers has been the subject of many attempts at review. The limiting of hackney carriage vehicle numbers has been a particular concern as it is often considered to be a restrictive practice and against natural economic trends. The current BPG in fact says “most local licensing authorities do not impose quantity restrictions, the

Department regards that as best practice". The three most recent reviews were by the Office of Fair Trading in 2003, through the production of the BPG in 2010, and the Law Commission review which published its results in 2014. None of these resulted in any material change to the legislation involved in licensing. Details of the results of the All-Party Parliamentary Group review are provided below. Other groups have provided their comment, but the upshot remains no change in legislation from that already stated above.

With respect to the principal subject of this survey, local authorities retain the right to restrict the number of hackney carriage vehicle licenses. The Law Commission conclusion included retention of the power to limit hackney carriage vehicle numbers but utilizing a public interest test determined by the Secretary of State. It also suggested the three-year horizon also be used for rank reviews and accessibility reviews. However, there is currently no expected date either for publication of the Government response to the Law Commission, nor indeed any plans for revisions to legislation.

A more recent restriction, often applied to areas where there is no 'quantity' control felt to exist per-se, is that of 'quality control'. This is often a pseudonym for a restriction that any new hackney carriage vehicle licence must be for a wheel chair accessible vehicle, of various kinds as determined locally. In many places this implies a restricted number of saloon style hackney carriage licences are available, which often are given 'grandfather' rights to remain as saloon style.

Within this quality restriction, there are various levels of strength of the types of vehicles allowed. The tightest restriction, now only retained by a few authorities only allows 'London' style wheel chair accessible vehicles, restricted to those with a 25-foot turning circle, and at the present time principally the LTI Tx, the Mercedes Vito special edition with steerable rear axle, and the Metrocab (no longer produced). Others allow a wider range of van style conversions in their wheel chair accessible fleet, whilst some go as far as also allowing rear-loading conversions. Given the additional price of these vehicles, this often implies a restriction on entry to the hackney carriage trade.

Some authorities do not allow vehicles which appear to be hackney carriage, i.e. mainly the London style vehicles, to be within the private hire fleet, whilst others do allow wheel chair vehicles. The most usual method of distinguishing between hackney carriages and private hire is a 'Taxi' roof sign on the vehicle, although again some areas do allow roof signs on private hire as long as they do not say 'Taxi', some turn those signs at right angles, whilst others apply liveries, mainly to hackney carriage fleets, but sometimes also to private hire fleets.

After introduction of the 1985 Transport Act, Leeds University Institute for Transport Studies developed a tool by which unmet demand could be evaluated and a determination made if this was significant or not. The tool was taken forward and developed as more studies were undertaken. Over time this 'index of significance of unmet demand' (ISUD) became accepted as an industry standard tool to be used for this purpose. Some revisions have been made following the few but specific court cases where various parties have challenged the policy of retaining a limit.

Some of the application has differed between Scottish and English authority's. This is mainly due to some court cases in Scotland taking interpretation of the duty of the licensing authority further than is usual in England and Wales, requiring current knowledge of the status of unmet demand at all times, rather than just at the snap-shot taken every three years. However, the three year survey horizon has become generally accepted given the advice of the BPG and most locations that review regularly do within that timescale.

The DfT asked in writing in 2004 for all licensing authorities with quantity restrictions to review them, publish their justification by March 2005, and then review at least every three years since then. In due course, this led to a summary of the government guidance which was last updated in England and Wales in 2010 (but more recently in Scotland).

The BPG in 2010 also provided additional suggestions of how these surveys should be undertaken, albeit in general but fairly extensive terms. A key encouragement within the BPG is that "an interval of three years is commonly regarded as the maximum reasonable period between surveys". BPG suggests key points in consideration are passenger waiting times at ranks, for street hailings and telephone bookings, latent and peaked demand, wide consultation and publication of "all the evidence gathered".

The most recent changes in legislation regarding licensed vehicles have been enactment of the parts of the Equality Act related to guidance dogs (sections 168 to 171, enacted in October 2010), the two clauses of the Deregulation Act which were successful in proceeding, relating to length of period each license covers and to allowing operators to transfer work across borders (enacted in October 2015), and most recently enactment of Sections 165 and 167 of the Equality Act, albeit on a permissive basis (see below).

In November 2016, the DfT undertook a consultation regarding enacting Sections 167 and 165 of the Equality Act. These allow for all vehicles capable of carrying a wheel chair to be placed on a list by the local council (section

167). Any driver using a vehicle on this list then has a duty under section 165 to:

- Carry the passenger while in the wheelchair
- Not make any additional charge for doing so
- If the passenger chooses to sit in a passenger seat to carry the wheelchair
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort
- To give the passenger such mobility assistance as is reasonably required

This was enacted from April 2017. There remains no confirmation of any timetable for instigating either the remainder of the Equality Act or the Law Commission recommendations, or for the update of the BPG.

In respect to case law impinging on unmet demand, the two most recent cases were in 1987 and 2002. The first case (*R v Great Yarmouth*) concluded authorities must consider the view of significant unmet demand as a whole, not condescending to detailed consideration of the position in every limited area, i.e. to consider significance of unmet demand over the area as a whole.

R v Castle Point considered the issue of latent, or preferably termed, suppressed demand consideration. This clarified that this element relates only to the element which is measurable. Measurable suppressed demand includes inappropriately met demand (taken by private hire vehicles in situations legally hackney carriage opportunities) or those forced to use less satisfactory methods to get home (principally walking, i.e. those observed to walk away from rank locations).

In general, industry standards suggest (but specifically do not mandate in any way) that the determination of conclusions about significance of unmet demand should take into account the practicability of improving the standard of service through the increase of supply of vehicles. It is also felt important to have consistent treatment of authorities as well as for the same authority over time, although apart from the general guidance of the BPG there is no clear stipulations as to what this means in reality, and certainly no mandatory nor significant court guidance in this regard.

During September 2018 the All-Party Parliamentary Group on taxis produced its long-awaited Final Report. There was a generally accepted call for revision to taxi licensing legislation and practice, including encouragement for local authorities to move towards some of the practical suggestions made within the Report. However, the Report has no legislative backing and the key conclusion was that the Government needed to act firstly to revise the 2010 BPG but then to move to revisions to primary legislation as soon as practicable.

Despite some opposition from members of the group, the right to retain limits on hackney carriage vehicle numbers was supported, with many also supporting adding a tool which would allow private hire numbers to be limited where appropriate, given reasonable explanation of the expected public interest gains.

In conclusion, the present legislation in England and Wales sees public fare-paying passenger carrying vehicles firstly split by passenger capacity. All vehicles able to carry nine or more passengers are dealt with under national public service vehicle licensing. Local licensing authorities only have jurisdiction over vehicles carrying eight or less passengers. Further, the jurisdiction focusses on the vehicles, drivers and operators but rarely extends to the physical infrastructure these use (principally ranks).

The vehicles are split between hackney carriages which are alone able to wait at ranks or pick up people in the streets without a booking, and private hire who can only be used with a booking made through an operator. If any passenger uses a private hire vehicle without such a properly made booking, they are not generally considered to be insured for their journey.

Drivers can either be split between ability to drive either hackney carriage or private hire, or be 'dual', allowed to drive either kind of vehicle. Whilst a private hire driver can only take bookings via an operator, with the 'triple-lock' applying that the vehicle, driver and operator must all be with the same authority, a hackney carriage driver can accept bookings on-street or by phone without the same stipulation required for private hire.

Recent legislation needing clarification has some operators believing they can use vehicles from any authority as long as they are legally licensed as private hire. At first, under the 'Stockton' case, this was hackney carriages operating as private hire in other areas (cross-border hiring). More recently, under the Deregulation Act, private hire companies are able to subcontract bookings to other companies in other areas if they are unable to fulfil their booking, but the interpretation of this has become quite wide.

The 'triple lock' licensing rule has also become accepted. A vehicle, driver and operator must all be under the same licensing authority to provide full protection to the passenger. However, it is also accepted that a customer can call any private hire company anywhere to provide their transport although many would not realise that if there was an issue it would be hard for a local authority to follow this up unless the triple lock was in place by the vehicle used and was for the area the customer contacted licensing.

Further, introduction of recent methods of obtaining vehicles, principally using 'apps' on mobile phones have also led to confusion as to how 'apps' usage sits with present legislation. All these matters can impact on hackney carriage services, their usage, and therefore on unmet demand and its significance.

2 Local background and context

Bournemouth, Christchurch and Poole is a unitary local government district in Dorset. It was created on 1 April 2019 from the areas that were previously administered by the authorities of Bournemouth, Poole and Christchurch. The new authority is one of two new unitary authorities within Dorset.

This study was conducted over all three areas which combined to make up the new authority area. Each of the areas has been assessed separately.

Area characteristics vary significantly across the area. In both Bournemouth and Poole, there are a significant number of marked taxi ranks which are rarely or never used. In Christchurch, there are fewer taxi ranks in place and the majority of these are used on a regular basis.

Bournemouth hosts several large businesses which tend to generate visitor related licensed vehicle demand. Poole also hosts some large organisations which generate licensed vehicle demand. In addition, whilst each area has an active night time economy, Bournemouth is generally considered to have the highest level of activity within the night time economy.

In Bournemouth, the taxi ranks either side of the main railway station are restricted ranks, within the property of the railway operator. As such, Hackney Carriages using these ranks are required to purchase an additional permit from the railway operator. Hackney Carriages which do not have a permit may not wait on the ranks for fares. Similarly, in Christchurch, the railway station rank is within the railway operator property and Hackney Carriages operating from this rank need to purchase an additional permit to operate from that rank. These ranks are commonly referred to as private ranks. The implementation of permit systems at these ranks effectively imposes a limit in the number of Hackney Carriages which may operate from these ranks. Any evidence of unmet demand should take in to account whether the restrictions at private ranks influence the existence of unmet demand.

Prior to the merger in April 2019, Bournemouth and Poole had chosen to utilize their powers to limit hackney carriage vehicle numbers. Christchurch had no limitation policy. Following the merger of authorities into the single BCP Council, the limitation policy in each area remains in place.

Fleet profiles

A summary of the current licensed vehicle, and driver numbers are presented in the following table:

Table 4 - Fleet vehicle and driver statistics

	Bournemouth	Christchurch	Poole
Number of Hackney Carriages licensed by BCP	248	135	87
Number of private hire vehicles licensed by BCP	252	176	146
Number of Hackney Carriage drivers licensed by BCP	234	306	261
Number of private hire drivers licensed by BCP	277	247	57
Number of dual licensed drivers licensed by BCP (if appropriate)	250	N/A	N/A
Number of Hackney Carriages which are formally registered as wheelchair accessible (if appropriate)	49	4	Unknown
Number of private hire vehicles which are registered as wheelchair accessible (if appropriate)	14	2	Unknown

The ratio of licensed vehicles to population, for authorities within the South West region, is presented in the following table and figure. The areas are grouped by those which limit the number of Hackney Carriages and those with no limit. Within these groups, areas are ranked by total licensed vehicles per 1,000 population.

Table 5 - Ratios of licensed vehicles to population

Licensing Area	Mid 2018 population estimate	Hackney Carriages	Private Hire Vehicles	Total licenced vehicles	Hackney Carriages per 1,000 population	Private Hire Vehicles per 1,000 population	Total licenced vehicles per 1,000 population
Poole [Limited]	151,397	87	146	233	0.6	1.0	1.5
Torridge [Limited]	68,143	49	58	107	0.7	0.9	1.6
Cornwall [Limited]	565,968	633	557	1,190	1.1	1.0	2.1
Bournemouth [Limited]	194,355	248	252	500	1.3	1.3	2.6
Bath and North East Somerset [Limited]	192,106	146	378	524	0.8	2.0	2.7
Bristol, city of [Limited]	463,405	539	992	1,531	1.2	2.1	3.3
Torbay [Limited]	135,780	161	291	452	1.2	2.1	3.3
Plymouth [Limited]	263,100	346	803	1,149	1.3	3.1	4.4
Weymouth and Portland [Limited]	65,865	80	234	314	1.2	3.6	4.8
Forest of Dean [No Limit]	86,543	11	68	79	0.1	0.8	0.9
Sedgemoor [No Limit]	122,791	106	38	144	0.9	0.3	1.2
East Devon [No Limit]	144,317	161	20	181	1.1	0.1	1.3
West Somerset [No Limit]	34,887	35	15	50	1.0	0.4	1.4
Mid Devon [No Limit]	81,695	77	45	122	0.9	0.6	1.5
Stroud [No Limit]	119,019	110	72	182	0.9	0.6	1.5
South Hams [No Limit]	86,221	129	15	144	1.5	0.2	1.7
South Somerset [No Limit]	167,861	119	164	283	0.7	1.0	1.7
Wiltshire [No Limit]	498,064	674	256	930	1.4	0.5	1.9
Taunton Deane [No Limit]	118,979	184	39	223	1.5	0.3	1.9
West Devon [No Limit]	55,528	93	13	106	1.7	0.2	1.9
East Dorset [No Limit]	89,889	46	130	176	0.5	1.4	2.0
Cotswold [No Limit]	89,022	86	90	176	1.0	1.0	2.0
Purbeck [No Limit]	47,135	67	36	103	1.4	0.8	2.2
Mendip [No Limit]	114,881	163	96	259	1.4	0.8	2.3
Teignbridge [No Limit]	132,844	243	67	310	1.8	0.5	2.3
West Dorset [No Limit]	102,754	184	65	249	1.8	0.6	2.4
North Devon [No Limit]	96,110	208	35	243	2.2	0.4	2.5
North Somerset [No Limit]	213,919	95	499	594	0.4	2.3	2.8
North Dorset [No Limit]	70,841	103	106	209	1.5	1.5	3.0
Gloucester [No Limit]	129,285	85	318	403	0.7	2.5	3.1
Cheltenham [No Limit]	117,090	233	177	410	2.0	1.5	3.5
Tewkesbury [No Limit]	92,599	1	339	340	0.0	3.7	3.7
Exeter [No Limit]	130,428	85	399	484	0.7	3.1	3.7
Swindon [No Limit]	221,996	124	995	1,119	0.6	4.5	5.0
Christchurch [No Limit]	50,032	135	176	311	2.7	3.5	6.2
South Gloucestershire [No Limit]	282,644	198	1,943	2,141	0.7	6.9	7.6

Poole has the lowest ratio of provision of all licensed vehicles (both Hackney Carriages and private hire vehicles) to population; of the areas which limit Hackney Carriage numbers and hence is ranked first within this group. Considering all areas, both limited and unlimited, Poole is ranked 7th in the ratio of total licensed vehicles to population. When considering only the ratio of Hackney Carriages to population, Poole is ranked 6th out of the 36 areas listed. With respect to private hire vehicles, Poole is ranked 17th.

Bournemouth is ranked fourth for the ratio of provision of all licensed vehicles (both Hackney Carriages and private hire vehicles) to population; of the areas which limit Hackney Carriage numbers and hence is ranked first within this group. Considering all areas, both limited and unlimited, Bournemouth is ranked 22nd in the ratio of total licensed vehicles to population. When considering only the ratio of Hackney Carriages to population, Bournemouth is ranked 23rd out of the 36 areas listed. With respect to private hire vehicles, Bournemouth is ranked 21st.

Christchurch has the second highest ratio of provision of all licensed vehicles (both Hackney Carriages and private hire vehicles) to population, within the 36 areas. When considering only the ratio of Hackney Carriages to population, Christchurch is ranked 36th out of the 36 areas listed, i.e. has the highest ratio. With respect to private hire vehicles, Christchurch is ranked 32nd.

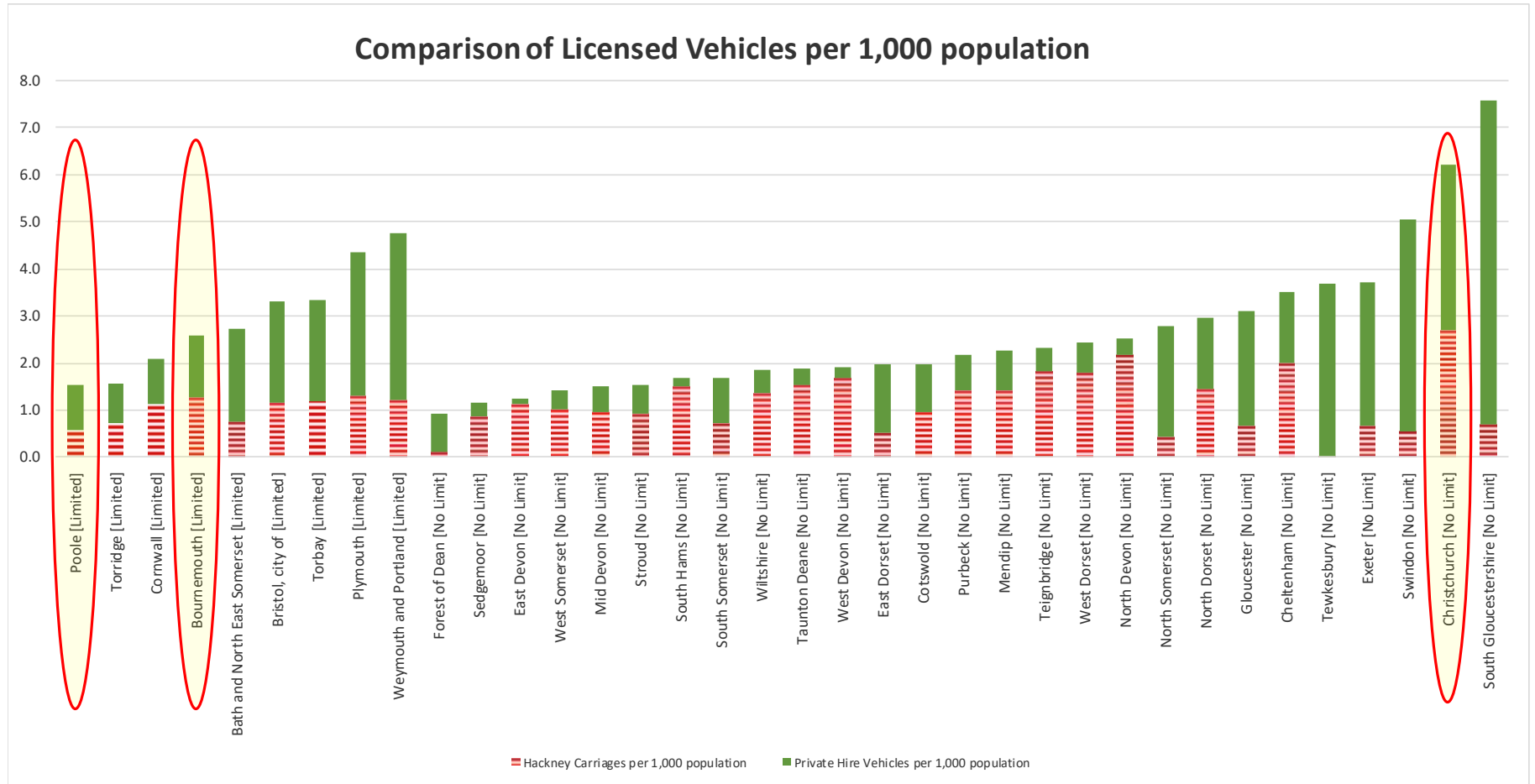


Figure 5 - Ratios of licensed vehicles to population

Fares Comparison

Private Hire and Taxi Monthly magazine publish monthly league tables of the fares in Licensing Authorities in the UK. The Tariff 1 fares for a two mile journey (distance costs only) are compared and ranked. The lower the ranking number, the more expensive the journey, compared with other authorities. The February 2020 table (the latest available at the time of preparation of this report) indicated that the fares in the three areas were ranked as follows:

Bournemouth was ranked 8 out of 358 authorities listed, with a fare of £7.40.

Poole was ranked 23 out of 358 authorities listed, with a fare of £7.00.

Christchurch was ranked 36 out of 358 authorities listed, with a fare of £6.80.

The mid ranked fare (rank 179) was £6.00. So, fares in each of the three areas appear to be higher than the national average.

In terms of national fares, the highest comparable fare (ranked 1) was £11.40 and the lowest (ranked 358) was £4.30.

Rail patronage

Ranks serve the railway stations in Bournemouth, Christchurch and Poole. The level of passenger throughput at railway stations can vary in response to factors such as service changes, line openings and closures and local developments. Changes in rail patronage can also influence the level of demand for Hackney Carriages at the railway station ranks. The changes in passenger throughput at stations in the Borough are presented in the following figure.

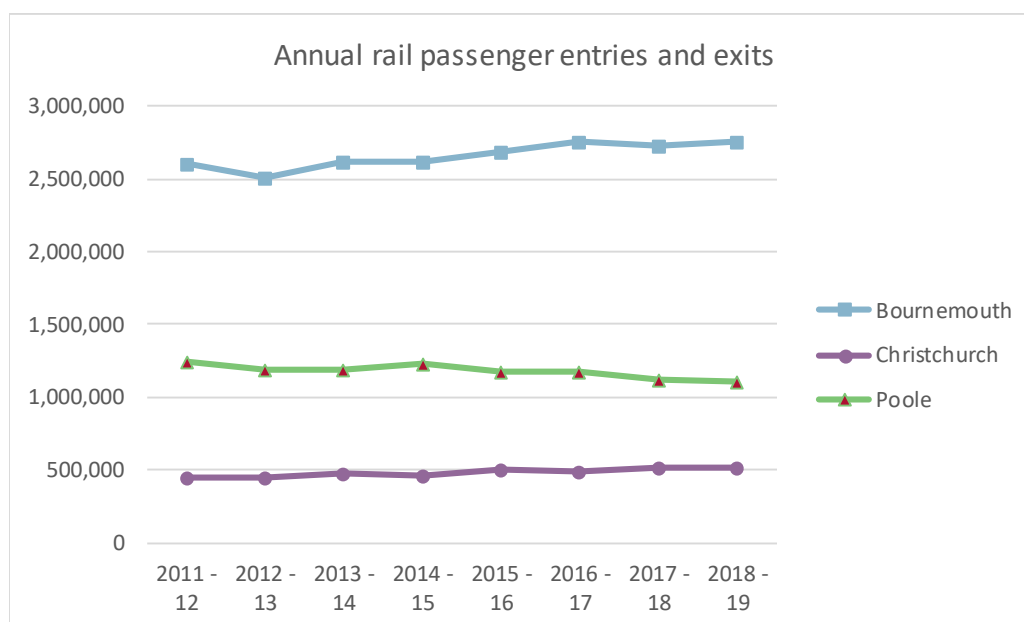


Figure 6 - Rail passenger volumes at Railway Stations

Bournemouth station passenger volumes have been stable in recent years, following a period of growth. Christchurch passenger numbers have experienced modest growth in recent years and Poole has experienced a decline in passenger numbers.

Table 6 - Passenger volumes at Railway Stations

Total annual passenger entries and exits			
	Railway station		
Year	Bournemouth	Christchurch	Poole
2007 - 8	2,455,927	368,081	1,213,687
2008 - 9	2,542,092	401,544	1,211,888
2009 - 10	2,519,100	392,088	1,170,558
2010 - 11	2,582,864	453,944	1,221,206
2011 - 12	2,604,162	444,944	1,250,636
2012 - 13	2,505,754	449,562	1,185,744
2013 - 14	2,623,628	471,928	1,196,626
2014 - 15	2,624,682	465,334	1,236,048
2015 - 16	2,688,160	498,016	1,174,922
2016 - 17	2,755,772	495,788	1,173,356
2017 - 18	2,721,504	519,332	1,126,936
2018 - 19	2,751,866	522,964	1,108,066

3 Patent demand measurement (rank surveys)

A list of rank locations in each of the three areas was obtained during the inception phase of the survey. Consultation with Council officers and trade representatives was undertaken to determine which of these ranks were active. The ranks which were known to be active or which were occasionally used, were surveyed.

Video cameras were used to record activity at the taxi ranks, from Thursday morning through to the following Sunday morning. This period captures weekday and weekend activity and covers both day and night time periods.

Activity at the taxi ranks was recorded over two Thursday to Sunday periods. These were 24th to 27th October 2019 and 7th to 10th November 2019. The period 31st October to 3rd November encompassed a school holiday period. It is prudent to avoid undertaking surveys during school holiday periods in order to avoid the influence of lack of school contracts and drivers taking time off for the holidays.

Overall survey results

The observations from the rank surveys were analysed and activity levels at active ranks are presented in the following tables and figures.

The separate rank demand by hour was plotted for the survey period to demonstrate how each separate rank contributed to the total demand for each hour. With the extensive level of surveys undertaken, this picture is comprehensive for the days covered. Each constituent area is presented separately.

Bournemouth Rank Data

Table 7 - Thursday rank survey data summary – Bournemouth Ranks

Thursday - Friday					
Rank location	Total hackney carriages departing the ranks empty	Total hackney carriages departing the ranks with passengers	Total hackney carriages departing the ranks	Total passengers departing the ranks	Average passengers per hackney carriage
Total for all locations	634	1430	2064	2349	1.6
Avenue Road	10	42	52	50	1.2
Leslie Road	8	7	15	8	1.1
Bournemouth Railway Station North Side	0	0	0	0	0.0
Exeter Road (Bournemouth Pier)	14	4	18	7	1.8
Cardigan Road	8	2	10	2	1.0
Wimborne Road	10	2	12	3	1.5
Cotlands Road	0	2	2	3	1.5
Heathcote Road	24	15	39	19	1.3
Poole Hill	1	1	2	2	2.0
Charminster Road	11	9	20	12	1.3
Deansleigh Road	14	3	17	4	1.3
Holdenhurst Road	25	153	178	248	1.6
Meyrick Road	85	43	128	56	1.3
Old Christchurch Road	27	56	83	77	1.4
Poole Road	67	110	177	139	1.3
Transport Interchange	13	478	491	865	1.8
Gervis Place (The Square)	18	270	288	448	1.7
Exeter Road (Sixty Million Postcards)	16	60	76	94	1.6
Palmerston Road	19	100	119	197	2.0
Westover Road	264	73	337	115	1.6

Table 8 - Friday rank survey data summary – Bournemouth Ranks

Friday - Saturday					
Rank location	Total hackney carriages departing the ranks empty	Total hackney carriages departing the ranks with passengers	Total hackney carriages departing the ranks	Total passengers departing the ranks	Average passengers per hackney carriage
Total for all locations	690	2078	2768	3430	1.7
Avenue Road	5	35	40	51	1.5
Leslie Road	11	5	16	6	1.2
Bournemouth Railway Station North Side	1	0	1	0	0.0
Exeter Road (Bournemouth Pier)	12	10	22	17	1.7
Cardigan Road	11	2	13	2	1.0
Wimborne Road	16	3	19	3	1.0
Cotlands Road	0	0	0	0	0.0
Heathcote Road	23	15	38	18	1.2
Poole Hill	0	2	2	3	1.5
Charminster Road	19	26	45	37	1.4
Deansleigh Road	7	0	7	0	0.0
Holdenhurst Road	20	145	165	241	1.7
Meyrick Road	77	70	147	95	1.4
Old Christchurch Road	29	252	281	407	1.6
Poole Road	51	186	237	256	1.4
Transport Interchange	12	504	516	896	1.8
Gervis Place (The Square)	21	493	514	827	1.7
Exeter Road (Sixty Million Postcards)	23	238	261	426	1.8
Palmerston Road	2	1	3	1	1.0
Westover Road	350	91	441	144	1.6

Table 9 - Saturday rank survey data summary – Bournemouth Ranks

Saturday - Sunday					
Rank location	Total hackney carriages departing the ranks empty	Total hackney carriages departing the ranks with passengers	Total hackney carriages departing the ranks	Total passengers departing the ranks	Average passengers per hackney carriage
Total for all locations	761	2516	3277	4337	1.7
Avenue Road	6	64	70	93	1.5
Leslie Road	18	2	20	2	1.0
Bournemouth Railway Station North Side	2	0	2	0	0.0
Exeter Road (Bournemouth Pier)	28	35	63	57	1.6
Cardigan Road	1	0	1	0	0.0
Wimborne Road	13	1	14	2	2.0
Cotlands Road	0	0	0	0	0.0
Heathcote Road	16	6	22	6	1.0
Poole Hill	1	0	1	0	0.0
Charminster Road	16	29	45	44	1.5
Deansleigh Road	16	1	17	1	1.0
Holdenhurst Road	29	158	187	258	1.6
Meyrick Road	67	103	170	137	1.3
Old Christchurch Road	13	371	384	698	1.9
Poole Road	68	149	217	207	1.4
Transport Interchange	19	507	526	913	1.8
Gervis Place (The Square)	21	514	535	873	1.7
Exeter Road (Sixty Million Postcards)	24	288	312	561	1.9
Palmerston Road	42	171	213	309	1.8
Westover Road	361	117	478	176	1.5

Table 10 - Three day rank survey data summary – Bournemouth Ranks

All 3 days					
Rank location	Total hackney carriages departing the ranks empty	Total hackney carriages departing the ranks with passengers	Total hackney carriages departing the ranks	Total passengers departing the ranks	Average passengers per hackney carriage
Total for all locations	2085	6024	8109	10116	1.7
Avenue Road	21	141	162	194	1.4
Leslie Road	37	14	51	16	1.1
Bournemouth Railway Station North Side	3	0	3	0	0.0
Exeter Road (Bournemouth Pier)	54	49	103	81	1.7
Cardigan Road	20	4	24	4	1.0
Wimborne Road	39	6	45	8	1.3
Cotlands Road	0	2	2	3	1.5
Heathcote Road	63	36	99	43	1.2
Poole Hill	2	3	5	5	1.7
Charminster Road	46	64	110	93	1.5
Deansleigh Road	37	4	41	5	1.3
Holdenhurst Road	74	456	530	747	1.6
Meyrick Road	229	216	445	288	1.3
Old Christchurch Road	69	679	748	1182	1.7
Poole Road	186	445	631	602	1.4
Transport Interchange	44	1489	1533	2674	1.8
Gervis Place (The Square)	60	1277	1337	2148	1.7
Exeter Road (Sixty Million Postcards)	63	586	649	1081	1.8
Palmerston Road	63	272	335	507	1.9
Westover Road	975	281	1256	435	1.5

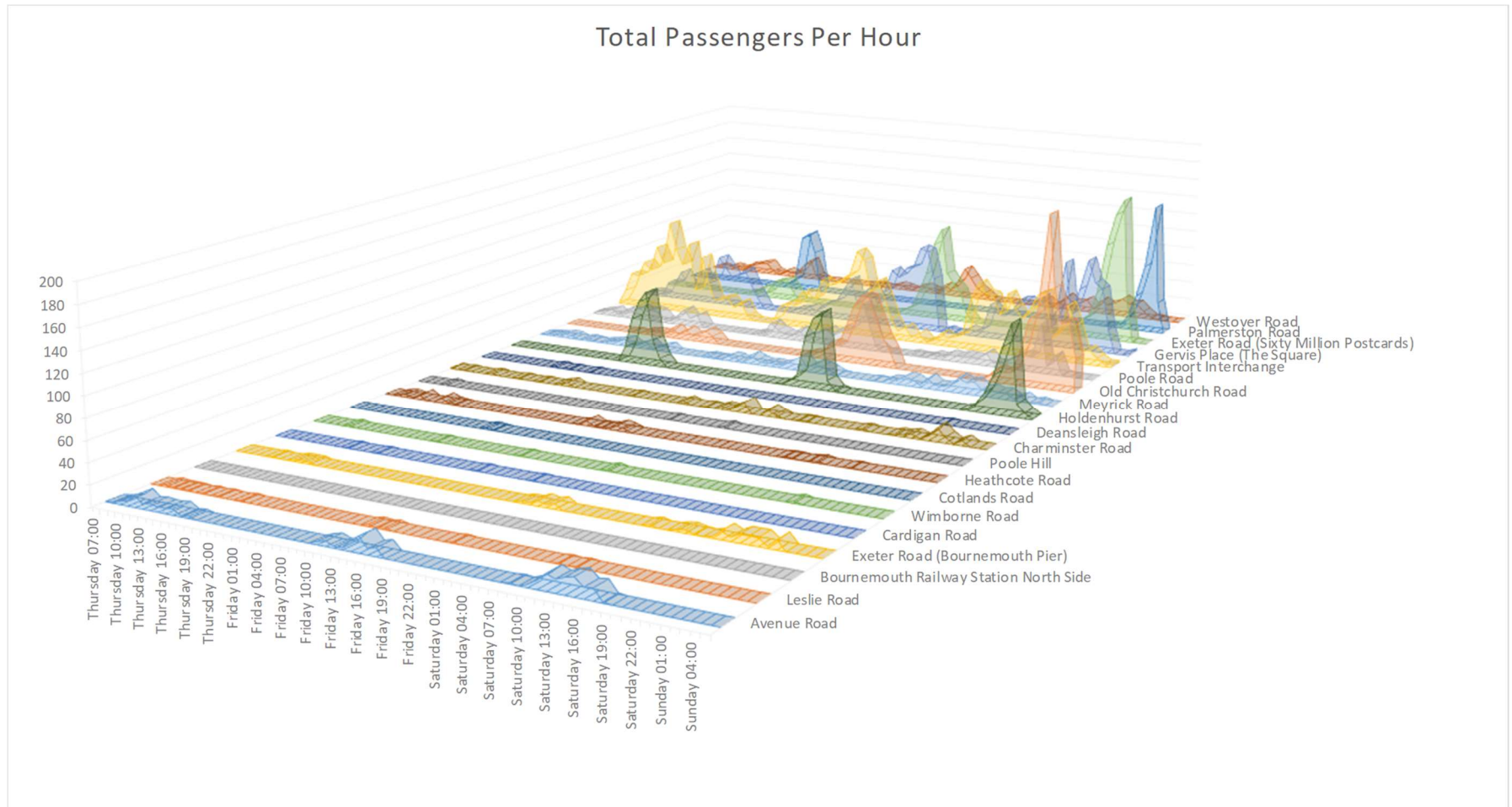


Figure 7 - Hourly passenger volumes through each rank - Bournemouth Ranks

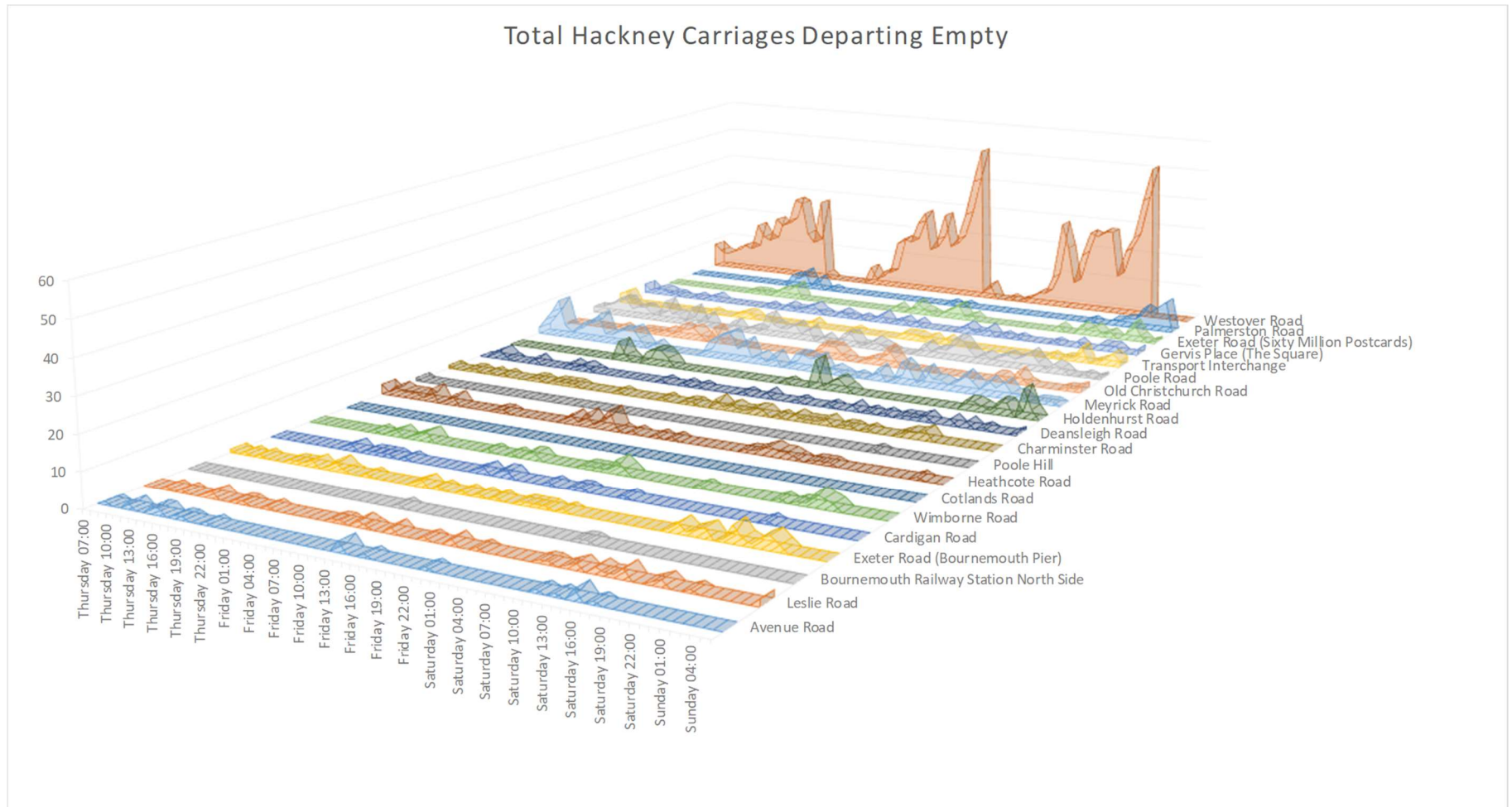


Figure 8 - Hourly empty hackney carriage volumes through each rank - Bournemouth Ranks

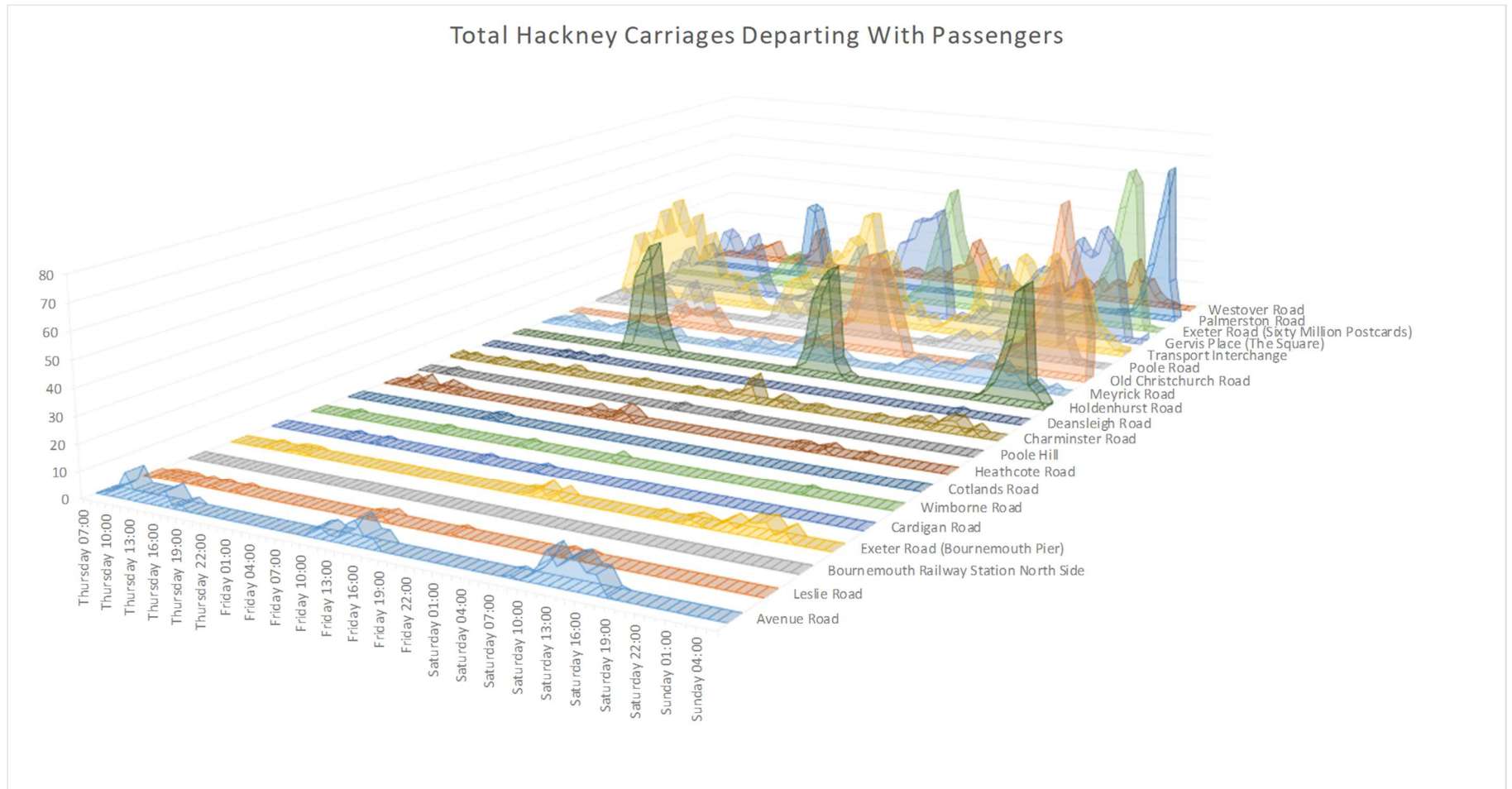


Figure 9 - Hourly hires from each rank - Bournemouth Ranks

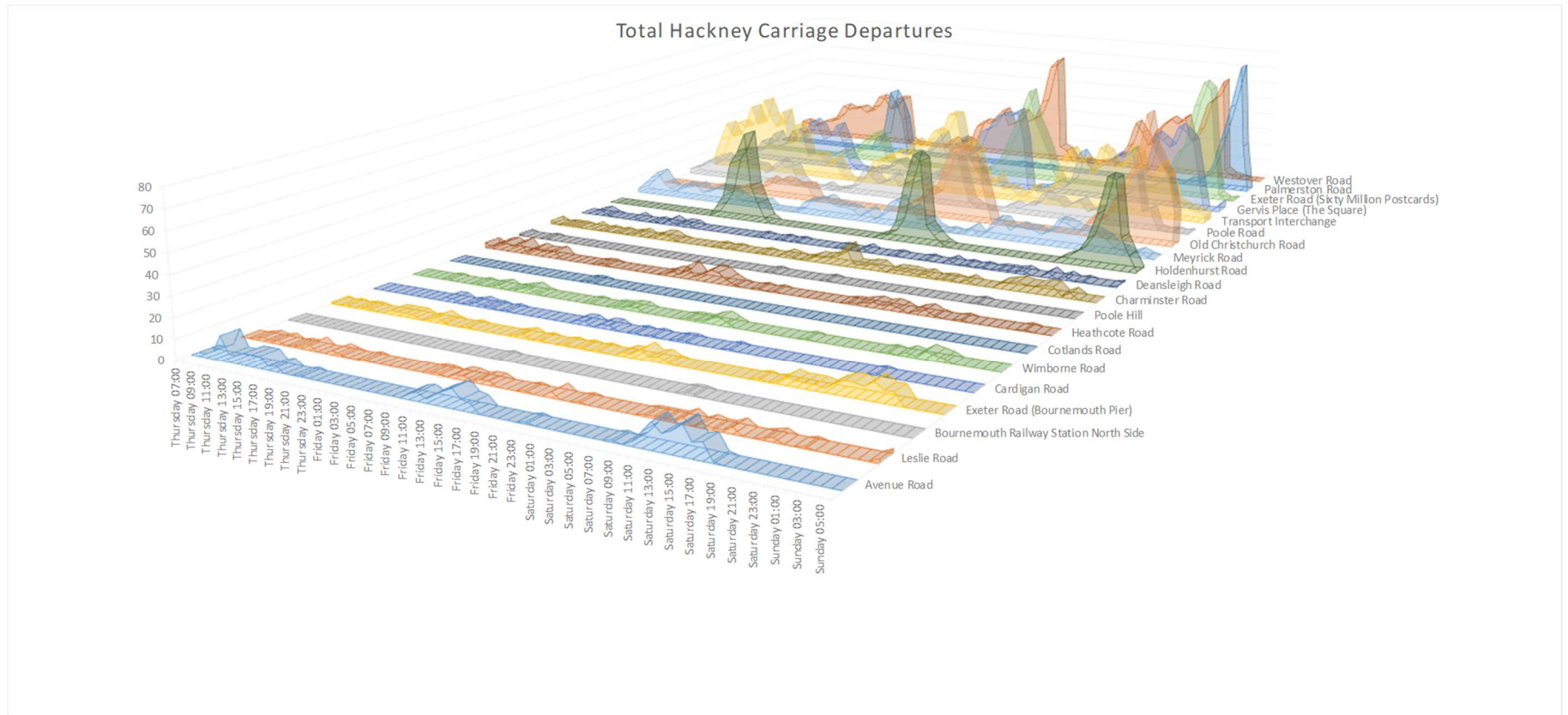


Figure 10 - Hourly hackney carriages leaving each rank (with and without passengers) - Bournemouth Ranks

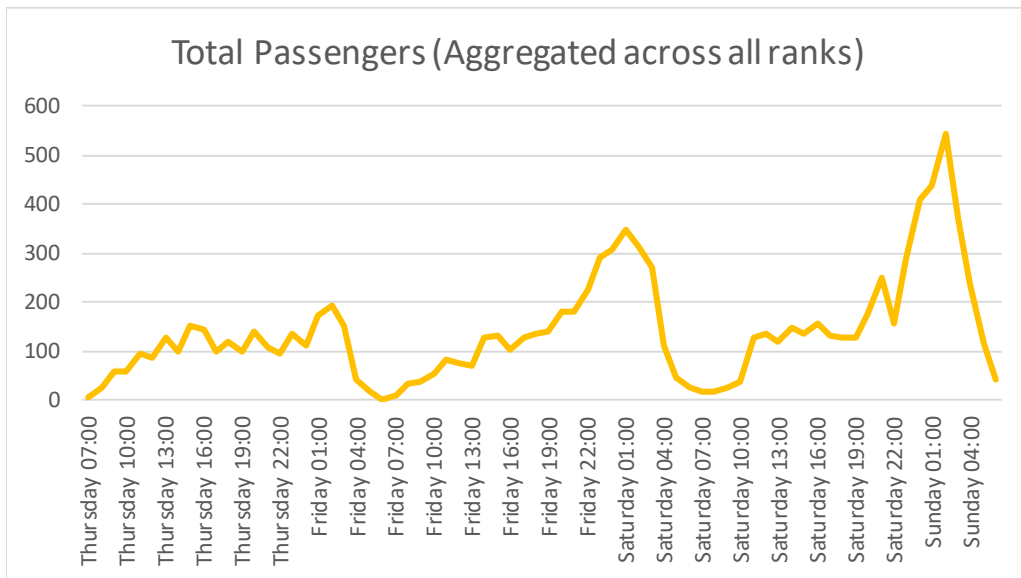


Figure 11 - Hourly aggregate passenger volumes - Bournemouth Ranks

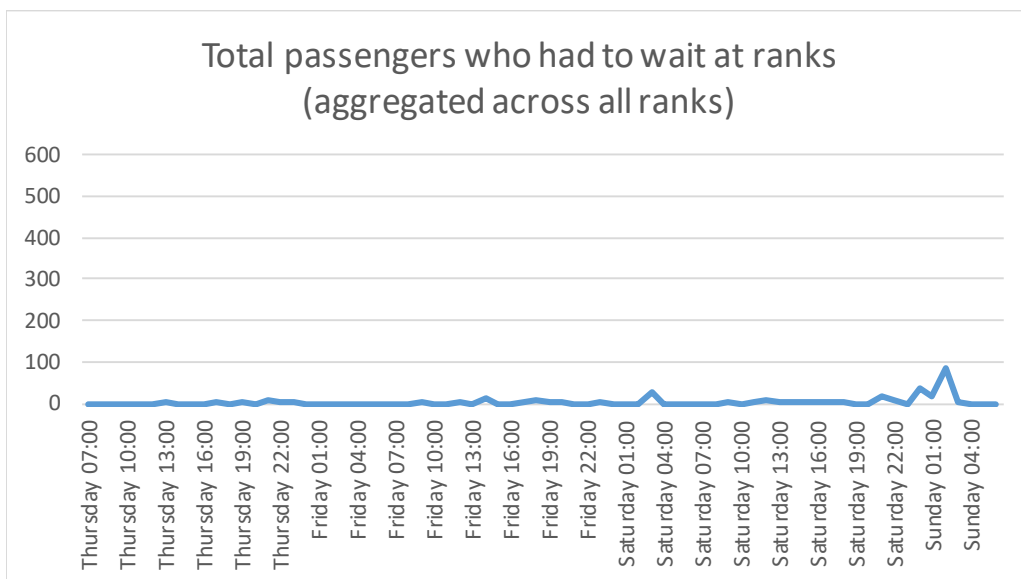


Figure 12 - Hourly aggregate waiting passengers - Bournemouth Ranks

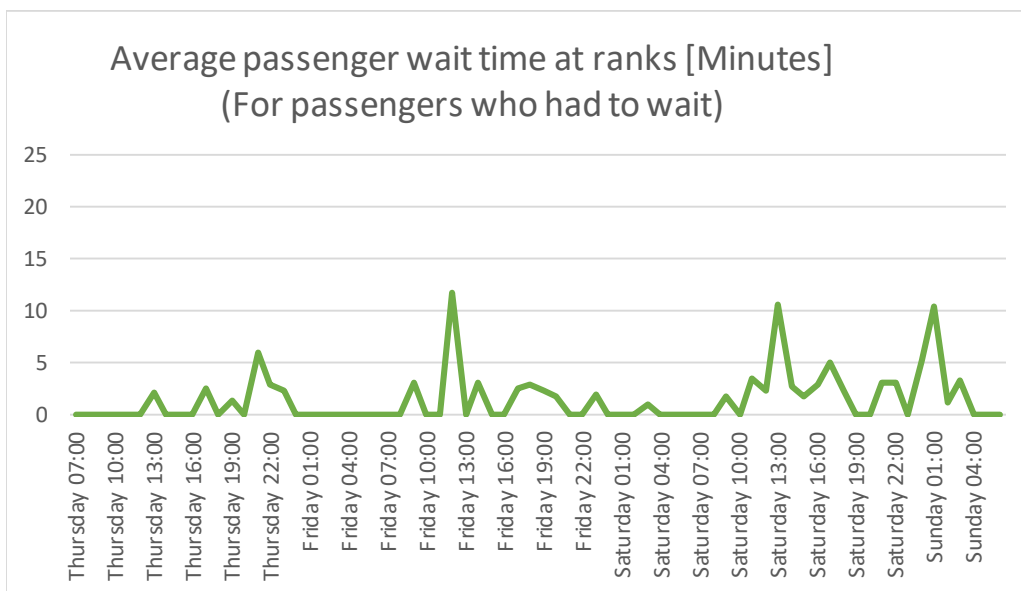


Figure 13 - Average passenger wait times (for waiting passengers only) - Bournemouth Ranks

The rank at Westover Road acts primarily as a feeder rank for the Gervis Place (The Square) rank. As such, most Hackney Carriages departed this rank empty.

The empty hackney departures from other ranks accounted for approximately 15% of all departures. These empty departures are likely to be in response to a pre-booked hire or having waited at a rank for a while, to move on to another rank. As such, this statistic suggests that some of the Hackney Carriages waiting on ranks were also available for pre-booked hires, as a second source of hires.

Some of the ranks were night time only ranks. The overall demand indicates a significant rise in demand on Friday and Saturday nights. The level of demand on Thursday night was similar to daytime levels. The available vehicles were generally able to cater for the increased levels of demand on Friday and Saturday nights, without excessive or sustained passenger waiting at the ranks.

Incidence of passenger delay

Across all of the ranks observed, 274 of the 10,116 passengers observed hiring Hackney Carriages (2.7%), had to wait for Hackney Carriages to arrive at the ranks.

The average delay per waiting passenger was 3 minutes and 12 seconds.

Christchurch Rank Data

Table 11 - Thursday rank survey data summary – Christchurch Ranks

Thursday - Friday					
Rank location	Total hackney carriages departing the ranks empty	Total hackney carriages departing the ranks with passengers	Total hackney carriages departing the ranks	Total passengers departing the ranks	Average passengers per hackney carriage
Total for all locations	85	107	192	156	1.5
Somerford Road	10	1	11	1	1.0
Lymington Road	1	0	1	0	0.0
Christchurch Railway Station	5	21	26	29	1.4
High Street (Christchurch)	22	50	72	70	1.4
Wick Lane	12	20	32	32	1.6
Bargates	35	15	50	24	1.6

Table 12 - Friday rank survey data summary – Christchurch Ranks

Friday - Saturday					
Rank location	Total hackney carriages departing the ranks empty	Total hackney carriages departing the ranks with passengers	Total hackney carriages departing the ranks	Total passengers departing the ranks	Average passengers per hackney carriage
Total for all locations	151	240	391	381	1.6
Somerford Road	20	1	21	1	1.0
Lymington Road	3	0	3	0	0.0
Christchurch Railway Station	8	25	33	32	1.3
High Street (Christchurch)	51	62	113	82	1.3
Wick Lane	12	103	115	185	1.8
Bargates	57	49	106	81	1.7

Table 13 - Saturday rank survey data summary – Christchurch Ranks

Saturday - Sunday					
Rank location	Total hackney carriages departing the ranks empty	Total hackney carriages departing the ranks with passengers	Total hackney carriages departing the ranks	Total passengers departing the ranks	Average passengers per hackney carriage
Total for all locations	107	313	420	532	1.7
Somerford Road	18	3	21	3	1.0
Lymington Road	1	0	1	0	0.0
Christchurch Railway Station	3	25	28	40	1.6
High Street (Christchurch)	34	72	106	108	1.5
Wick Lane	11	154	165	266	1.7
Bargates	40	59	99	115	1.9

Table 14 - Three day rank survey data summary – Christchurch Ranks

All 3 days					
Rank location	Total hackney carriages departing the ranks empty	Total hackney carriages departing the ranks with passengers	Total hackney carriages departing the ranks	Total passengers departing the ranks	Average passengers per hackney carriage
Total for all locations	343	660	1003	1069	1.6
Somerford Road	48	5	53	5	1.0
Lymington Road	5	0	5	0	0.0
Christchurch Railway Station	16	71	87	101	1.4
High Street (Christchurch)	107	184	291	260	1.4
Wick Lane	35	277	312	483	1.7

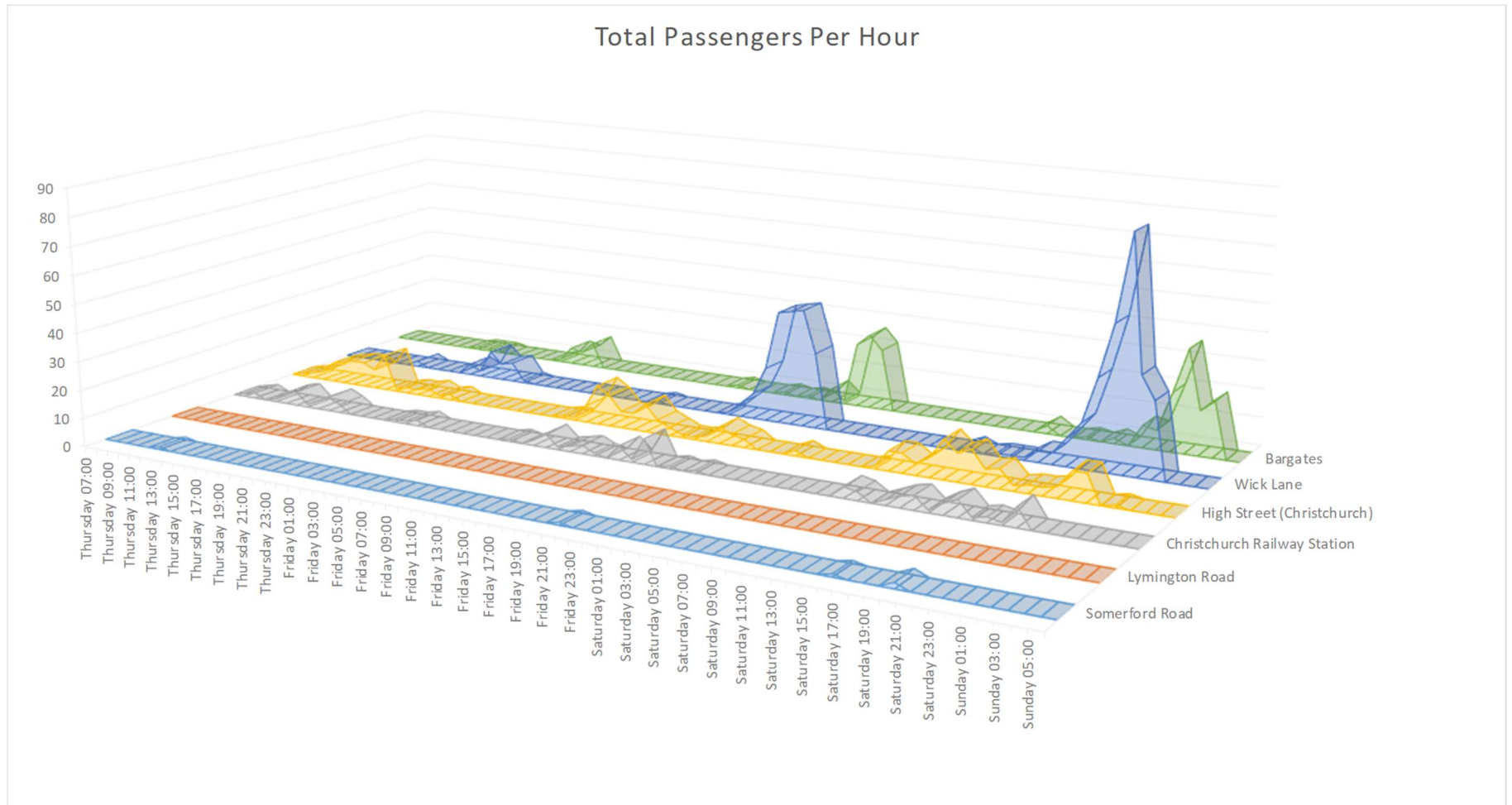


Figure 14 - Hourly passenger volumes through each rank - Christchurch Ranks

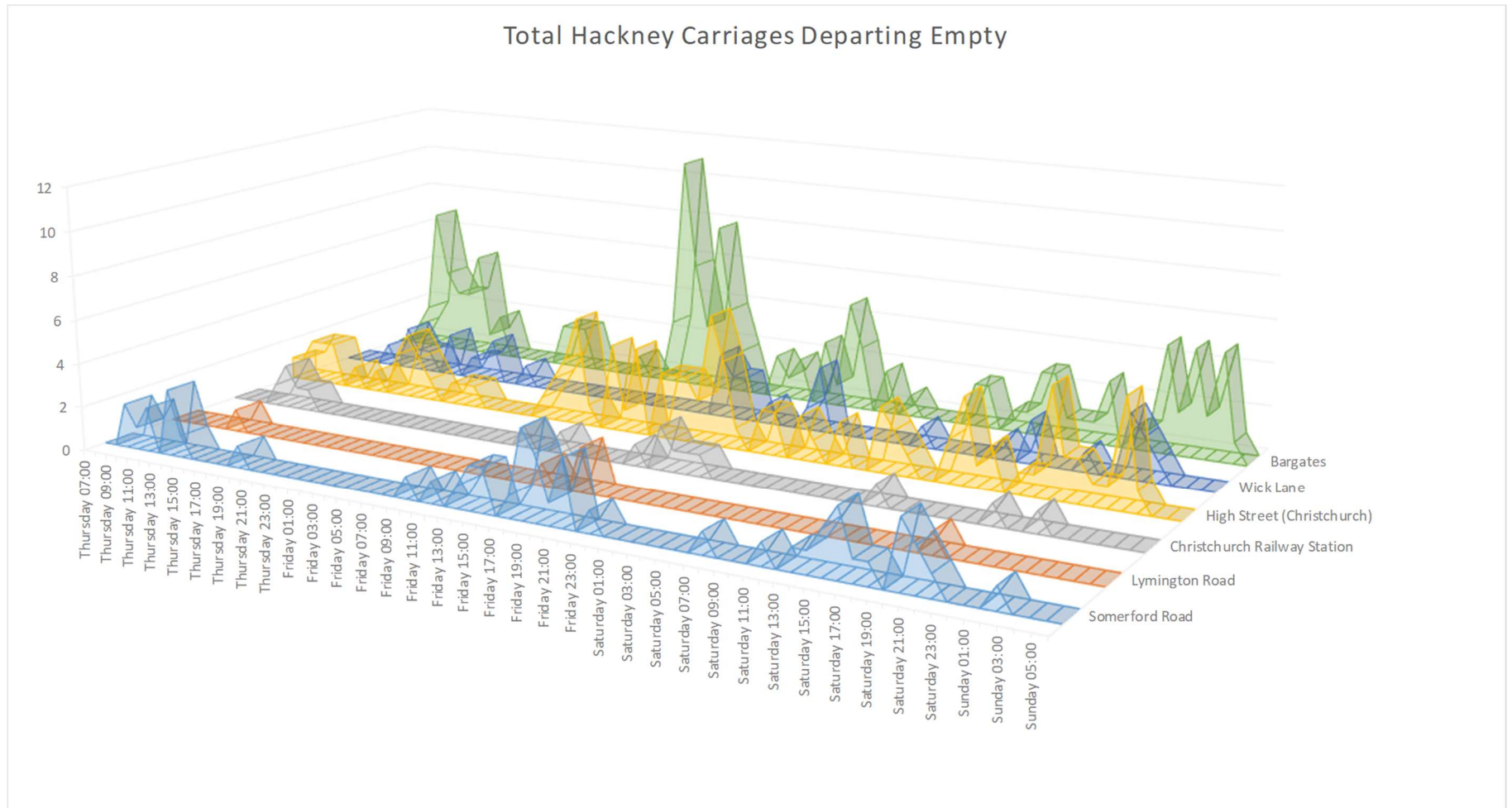


Figure 15 - Hourly empty hackney carriage volumes through each rank - Christchurch Ranks



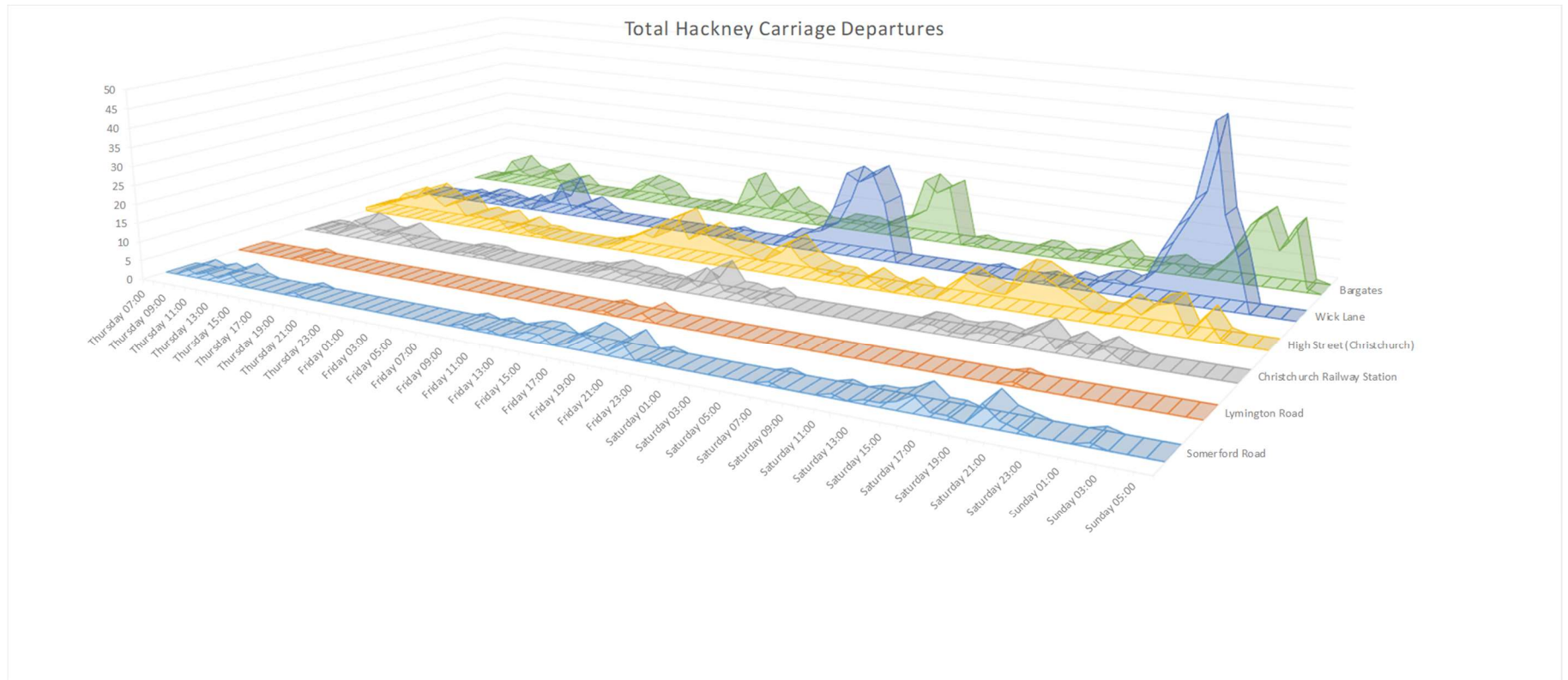


Figure 17 - Hourly hackney carriages leaving each rank (with and without passengers) - Christchurch Ranks

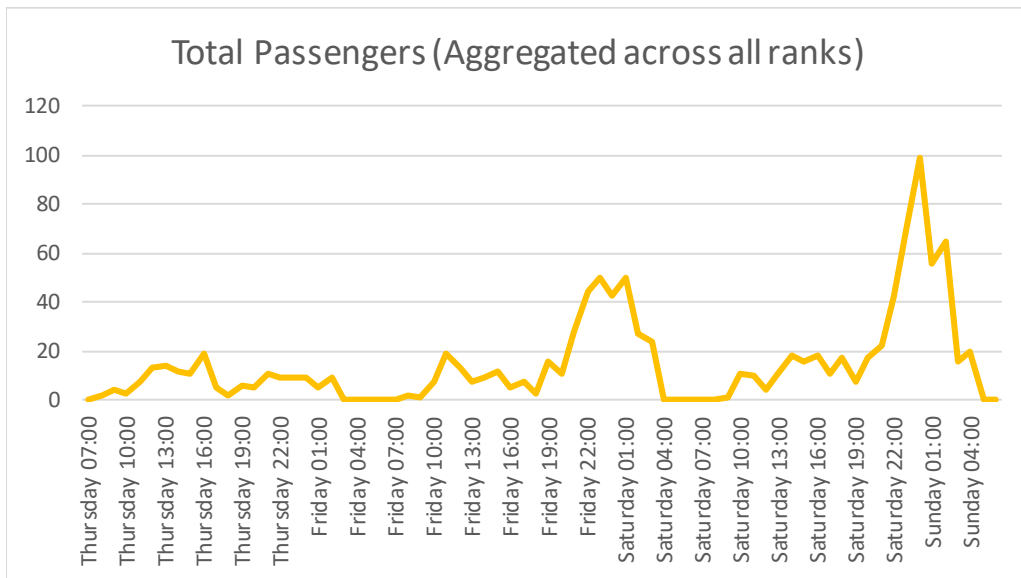


Figure 18 - Hourly aggregate passenger volumes - Christchurch Ranks

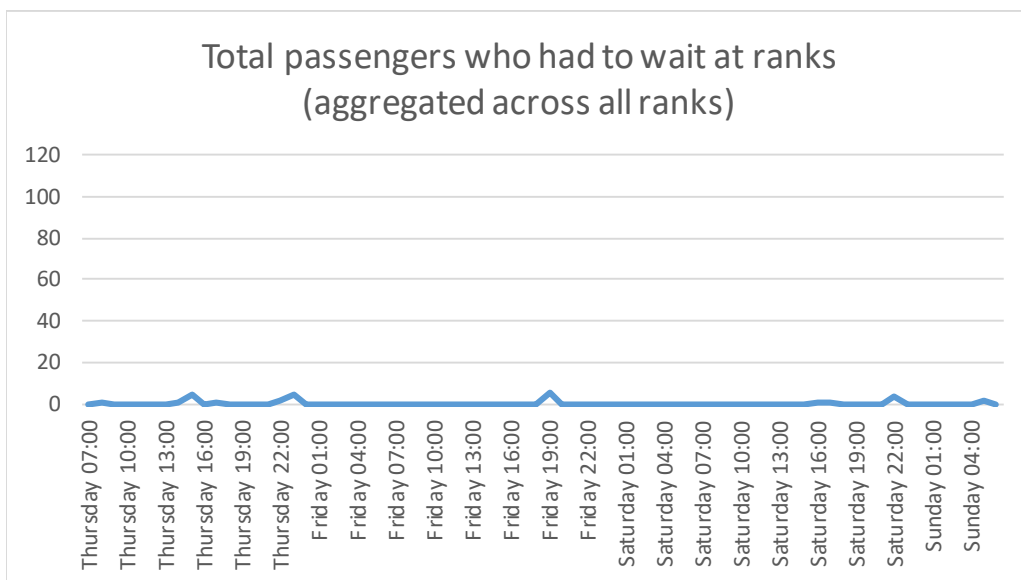


Figure 19 - Hourly aggregate waiting passengers - Christchurch Ranks

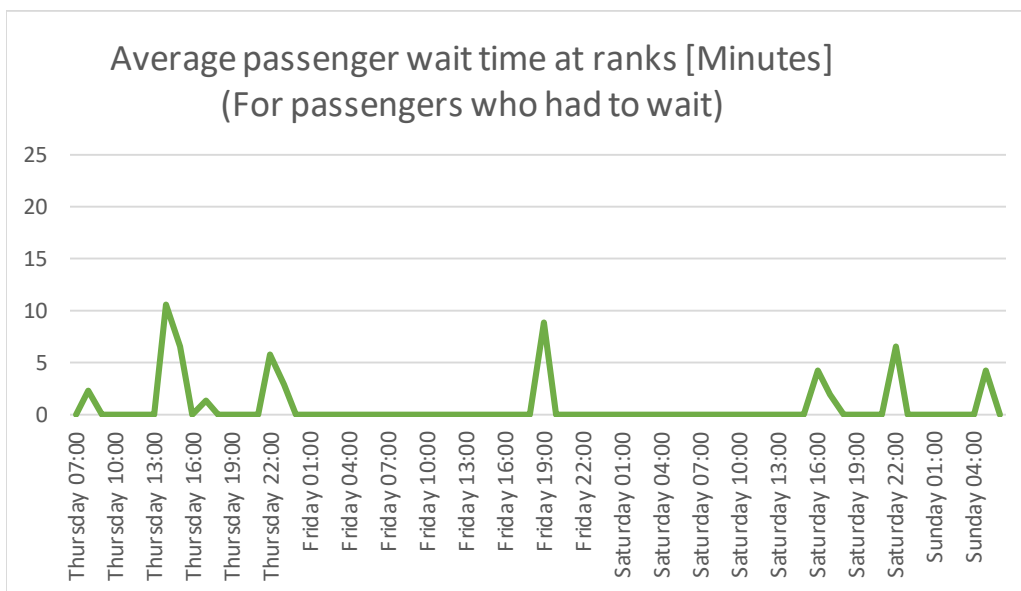


Figure 20 - Average passenger wait times (for waiting passengers only) - Christchurch Ranks

The ranks at Bargates and Wick Lane operate primarily as night time ranks. the rank at Wick Lane is serviced from a feeder rank in Wick Lane car park. However, there were several complaints from drivers during the survey, that the signal system on the feeder rank, which indicates when spaces are available on the Wick Lane rank, was not working. This does not appear to have affected the availability of Hackney Carriages for passengers at Wick Lane.

The empty hackney departures from ranks accounted for approximately a third of all departures. These empty departures are likely to be in response to a pre-booked hire or having waited at a rank for a while, to move on to another rank. As such, this statistic suggests that some of the Hackney Carriages waiting on ranks were also available for pre-booked hires, as a second source of hires.

The overall demand profile indicates a significant rise in demand on Friday and Saturday nights. The level of demand on Thursday night was lower than daytime levels. The available vehicles were generally able to cater for the increased levels of demand on Friday and Saturday nights, without excessive or sustained passenger waiting at the ranks.

Incidence of passenger delay

Across all of the ranks observed, 25 of the 1,069 passengers observed hiring Hackney Carriages (2.3%), had to wait for Hackney Carriages to arrive at the ranks.

The average delay per waiting passenger was 5 minutes and 43 seconds.

Poole Rank Data

Table 15 - Thursday rank survey data summary – Poole Ranks

Thursday - Friday					
Rank location	Total hackney carriages departing the ranks empty	Total hackney carriages departing the ranks with passengers	Total hackney carriages departing the ranks	Total passengers departing the ranks	Average passengers per hackney carriage
Total for all locations	146	255	401	331	1.3
Penn Hill Avenue	0	0	0	0	0.0
Lagland Street	0	0	0	0	0.0
Old Orchard	1	2	3	4	2.0
The Quay	9	16	25	25	1.6
High Street (the Quay)	1	0	1	0	0.0
High Street	14	28	42	45	1.6
Longfeet Road (Hospital)	15	6	21	6	1.0
Railway Station	77	118	195	143	1.2
Dolphin Shopping Centre	24	61	85	78	1.3
Bournemouth Road (Ashley Cross)	5	24	29	30	1.3

Table 16 - Friday rank survey data summary – Poole Ranks

Friday - Saturday					
Rank location	Total hackney carriages departing the ranks empty	Total hackney carriages departing the ranks with passengers	Total hackney carriages departing the ranks	Total passengers departing the ranks	Average passengers per hackney carriage
Total for all locations	200	610	810	946	1.6
Penn Hill Avenue	0	0	0	0	0.0
Lagland Street	0	1	1	1	1.0
Old Orchard	5	5	10	6	1.2
The Quay	15	37	52	61	1.6
High Street (the Quay)	0	0	0	0	0.0
High Street	25	111	136	192	1.7
Longfeet Road (Hospital)	14	2	16	2	1.0
Railway Station	71	132	203	198	1.5
Dolphin Shopping Centre	31	110	141	167	1.5
Bournemouth Road (Ashley Cross)	39	212	251	319	1.5

Table 17 - Saturday rank survey data summary – Poole Ranks

Saturday - Sunday					
Rank location	Total hackney carriages departing the ranks empty	Total hackney carriages departing the ranks with passengers	Total hackney carriages departing the ranks	Total passengers departing the ranks	Average passengers per hackney carriage
Total for all locations	151	740	891	1227	1.7
Penn Hill Avenue	0	1	1	1	1.0
Lagland Street	0	1	1	1	1.0
Old Orchard	1	0	1	0	0.0
The Quay	8	52	60	98	1.9
High Street (the Quay)	0	0	0	0	0.0
High Street	24	174	198	297	1.7
Longfeet Road (Hospital)	11	2	13	2	1.0
Railway Station	50	108	158	158	1.5
Dolphin Shopping Centre	28	102	130	148	1.5
Bournemouth Road (Ashley Cross)	29	300	329	522	1.7

Table 18 - Three day rank survey data summary – Poole Ranks

All 3 days					
Rank location	Total hackney carriages departing the ranks empty	Total hackney carriages departing the ranks with passengers	Total hackney carriages departing the ranks	Total passengers departing the ranks	Average passengers per hackney carriage
Total for all locations	497	1605	2102	2504	1.6
Penn Hill Avenue	0	1	1	1	1.0
Lagland Street	0	2	2	2	1.0
Old Orchard	7	7	14	10	1.4
The Quay	32	105	137	184	1.8
High Street (the Quay)	1	0	1	0	0.0
High Street	63	313	376	534	1.7
Longfeet Road (Hospital)	40	10	50	10	1.0
Railway Station	198	358	556	499	1.4
Dolphin Shopping Centre	83	273	356	393	1.4
Bournemouth Road (Ashley Cross)	73	536	609	871	1.6

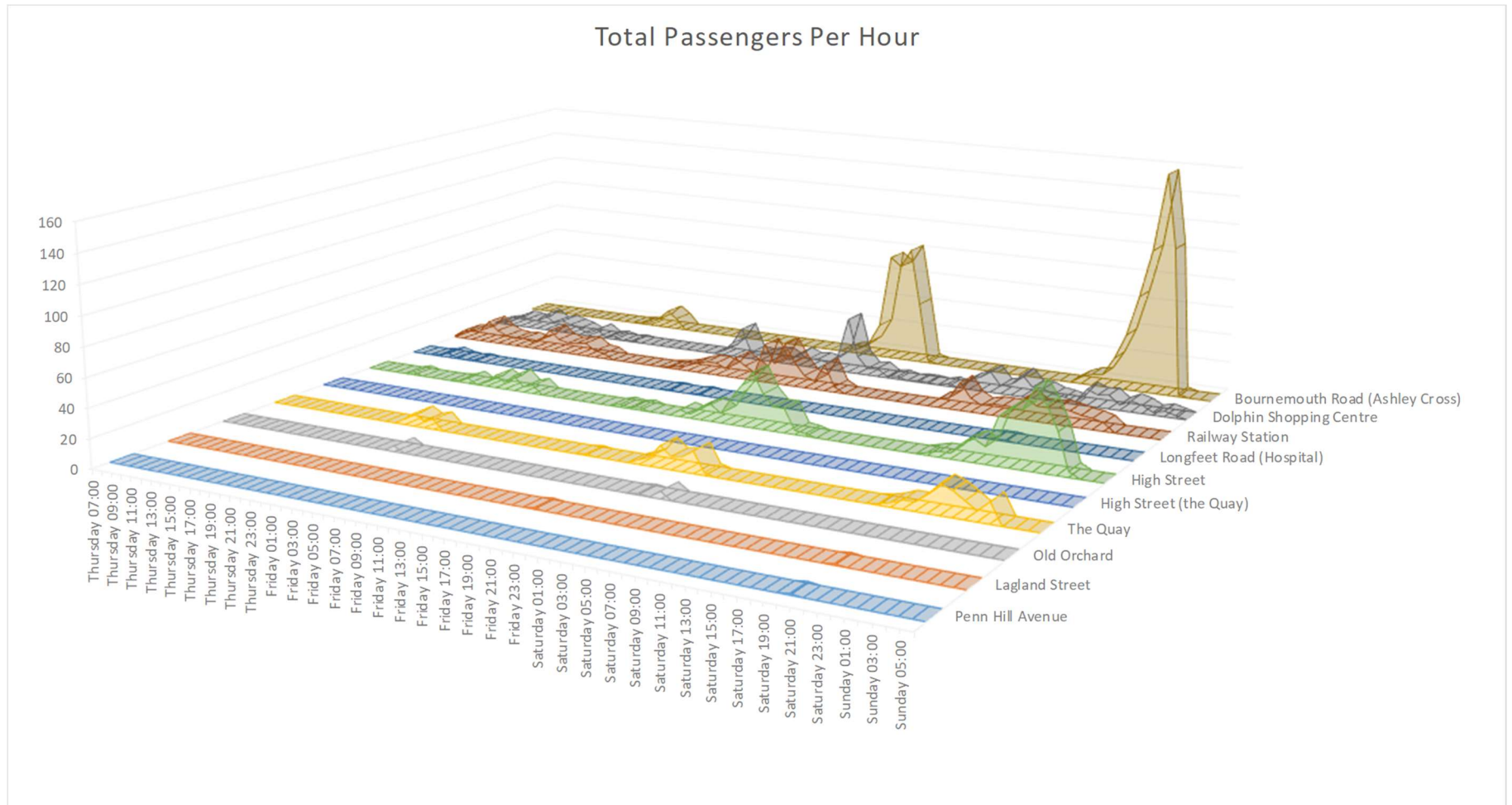


Figure 21 - Hourly passenger volumes through each rank - Poole Ranks

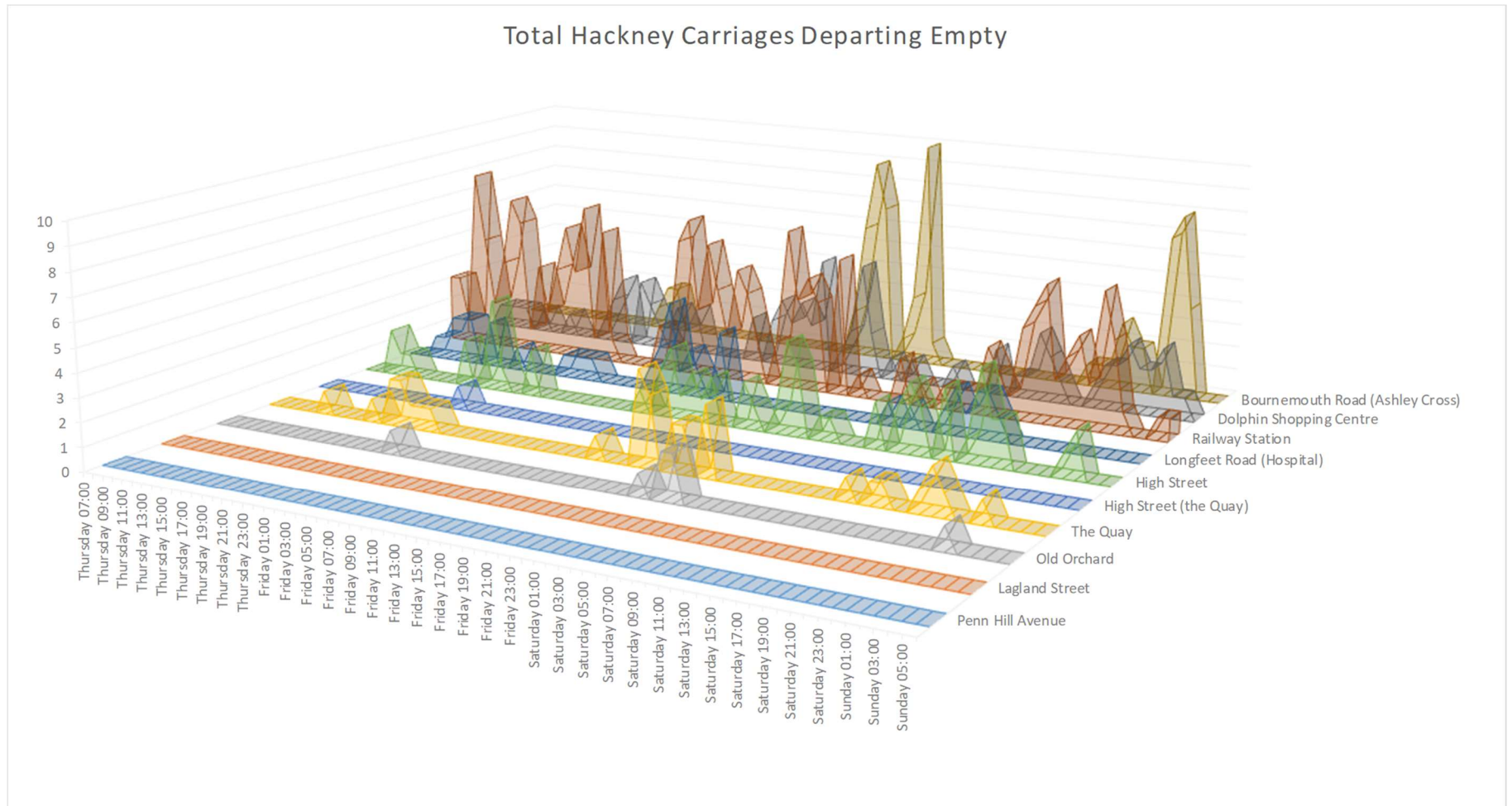


Figure 22 - Hourly empty hackney carriage volumes through each rank - Poole Ranks

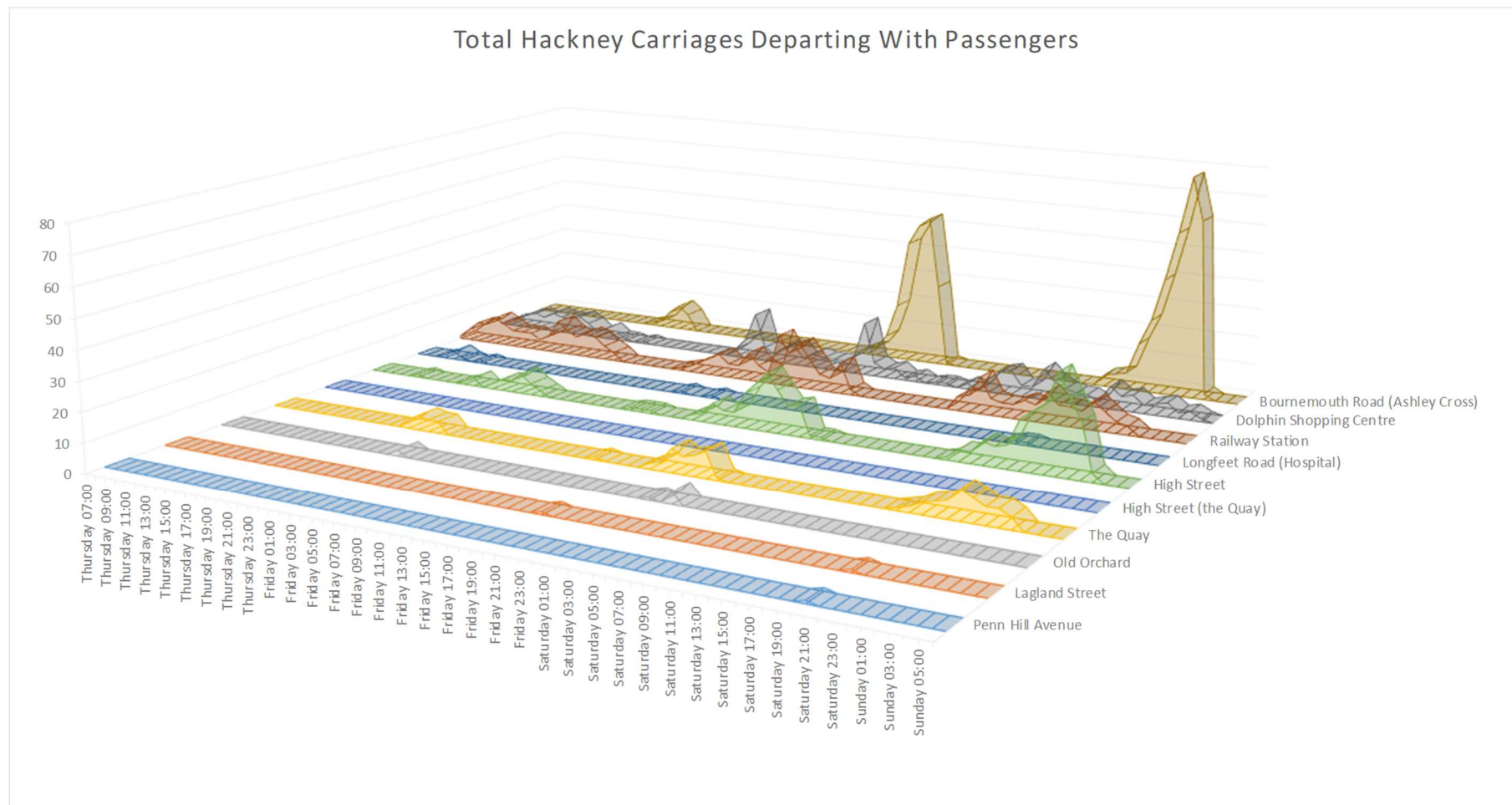


Figure 23 - Hourly hires from each rank - Poole Ranks

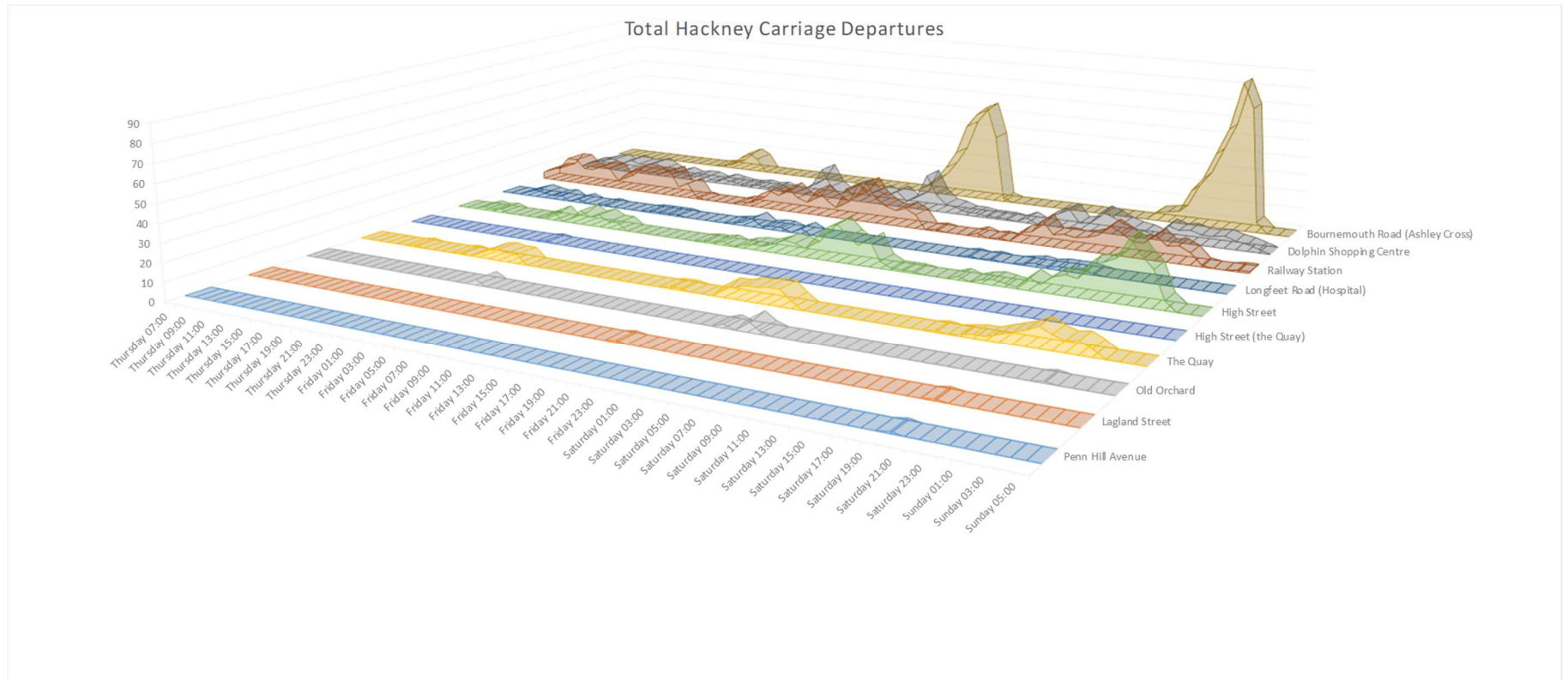


Figure 24 - Hourly hackney carriages leaving each rank (with and without passengers) - Poole Ranks

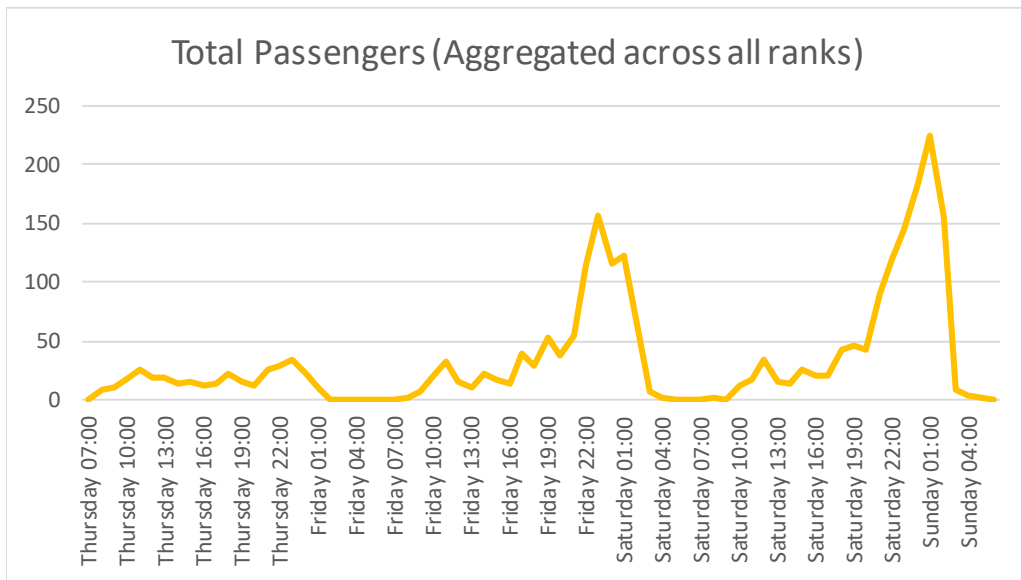


Figure 25 - Hourly aggregate passenger volumes - Poole Ranks

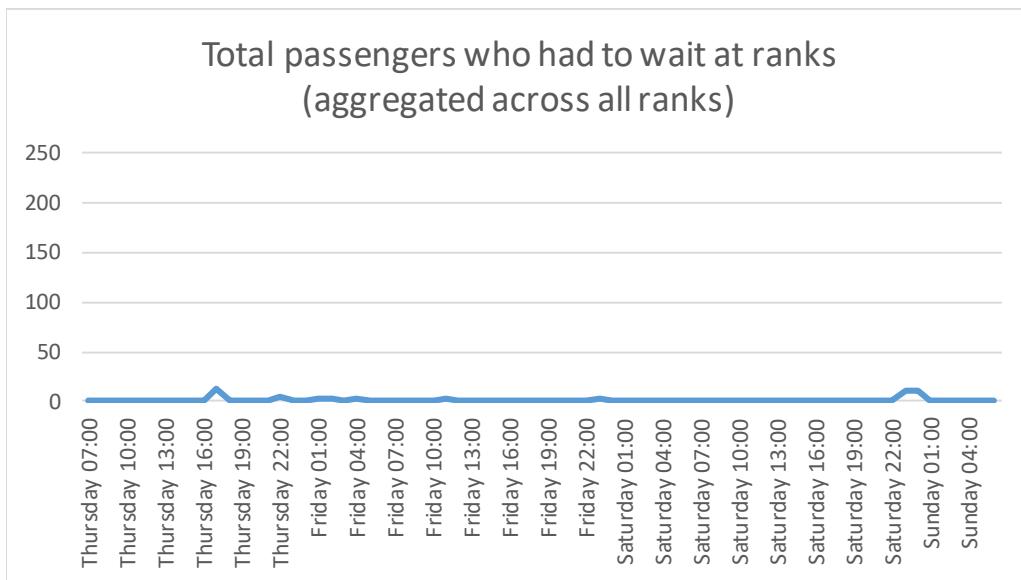


Figure 26 - Hourly aggregate waiting passengers - Poole Ranks

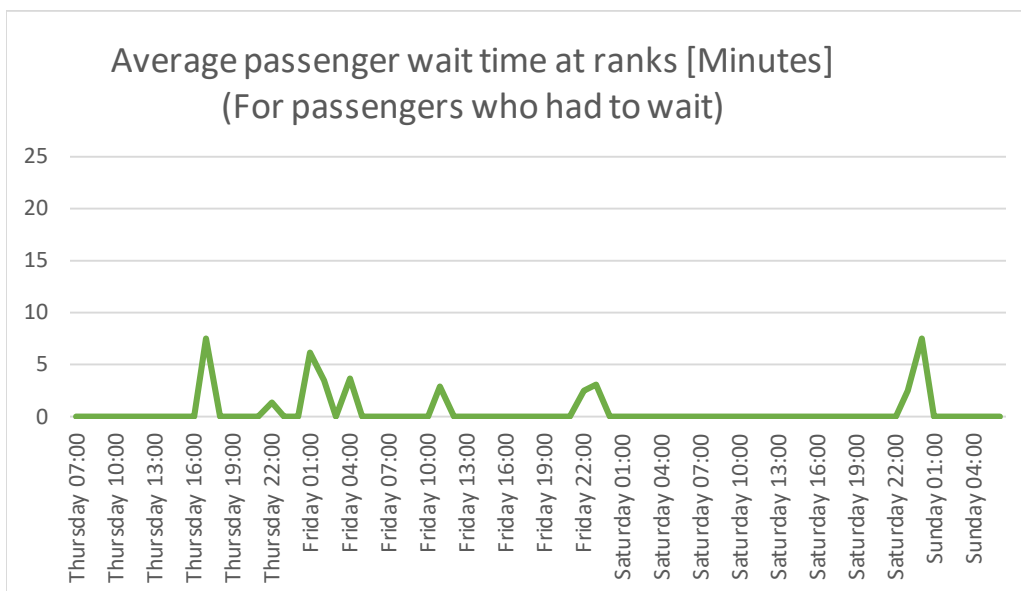


Figure 27 - Average passenger wait times (for waiting passengers only) - Poole Ranks

The rank on High Street operated primarily as a night time rank. The rank at Bournemouth Road (Ashley Cross) operated purely as a night time rank and handled the majority of demand on Friday and Saturday nights.

Empty hackney departures from ranks accounted for approximately a third of all departures. These empty departures are likely to be in response to a pre-booked hire or having waited at a rank for a while, to move on to another rank. As such, this statistic suggests that some of the Hackney Carriages waiting on ranks were also available for pre-booked hires, as a second source of hires.

The overall demand profile indicates a significant rise in demand on Friday and Saturday nights. The level of demand on Thursday night was moderately higher than daytime levels. The available vehicles were generally able to cater for the increased levels of demand on Friday and Saturday nights, without excessive or sustained passenger waiting at the ranks.

Incidence of passenger delay

Across all of the ranks observed, 50 of the 2,504 passengers observed hiring Hackney Carriages (2.0%), had to wait for Hackney Carriages to arrive at the ranks.

The average delay per waiting passenger was 5 minutes.

Summary

The general picture of service to ranks in each of the areas, is of a good service provided generally promptly across all ranks.

At some ranks, the majority of Hackney Carriages departed empty. Anecdotal feedback from the trade suggested that some ranks are used by 'radio cars' waiting for bookings. At some of the ranks used for waiting for bookings, approaching passengers occasionally hired a waiting Hackney Carriage.

Some notable peaks in demand do occur, but the trade seemed well-placed and organised to meet the overall demand requirements of the area.

4 General public views

It is very important that the views of people within the area are obtained about the service provided by hackney carriage and private hire. A key element which these surveys seek to discover is specifically if people have given up waiting for hackney carriages at ranks (the most readily available measure of latent demand). However, the opportunity is also taken with these surveys to identify the overall usage and views of hackney carriage and private hire vehicles within the study area, and to give chance for people to identify current issues and factors which may encourage them to use licensed vehicles more.

Such surveys can also be key in identifying variation of demand for licensed vehicles across an area, particularly if there are significant areas of potential demand without ranks, albeit in the context that many areas do not have places apart from their central area with sufficient demand to justify hackney carriages waiting at ranks.

Public attitude surveys are undertaken through two formats. These are face to face on street interviews and online interviews. The face to face interviews tend to be undertaken during the daytime period when more people are available, and when survey staff safety can be guaranteed. Further, interviews with groups of people or with those affected by alcohol consumption may not necessarily provide accurate responses, despite the potential value in speaking with people more likely to use hackney carriages at times of higher demand and then more likely unmet demand. Where possible, extension of interviews to the early evening may capture some of this group, as well as some studies where careful choice of night samples can be undertaken.

Our basic methodology requires a sample size of at least 200 to ensure stable responses. Trained and experienced interviewers are also important as this ensures respondents are guided through the questions carefully and consistently. A minimum sample of 50 interviews is generally possible by a trained interviewer in a day meaning that sample sizes are best incremented by 50, usually if there is targeting of a specific area or group (e.g. of students, or a sub-centre), although conclusions from these separate samples can only be indicative taken alone. For some authorities with multiple centres this can imply value in using a higher sample size, such as 250 if there are two large and one moderate sized centre.

It is normal practice to compare the resulting gender and age structure to the latest available local and national census proportions to identify if the sample has become biased in any way.

More recently, general public views have been enlisted from the use of council citizens' panels although the issue with these is that return numbers cannot be guaranteed. The other issue is that the structure of the sample responding cannot be guaranteed either, and it is also true that those on the panel have chosen to be there such that they may tend to be people willing to have stronger opinions than the general public randomly approached.

Finally, some recent surveys have placed an electronic copy of the questionnaire on their web site to allow interested persons to respond, although again there needs to be an element of care with such results as people choosing to take part may have a vested interest.

Responses from the public consultation surveys are presented by area. The responses from the face to face interviews and online surveys were analysed separately.

Some tabulated results may not add up to 100%. This is due to rounding and some questions asked for multiple responses which led to aggregate responses in excess of 100%.

Bournemouth public consultation results

In the last 3 months, have you made one or more trips by Hackney Carriage or Private Hire Vehicle in Bournemouth? If yes, was this a Hackney Carriage or Private Hire Vehicle?

	Face to face	Online
Yes, Private Hire	27.6%	19.4%
Yes, Hackney Carriage	38.8%	27.8%
Yes, both types or don't know	26.7%	45.4%
No	6.9%	7.4%

How frequently do you travel by Hackney Carriage or Private Hire Vehicle in Bournemouth?

	Face to face	Online
Almost daily	4.3%	15.7%
Once a week	8.6%	14.8%
A few times a month	36.2%	32.4%
Once a month	43.1%	8.3%
Less than once a month	6.0%	24.1%
Never	1.7%	4.6%

For what reason do you use a licensed vehicle (Hackney Carriage or Private Hire Vehicle) in the Bournemouth Borough area? (please indicate all the reasons that you have used a licensed vehicle in the last 3 months)

	Face to face	Online
Medical	12.6%	20.6%
Leisure	69.1%	77.5%
Work	23.8%	39.2%
Education	1.2%	5.9%
Shopping	18.1%	24.5%
Other	5.2%	

How do you normally book a licensed vehicle within this area?

	Face to face	Online
At a rank	2.6%	15.0%
Hailed in street	11.2%	5.6%
Telephone	64.7%	38.6%
Freephone	9.5%	3.7%
Mobile App	12.1%	34.3%
Other		2.8%

How frequently do you travel by Hackney Carriage, obtained from a taxi rank, as opposed to a pre-booked Private Hire Vehicle or Hackney Carriage, in Bournemouth? i.e. with a taxi sign on the roof.

	Face to face	Online
Daily	0.9%	12.0%
Weekly	0.0%	3.7%
A few times a month	6.9%	14.8%
Monthly	25.9%	10.2%
Less than once a month	47.4%	38.0%
Don't remember	6.9%	10.2%
Can't remember seeing a hackney in area	6.9%	1.9%
Never	5.2%	9.3%

Could you tell us which taxi ranks you would normally use or would consider visiting?

The following ranks were identified. The ranks are listed in decreasing order of popularity.

- Train station
- Bournemouth Square
- Lansdowne / Meyrick Road
- Westover road
- Old Chrischurch Road
- Heathcote Road
- Wimborne Road Winton
- Charminster Road
- Bournemouth Hospital

Is there any location in Bournemouth where you would like to see a new taxi rank?

20% of face to face respondents and 25% of online respondents indicated that they would like to see new taxi ranks. The following locations were suggested (in decreasing order of popularity):

- Cameo
- Old Christchurch Road
- Outside Walkabout in Old Christchurch Road
- Kinson Tesco
- By Mary Shelley Pub
- Horshoe common (Old Christchurch Road)
- Bottom of richmond hill
- Bournemouth Airport
- Caslepoint Shopping Centre
- Boscombe Pier
- Ensbury Park
- Redhill
- Moordown
- Near the clubs
- Pokesdown Station
- Southbourne
- Springbourne

Have you had any problem with the local Hackney Carriage service? (indicate as many as apply) Please note, this relates specifically to Hackney Carriages only.

	Face to face	Online
Design of vehicle	23.3%	9.1%
Driver issues	9.5%	50.0%
Position of ranks	32.8%	15.9%
Delay in getting taxi	33.6%	22.7%
Cleanliness	18.1%	26.1%
Price	20.7%	44.3%
Other	20.7%	13.2%

Respondents who answered 'Other' were asked to elaborate. The following other problems were identified:

- Poor local knowledge.
- Unfriendly drivers.
- Poor driver hygiene.
- Poor driver attitude.
- Drivers using online app or mobile phone whilst driving.
- Drivers demanding money up front.
- Poor driving standards.
- Ranking in illegal locations, such as bus stops or disabled bays.
- Lack of ability to pay by card.
- Drivers waiting in dangerous positions.

What would encourage you to use Hackney Carriages or use them more often (indicate top 2 reasons)

	Face to face	Online
Nothing	25.0%	11.5%
Better vehicles	11.2%	19.2%
More Hackney Carriages I could phone for	36.2%	14.4%
Better drivers	19.8%	43.3%
More Hackney Carriages I could hail or get at a rank	28.4%	11.5%
Better located ranks	0%	13.5%
Cheaper fares	29.3%	49.0%
Other	13.8%	11.0%

Respondents who answered 'Other' were asked to elaborate. The following other factors were identified:

- Uber.
- Better local knowledge.
- Ability to pay by card.
- Poor driver attitude.
- A mobile App to directly book.
- Fixed prices
- Better driver standards

Do you consider you, or anyone you know, to have a disability that means you need and adapted vehicle? (Not necessarily a licensed vehicle)

	Face to face	Online
No	88.3%	82.9%
Yes - I need a wheelchair accessible vehicle	0%	2.9%
Yes - someone I know needs a wheelchair accessible vehicle	6.7%	10.5%
Yes - I need an adapted vehicle but not wheelchair accessible	0%	1.9%
Yes - someone I know needs an adapted vehicle but not wheelchair accessible	5.0%	1.9%

Have you or anyone you know faced difficulty obtaining a wheelchair accessible licensed vehicle?

	Face to face	Online
Yes, me or someone I was travelling with faced difficulty obtaining a wheelchair accessible vehicle	1.7%	8.2%
Yes, someone I know has faced difficulty obtaining a wheelchair accessible vehicle	10.3%	9.2%
No	88.0%	81.6%
Not sure	0%	1.0%

If you answered the previous question as yes, could you tell us more about what type of difficulties were faced?

- No wheelchair accessible vehicles available
- Could not book travel in advance of the day of travel. Had to call on the morning that wheelchair accessible vehicle was required and hope that there was a vehicle available.
- Hackney Carriage refused.
- Long wait time for a vehicle to come and pick up for immediate travel. Wait times of an hour or more.
- Hackney carriage refused to load passenger in wheelchair.
- Hackney carriage started meter before loading passenger.

If you arrived at a rank and there were saloon and wheelchair accessible vehicles there, which vehicle would you choose?

	Face to face	Online
The first one available	88.0%	71.8%
The saloon type	10.3%	23.3%
Wheelchair accessible	1.7%	4.9%

Those who didn't choose the first one available were asked for the reason for their preference. Those choosing saloon cars indicated that they would leave the wheelchair accessible vehicle for those that needed one, or that saloon cars were more comfortable. Those choosing a wheelchair accessible vehicle indicated that they preferred the larger vehicles as there was better legroom and head room.

None of the respondents indicated that they would choose a wheelchair accessible vehicle in order to carry a wheelchair.

Have you wanted to hire a Hackney Carriage in the last 3 months at a taxi rank [i.e. NOT by flagging down a passing hackney carriage and not by pre-booking by telephone, app or online] and given up or made alternative arrangements for travel because none were available?

	Face to face	Online
Yes	3.0%	32.1%
No	97.0%	67.9%

Respondents who indicated that they had given up or made alternative arrangements were asked where they had given up trying to hire a Hackney Carriage, in order to validate that the locations were actually at taxi ranks. All of the face to face respondents indicated that this had occurred at the railway station. Half of the online respondents indicated valid taxi rank locations. The most common locations were the railway station, Old Christchurch Road and The Square.

The proportion of respondents who had given up waiting for a Hackney Carriage is used as an indication of latent unmet demand.

If Hackney Carriages were more reliably available at taxi ranks when you needed one, would you use them more frequently?

	Face to face	Online
Yes	0%	45.3%
No	100%	54.7%

Have you wanted to hire a Hackney Carriage in the last 3 months by flagging down [i.e. not at a rank] and given up or made alternative arrangements for travel because none were available?

	Face to face	Online
Yes	0%	29.5%
No	100%	70.5%

Respondents who indicated that they had given up or made alternative arrangements were asked where they had given up trying to hire a Hackney Carriage, in order to validate that the responses. Some of the responses indicated that they were at taxi ranks and hence, not hailing locations. Some indicated that the lack of availability related to telephone bookings or app bookings. The remaining locations which could be classified as hailing locations equated to around a sixth of those which indicated that they had given up trying to flag down a Hackney Carriage. i.e. around 5% of respondents.

Around two thirds of those who indicated that they had given up trying to hail a Hackney Carriage, also indicate that they had given up at a rank. Given that most users do not face difficulties obtaining Hackney Carriages at ranks and hailing passing Hackney Carriages is rarely undertaken, it seems unlikely that so many respondents faced difficulties both at the ranks and through hailing. Based on other information supplied by a significant proportion of the respondents who indicated that they could not obtain a Hackney Carriage, they had other issues with services, such as driver attitude, and refusal to accept card payments.

Have you wanted to book a Hackney Carriage specifically, as opposed to a Private Hire Vehicle, by telephone or online, for immediate travel, in the last 3 months and had to make alternative arrangements because a Hackney Carriage was not available within a reasonable time?

	Face to face	Online
Yes	0%	24.8%
No	100%	75.2%

If yes, how long approximately was the wait time quoted?

Wait time quoted	
Up to 20 minutes	30.8%
20 – 30 minutes	30.8%
30 – 60 minutes	19.2%
1 – 2 hours	3.8%
Over 2 hours	7.7%
No availability	7.6%

Almost half of those who had to make alternative arrangements to booking a Hackney Carriage by telephone, also indicated that they had given up at a rank.

Do you have regular access to a car?

	Face to face	Online
Yes	70.7%	79.0%
No	29.3%	21.0%

Have you or anyone you know faced difficulty with availability of a wheelchair accessible licensed vehicle when you needed one? e.g. none available when it was needed?

	Face to face	Online
Yes	4.3%	14.6%
No	95.7%	85.4%

Respondents were asked to provide further details of what difficulties were faced.

The majority of difficulties related to availability of wheelchair accessible vehicles. When booking in advance, there can be difficulties booking before the day that the vehicle is required. Booking on the same day runs the risk of no vehicles being available at the times required.

Bookings for immediate travel often led to a lengthy wait until a vehicle was available.

Problems occurred in a variety of locations and various times of day.

Most wheelchair accessible vehicle travel was booked by telephone. It was not clear from the questionnaire feedback, whether bookings were made with private hire operators or directly with drivers.

What is your residential status?

	Face to face	Online
Permanent resident	97.4%	97.2%
Student	1.7%	0.9%
Visitor	0.9%	1.9%
Tourist	0%	0%

Which best describes your gender?

	Face to face	Online
Female	25.9%	28.3%
Male	74.1%	67.9%
Gender neutral		0.9%
Prefer not to say		2.8%

Which of the following age groups do you fall into?

	Face to face	Online
Under 16 years old	0%	0%
16 – 29 years old	17.2%	13.2%
30 – 64 years old	72.4%	70.8%
Over 64 years old	10.3%	16.0%

Respondents were asked if they had any other comments that they would like to make. The following comments are representative of the comments received.

"The thing I do not understand is , most of Hackney yellow driver , do not have chip and pin in the car, they prefer to have cash. Why ?????"

"Radio cabs have the monopoly in Bournemouth Poole and Christchurch this is not a fair way of running a business as they now control all cabs in the area."

"United taxis have the monopoly on private hire taxis and are not that great. There are no any other options for private hire. How can a Hackney can be hired from home if you don't live in central Bournemouth?"

"I used United Taxi service for 3 months in 2018 due to a foot op and on crutches. All drivers were excellent and very helpful helping me into their cab. I continue to use the same company for theatre and cinema visits"

"Because it's one Council I should be able to flag down any taxi there is so many times Poole and Christchurch taxi pass by and don't stop when I flag them down and I didn't know why until someone told me it's because they're not allowed!!!"

"Too many taxis in town less better"

"Can we please have Uber in our town already?"

"Some private hire cars are scruffy and don't smell great. Neither do the drivers"

"The ranks and service are not the problem. but the utter disrespect for other drivers and illegal manoeuvres, lack of indicator use, just pulling out on front of people causing problems are a joke and the taxi firms don't care. They are an utter disgrace and shocking. They are allowed to get away with it. This is far more important than ruining more land with taxi ranks. Get a grip on the drivers first before expanding it any further."

"There is enough hackney taxi everywhere. Please make more ranks, especially around bars and clubs on old Christchurch road."

"Driver knowledge of the area is not as good as it was 20 years ago."

"The new automated phone service is not very good or reliable. Used to be much better when could actually talk to someone."

"Generally my experience with Bournemouth Taxis has been very good and I will always opt for a Hackney Carriage anywhere instead of Uber or other private hire options."

"On several occasions, your taxis have been blocking roads in Bournemouth, around clubs because the ranks were full and not allowing for traffic to flow through."

"I recommend fitting every cab with a DASHCAM that records the whole time the vehicle is in use."

"I don't understand all the colours of the taxis. I have flagged different colours down in town and some stop and take me."

"Drivers should always wait for passengers to put on seat belts before diving off (they don't). Making a booking beforehand is not treated as a priority so you can end up waiting and they will not give a time they will come."

"PRC streamline are always reliable and great Hackney's they use or any of there private hire."

Other comments were received which were similar to those quoted.

Christchurch public consultation results

In the last 3 months, have you made one or more trips by Hackney Carriage or Private Hire Vehicle in Christchurch? If yes, was this a Hackney Carriage or Private Hire Vehicle?

	Face to face	Online
Yes, Private Hire	35.3%	12.2%
Yes, Hackney Carriage	33.3%	41.5%
Yes, both types or don't know	23.5%	43.9%
No	7.8%	2.4%

How frequently do you travel by Hackney Carriage or Private Hire Vehicle in Christchurch?

	Face to face	Online
Almost daily	2.9%	14.6%
Once a week	2.9%	7.3%
A few times a month	27.5%	34.1%
Once a month	56.9%	17.1%
Less than once a month	9.8%	24.4%
Never	0.0%	2.4%

For what reason do you use a licensed vehicle (Hackney Carriage or Private Hire Vehicle) in the Christchurch area? (please indicate all the reasons that you have used a licensed vehicle in the last 3 months)

	Face to face	Online
Medical	8.5%	12.8%
Leisure	76.4%	76.9%
Work	29.4%	28.2%
Education	5.7%	2.6%
Shopping	31.4%	7.7%
Other	0%	2.6%

How do you normally book a licensed vehicle within this area?

	Face to face	Online
At a rank	3.9%	7.5%
Hailed in street	10.8%	2.5%
Telephone	62.7%	42.5%
Freephone	19.6%	2.5%
Mobile App	2.9%	45.0%
Other		0%

How frequently do you travel by Hackney Carriage, obtained from a taxi rank, as opposed to a pre-booked Private Hire Vehicle or Hackney Carriage, in Christchurch? i.e. with a taxi sign on the roof.

	Face to face	Online
Daily	0.0%	7.3%
Weekly	0.0%	2.4%
A few times a month	3.9%	17.1%
Monthly	39.2%	12.2%
Less than once a month	37.3%	26.8%
Don't remember	3.9%	12.2%
Can't remember seeing a hackney in area	7.8%	4.9%
Never	7.8%	17.1%

Could you tell us which taxi ranks you would normally use or would consider visiting?

The following ranks were identified. The ranks are listed in decreasing order of popularity.

- High Street
- Wick Lane
- Railway Station
- Bargates

Is there any location in Christchurch where you would like to see a new taxi rank?

5% of face to face respondents and 17.5% of online respondents indicated that they would like to see new taxi ranks. The following locations were suggested (in decreasing order of popularity):

- Waitrose
- Christchurch Quay
- Highcliffe
- Sainsbury Somerford
- Near Co-op on Fairmile rd
- Highcliffe
- Bransgore
- Hurn

Have you had any problem with the local Hackney Carriage service? (indicate as many as apply) Please note, this relates specifically to Hackney Carriages only.

	Face to face	Online
Design of vehicle	14.7%	8.0%
Driver issues	9.8%	36.0%
Position of ranks	15.7%	4.0%
Delay in getting taxi	34.3%	24.0%
Cleanliness	15.7%	12.0%
Price	24.5%	24.0%
Other	28.4%	4.0%

Respondents who answered 'Other' were asked to elaborate. The following other problems were identified:

- Age of vehicles.
- Taking longer route.
- Speeding.

What would encourage you to use Hackney Carriages or use them more often (indicate top 2 reasons)

	Face to face	Online
Nothing	27.5%	25.0%
Better vehicles	5.9%	7.5%
More Hackney Carriages I could phone for	43.1%	10.0%
Better drivers	16.7%	30.0%
More Hackney Carriages I could hail or get at a rank	11.8%	10.0%
Better located ranks	0%	7.5%
Cheaper fares	21.6%	60.0%
Other	12.7%	2.5%

Respondents who answered 'Other' were asked to elaborate. The following other factors were identified:

- A mobile App to directly book.

Do you consider you, or anyone you know, to have a disability that means you need and adapted vehicle? (Not necessarily a licensed vehicle)

	Face to face	Online
No	97.1%	82.5%
Yes - I need a wheelchair accessible vehicle	2.0%	0%
Yes - someone I know needs a wheelchair accessible vehicle	1.0%	15.0%
Yes - I need an adapted vehicle but not wheelchair accessible	0.0%	2.5%
Yes - someone I know needs an adapted vehicle but not wheelchair accessible	0.0%	0%

Have you or anyone you know faced difficulty obtaining a wheelchair accessible licensed vehicle?

	Face to face	Online
Yes, me or someone I was travelling with faced difficulty obtaining a wheelchair accessible vehicle	0.0%	2.6%
Yes, someone I know has faced difficulty obtaining a wheelchair accessible vehicle	0.0%	7.9%
No	100.0%	86.8%
Not sure	0.0%	2.6%

If you answered the previous question as yes, could you tell us more about what type of difficulties were faced?

- Long wait time for a vehicle to come and pick up for immediate travel
- Could not book travel in advance of the day of travel.

If you arrived at a rank and there were saloon and wheelchair accessible vehicles there, which vehicle would you choose?

	Face to face	Online
The first one available	100.0%	80.0%
The saloon type	0%	15.0%
Wheelchair accessible	0%	5.0%

Those who didn't choose the first one available were asked for the reason for their preference. Those choosing saloon cars indicated that they would leave the wheelchair accessible vehicle for those that needed one. Those choosing

a wheelchair accessible vehicle indicated that they preferred the larger vehicles as the saloon style can be very low.

None of the respondents indicated that they would choose a wheelchair accessible vehicle in order to carry a wheelchair.

Have you wanted to hire a Hackney Carriage in the last 3 months at a taxi rank [i.e. NOT by flagging down a passing hackney carriage and not by pre-booking by telephone, app or online] and given up or made alternative arrangements for travel because none were available?

	Face to face	Online
Yes	1.4%	30.0%
No	98.6%	70.0%

Respondents who indicated that they had given up or made alternative arrangements were asked where they had given up trying to hire a Hackney Carriage, in order to validate that the locations were actually at taxi ranks. All of the online respondents indicated valid active taxi rank locations in Christchurch, at High Street, Wick Lane and Bargates.

If Hackney Carriages were more reliably available at taxi ranks when you needed one, would you use them more frequently?

	Face to face	Online
Yes	0%	40.0%
No	100%	60.0%

Have you wanted to hire a Hackney Carriage in the last 3 months by flagging down [i.e. not at a rank] and given up or made alternative arrangements for travel because none were available?

	Face to face	Online
Yes	0%	15.4%
No	100%	84.6%

Respondents who indicated that they had given up or made alternative arrangements were asked where they had given up trying to hire a Hackney Carriage, in order to validate that the responses. Most of the responses did not provide any further details. Only a third of these respondents provided further information. This indicated that location was generally around Christchurch.

Around three quarters of those who indicated that they had given up trying to hail a Hackney Carriage, also indicate that they had given up at a rank. Given

that most users do not face difficulties obtaining Hackney Carriages at ranks and hailing passing Hackney Carriages is rarely undertaken, it seems unlikely that so many respondents faced difficulties both at the ranks and through hailing.

Have you wanted to book a Hackney Carriage specifically, as opposed to a Private Hire Vehicle, by telephone or online, for immediate travel, in the last 3 months and had to make alternative arrangements because a Hackney Carriage was not available within a reasonable time?

	Face to face	Online
Yes	0%	7.5%
No	100%	92.5%

If yes, how long approximately was the wait time quoted?

Wait time quoted	
Up to 20 minutes	25.0%
20 – 30- minutes	0%
30 – 60 minutes	50.0%
1 – 2 hours	25.0%
Over 2 hours	0%
No availability	0%

Almost half of those who had to make alternative arrangements to booking a Hackney Carriage by telephone, also indicated that they had given up at a rank.

Do you have regular access to a car?

	Face to face	Online
Yes	79.4%	85.4%
No	20.6%	14.6%

Have you or anyone you know faced difficulty with availability of a wheelchair accessible licensed vehicle when you needed one? e.g. none available when it was needed?

	Face to face	Online
Yes	2.9%	7.9%
No	97.1%	92.1%

Respondents were asked to provide further details of what difficulties were faced.

The majority of difficulties related to availability of wheelchair accessible vehicles. When booking in advance, there can be difficulties booking before the day that the vehicle is required. Booking on the same day runs the risk of no vehicles being available at the times required.

Bookings for immediate travel can lead to a lengthy wait until a vehicle was available.

What is your residential status?

	Face to face	Online
Permanent resident	94.1%	100%
Student	5.9%	0%
Visitor	0.0%	0%
Tourist	0.0%	0%

Which best describes your gender?

	Face to face	Online
Female	26.5%	19.5%
Male	73.5%	78.0%
Gender neutral		0%
Prefer not to say		2.4%

Which of the following age groups do you fall into?

	Face to face	Online
Under 16 years old	0%	0%
16 – 29 years old	2.9%	4.9%
30 – 64 years old	81.4%	80.5%
Over 64 years old	15.7%	14.6%

Respondents were asked if they had any other comments that they would like to make. The following comments are representative of the comments received.

"Severe language difficulties amongst the foreign drivers accompanied with no local knowledge. I feel that they should all have to take a language test along with relevant local knowledge testing as its a bit discerning when you are in a car and they are taking more notice of the sat nav and not the road."

"The taxis are very expensive compared to other towns in the country we tend to use more cabs when visiting relatives in other parts because they are cheaper than buses."

"Please look at the age limit on vehicles."

"The appalling standard of driving makes me only get a cab when there is absolutely no other option."

"Make all taxis the same colour and make all drivers wear a uniform with clear ID."

"Prices are extremely high. The council should open to services like Uber / Grab."

"I have always found the Hackney Carriage drivers very good."

"Trying to get through Post Office Road, Christchurch on a Saturday night when the taxis are double parked, and on the pavement near Thomas Tripp, and drivers are very rude if you ask them to move, what happened to the inspectors who used to make sure this did not happen before this should be used again."

Poole public consultation results

In the last 3 months, have you made one or more trips by Hackney Carriage or Private Hire Vehicle in Poole? If yes, was this a Hackney Carriage or Private Hire Vehicle?

	Face to face	Online
Yes, Private Hire	40.0%	29.6%
Yes, Hackney Carriage	33.3%	29.6%
Yes, both types or don't know	17.1%	33.3%
No	9.5%	7.4%

How frequently do you travel by Hackney Carriage or Private Hire Vehicle in Poole?

	Face to face	Online
Almost daily	3.8%	7.4%
Once a week	2.9%	13.0%
A few times a month	23.8%	27.8%
Once a month	55.2%	14.8%
Less than once a month	10.5%	31.5%
Never	3.8%	5.6%

For what reason do you use a licensed vehicle (Hackney Carriage or Private Hire Vehicle) in the Poole area? (please indicate all the reasons that you have used a licensed vehicle in the last 3 months)

	Face to face	Online
Medical	0.0%	22.6%
Leisure	54.4%	75.5%
Work	14.5%	17.0%
Education	15.7%	1.9%
Shopping	37.5%	15.1%
Other	4.8%	

How do you normally book a licensed vehicle within this area?

	Face to face	Online
At a rank	3.8%	9.8%
Hailed in street	12.4%	0.0%
Telephone	63.8%	70.6%
Freephone	16.2%	3.9%
Mobile App	3.8%	15.7%
Other		

How frequently do you travel by Hackney Carriage, obtained from a taxi rank, as opposed to a pre-booked Private Hire Vehicle or Hackney Carriage, in Poole? i.e. with a taxi sign on the roof.

	Face to face	Online
Daily	0.0%	3.7%
Weekly	0.0%	7.4%
A few times a month	3.8%	14.8%
Monthly	28.6%	13.0%
Less than once a month	44.8%	24.1%
Don't remember	3.8%	25.9%
Can't remember seeing a hackney in area	11.4%	3.7%
Never	7.6%	7.4%

Could you tell us which taxi ranks you would normally use or would consider visiting?

The following ranks were identified. The ranks are listed in decreasing order of popularity.

- Dolphin Centre
- Railway Station
- High Street
- Poole Quayside
- Ashley Cross

Is there any location in Poole where you would like to see a new taxi rank?

9% of face to face respondents and 23% of online respondents indicated that they would like to see new taxi ranks. Not all respondents provided suggestions for new rank locations. However, some locations were suggested. These were:

- Near the Lord Wimborne.
- Tower park
- By the Lighthouse in Poole
- Castle hill, Bournemouth Road. After the Royal Mail post office and not outside Golden Kebab. Too dangerous!!
- Poole quay
- At the Hospital.
- Behind bus station
- Back of Sainsburys
- By Wetherspoons
- In the Bus Station

Most of the suggested locations already have a taxi rank at the location or nearby. However, most of these ranks are unused.

Have you had any problem with the local Hackney Carriage service? (indicate as many as apply) Please note, this relates specifically to Hackney Carriages only.

	Face to face	Online
Design of vehicle	23.8%	11.1%
Driver issues	13.3%	50.0%
Position of ranks	19.0%	5.6%
Delay in getting taxi	35.2%	25.0%
Cleanliness	20.0%	13.9%
Price	18.1%	30.6%
Other	3.1%	5.6%

Respondents who answered 'Other' were asked to elaborate. The following other problems were identified:

- Difficulty in pre booking wheelchair accessible car
- Charging extra for card payments
- Taxi company confusion with bookings
- Lack of enforcement.
- Pollution from idling engines while waiting

What would encourage you to use Hackney Carriages or use them more often (indicate top 2 reasons)

	Face to face	Online
Nothing	31.4%	16.0%
Better vehicles	13.3%	14.0%
More Hackney Carriages I could phone for	39.0%	6.0%
Better drivers	15.2%	28.0%
More Hackney Carriages I could hail or get at a rank	13.3%	12.0%
Better located ranks	0%	2.0%
Cheaper fares	23.8%	58.0%
Other	12.4%	11.0%

Respondents who answered 'Other' were asked to elaborate. The following other factors were identified:

- Ability to pay by card, or order via app
- Better advertising
- Electric vehicles

Do you consider you, or anyone you know, to have a disability that means you need and adapted vehicle? (Not necessarily a licensed vehicle)

	Face to face	Online
No	97.1%	80.8%
Yes - I need a wheelchair accessible vehicle	1.9%	1.9%
Yes - someone I know needs a wheelchair accessible vehicle	1.0%	11.5%
Yes - I need an adapted vehicle but not wheelchair accessible	0.0%	1.9%
Yes - someone I know needs an adapted vehicle but not wheelchair accessible	0.0%	3.8%

Have you or anyone you know faced difficulty obtaining a wheelchair accessible licensed vehicle?

	Face to face	Online
Yes, me or someone I was travelling with faced difficulty obtaining a wheelchair accessible vehicle	0.0%	4.7%
Yes, someone I know has faced difficulty obtaining a wheelchair accessible vehicle	0.0%	11.6%
No	100.0%	81.4%
Not sure	0%	2.3%

If you answered the previous question as yes, could you tell us more about what type of difficulties were faced?

- My mother in law has a high back wheelchair and we booked one for a specific time then it was cancelled on us as it was needed for school work
- There were only 2 available in the area so we had to wait 3 hours for one to become available and pick up a wheelchair for us first (this was to come home from hospital)
- Because it was a short distance no driver was interested and wanted to charge me more as a fixed fare and said he could do that as its supply

and demand and had been waiting on the rank for more than an hour and he didn't want to come off for a short fare

- Lack of availability
- No help with boarding.
- Refusal of large companies to book in advance makes it stressful when trying to get to appointments. Happily, we have now found small company that provides brilliant service

If you arrived at a rank and there were saloon and wheelchair accessible vehicles there, which vehicle would you choose?

	Face to face	Online
The first one available	100.0%	80.9%
The saloon type	0.0%	19.1%
Wheelchair accessible	0.0%	0.0%

Those who didn't choose the first one available were asked for the reason for their preference. Those choosing saloon cars indicated that they would leave the wheelchair accessible vehicle for those that needed one, or that saloon cars were more comfortable. Those choosing a wheelchair accessible vehicle indicated that they preferred the larger vehicles as there was better legroom and head room.

None of the respondents indicated that they would choose a wheelchair accessible vehicle in order to carry a wheelchair.

Have you wanted to hire a Hackney Carriage in the last 3 months at a taxi rank [i.e. NOT by flagging down a passing hackney carriage and not by pre-booking by telephone, app or online] and given up or made alternative arrangements for travel because none were available?

	Face to face	Online
Yes	0.0%	17.0%
No	100.0%	83.0%

Respondents who indicated that they had given up or made alternative arrangements were asked where they had given up trying to hire a Hackney Carriage, in order to validate that the locations were actually at taxi ranks. Two thirds of the online respondents indicated valid taxi rank locations. The most common locations were the Poole Quay and Dolphin Centre ranks. In addition, the railway station late at night and Ashley Cross were also identified.

If Hackney Carriages were more reliably available at taxi ranks when you needed one, would you use them more frequently?

	Face to face	Online
Yes	3.8%	29.4%
No	96.2%	70.6%

Have you wanted to hire a Hackney Carriage in the last 3 months by flagging down [i.e. not at a rank] and given up or made alternative arrangements for travel because none were available?

	Face to face	Online
Yes	0%	22.0%
No	100%	78.0%

Respondents who indicated that they had given up or made alternative arrangements were asked where they had given up trying to hire a Hackney Carriage, in order to validate that the responses. Some of the responses indicated that they were at taxi ranks and hence, not hailing locations. Some indicated that the lack of availability related to locations outside Poole and some did not provide further information. The remaining locations which could be classified as hailing locations equated to around a sixth of those which indicated that they had given up trying to flag down a Hackney Carriage. i.e. around 3.6% of respondents.

Have you wanted to book a Hackney Carriage specifically, as opposed to a Private Hire Vehicle, by telephone or online, for immediate travel, in the last 3 months and had to make alternative arrangements because a Hackney Carriage was not available within a reasonable time?

	Face to face	Online
Yes	0%	11.8%
No	100%	88.2%

If yes, how long approximately was the wait time quoted?

Wait time quoted	
Up to 20 minutes	33.3%
20 – 30- minutes	16.7%
30 – 60 minutes	50.0%
1 – 2 hours	0%
Over 2 hours	0%
No availability	0%

Two thirds of those who had to make alternative arrangements to booking a Hackney Carriage by telephone, also indicated that they had given up at a rank.

Do you have regular access to a car?

	Face to face	Online
Yes	75.2%	78.8%
No	24.8%	21.2%

Have you or anyone you know faced difficulty with availability of a wheelchair accessible licensed vehicle when you needed one? e.g. none available when it was needed?

	Face to face	Online
Yes	1.0%	15.7%
No	99.0%	84.3%

Respondents were asked to provide further details of what difficulties were faced.

All identified difficulties related to availability of wheelchair accessible vehicles. When booking in advance, there can be difficulties booking before the day that the vehicle is required. Booking on the same day runs the risk of no vehicles being available at the times required.

Bookings for immediate travel often led to a lengthy wait until a vehicle was available.

Most wheelchair accessible vehicle travel was booked by telephone. It was not always clear from the questionnaire feedback, whether bookings were made with private hire operators or directly with drivers. However, one respondent indicated that they had managed to overcome some of the issues faced by using a smaller provided who was able to make more reliable provision of wheelchair accessible vehicles.

What is your residential status?

	Face to face	Online
Permanent resident	96.2%	100.0%
Student	3.8%	0.0%
Visitor	0.0%	0.0%
Tourist	0.0%	0.0%

Which best describes your gender?

	Face to face	Online
Female	28.6%	35.8%
Male	71.4%	58.5%
Gender neutral	0.0%	0.0%
Prefer not to say	0.0%	5.7%

Which of the following age groups do you fall into?

	Face to face	Online
Under 16 years old	2.9%	0%
16 – 29 years old	78.1%	3.7%
30 – 64 years old	19.0%	53.7%
Over 64 years old	0.0%	42.6%

Respondents were asked if they had any other comments that they would like to make. The following comments are representative of the comments received.

"Taxis (Hackney and Private Hire) in Poole are too expensive and most drivers aren't local and don't know the area. I often have to tell them where to go."

"It would be nice to be able to get a cab and not worry about if I had cash for the fare - if all cabbies took card payments as standard."

"Do all drivers have to take a test? Sometimes they seem very new to the area, have no idea where anything is and overcharge for going the wrong way."

"When I have got taxi from Poole, there some drivers who do not know where there going in Poole, because they say they don't know the area. Many of the drivers are from Christchurch, so they charge higher prices than the Poole taxis, which is expensive, but sometimes we need a taxi"

"More wheelchair taxis need to be made available especially considering the fact people are now living longer."

"What about the drivers? If the fare is based on the average 2 mile journey (which doesn't exist!!) then surely the fare should be that 2 mile minimum? Sitting on ranks for hours on end and someone wants to go 500yds. Up the road is just not worth doing. Poole council keep putting more and more taxis on the road. We all know the High Street is dying, so less people in the town. Costs of fuel, insurance, cars and living costs are going through the roof and no one cares about the driver's welfare. Attacks and people doing 'runners'

have increased. Who cares? No one. As long as the drivers are prepared to sit out there for hours and hours no one cares. BUT should there be a problem with the trains and/or buses and the taxis start to get busy then everyone starts shouting that (there aren't enough cabs) and then the council think how we need some more! Out of town taxis and ph's are parked up all over the town waiting for radio work, BUT should someone walk up and ask if they are for hire, then it's a quick look around, and jump in. Then getting their control to put a job on the books! It's about time that taxi drivers were given some respect for doing a very difficult job with no guarantee of any income."

"Advertising ,remember the elderly don't use a computer."

"Why are Taxi fares are much more expensive than those up North, fuel not cheaper in North."

"Some drivers do not speak good English and do not know their way around. One case we had to direct the driver to the location as he was going in the wrong direction. Higher fare?"

"Taxi drivers in Poole are much friendlier than in other parts of the country."

"We live close to town. And have electric car."

"The old and antiquated law regarding Hackney plates should be scrapped and private hire vehicles should be hail-able and should also have a sign on the roof, plates should be issued along those on the continental lines ie no limit on the amount !."

"Bring on Uber, fast, efficient, competitive. I use it all the time whilst travelling around the UK."

5 Key stakeholder consultation

The following key stakeholders were contacted in line with the recommendations of the BPG:

- Supermarkets
- Hotels
- Individual pubs / night clubs
- Other entertainment venues
- Restaurants
- Hospitals
- Police
- Disability representatives
- Rail operators
- Other council contacts within all relevant local councils

Comments received have been aggregated below to provide an overall appreciation of the situation at the time of this survey. In some cases, there are very specific comments from given stakeholders, but we try to maintain their confidentiality as far as is possible. The comments provided in the remainder of this Chapter are the views of those consulted, and not that of the authors of this report.

Our information was obtained by telephone, email, letter or face to face meeting as appropriate. The list contacted includes those suggested by the Council, those drawn from previous similar surveys, and from general internet trawls for information. Our target stakeholders are as far as possible drawn from across the entire licensing area to ensure the review covers the full area and not just specific parts or areas.

For the sake of clarity, we cover key stakeholders from the public side separately to those from the licensed vehicle trade element, whose views are summarized separately in the following Chapter.

Supermarkets

All of the supermarkets contacted felt that there were rarely any occasions when there was a problem with availability of licensed vehicles. The supermarkets contacted rarely got involved in ordering licensed vehicles for customers. Generally, customers made their own arrangements.

Hotels

Hotels contacted felt that there was rarely any periods when availability was limited. Some of the larger hotels had arrangements with private hire providers if clients wanted the hotel to order them a licensed vehicle. Generally, guests made their own arrangements using mobile phones or apps.

Public houses

Pub staff and door staff felt that there were generally licensed vehicles available, even at busy times around closing time on Friday and Saturday nights. A range of central licensed premises were contacted in Bournemouth, Poole and Christchurch. All indicated that there were taxi ranks near by and customers knew where they were if they wanted to use them. Many customers used apps or used their own phones to call a company. Comments were made specifically regarding Old Christchurch Road, that there were always lots of taxis there at night.

A range of licensed premises in non-central locations were also contacted. They rarely got involved in ordering a licensed vehicles for customers, but felt that there were never any complaints about availability from clients.

Night clubs

Night club door staff felt that there were normally plenty Hackney Carriages at the main night time ranks. It was thought that most customers phoned for a licensed vehicle. This sentiment was the case for all three areas.

Restaurants

All of the restaurants contacted felt that they were not aware of any issues with awareness of licensed vehicles for customers. Most restaurants indicated that their customers made use of local licensed vehicles. All said customers usually made their own bookings. Some of the more central restaurants felt that the proximity of taxi ranks meant that the location was well served for provision.

Hospitals

Christchurch Hospital staff felt that patients and visitors normally managed to obtain licensed vehicles when they required them. People would normally make their own arrangements and reception staff were not aware of how arrangements were made, other than they generally didn't get involved. There is public transport information available at the hospital.

Bournemouth Hospital staff indicated that there was a taxi rank nearby and there were often taxis waiting there. However, if patients or visitors needed to hire a licensed vehicle, this was normally arranged so that the pickup was within the hospital grounds, rather than at the rank. No issues with availability were felt to exist.

Poole Hospital staff indicated that there was a taxi rank nearby. Though, patients and visitors would not necessarily wait there and would phone to book

a licensed vehicle. The pickup for a licensed vehicle may often be arranged to be at the taxi rank.

Police

Police officers in each area were contacted informally on street. Generally it was felt that there were sufficient licensed vehicles to clear the streets, when the licensed premises closed. Vehicle congestion along Old Christchurch Road can be an issue late at night.

Disability

Disability organisations were contacted and some responses received. However, no particular issues were identified as persistent and significant.

6 Trade stakeholder views

The BPG encourages all studies to include 'all those involved in the trade'. There are a number of different ways felt to be valid in meeting this requirement, partly dependent on what the licensing authority feel is reasonable and possible given the specifics of those involved in the trade in their area.

The most direct and least costly route is to obtain comment from trade representatives. This can be undertaken by email, phone call or face to face meeting by the consultant undertaking the study. In some cases to ensure validity of the work being undertaken it may be best for the consultation to occur after the main work has been undertaken. This avoids anyone being able to claim that the survey work was influenced by any change in behaviour.

Most current studies tend to issue a letter and questionnaire to all hackney carriage and private hire owners, drivers and operators. This is best issued by the council on behalf of the independent consultant. Usual return is now using an on-line form of the questionnaire, with the option of postal return still being provided, albeit in some cases without use of a freepost return. Returns can be encouraged by email or direct contact via representatives.

Some authorities cover private hire by issuing the letter and questionnaire to operators seeking they pass them on when drivers book on or off, or via vehicle data head communications.

In all cases, we believe it is essential we document the method used clearly and measure response levels. However, it is also rare for there to be high levels of response, with 5% typically felt to be good and reasonable.

For this survey, the primary means of consultation was through an online survey. Links to the survey were distributed by the Council licensing department to members of the trade.

In addition to the online survey, some informal consultation was undertaken directly with members of the trade at taxi ranks.

Responses to the online survey are presented in this section. Responses are separated by licensing area and grouped by Hackney Carriage and private hire drivers and vehicle owners, who don't normally drive.

The online survey received 251 responses.

Respondents were asked if they normally drove a Hackney Carriage or private hire vehicle. Responses were as follows:

Hackney Carriage 47.6%

Private Hire Vehicle 38.8%

Both types of vehicles 8.8%

I own (or represent the owner of) one or more licensed vehicles but don't normally drive. 3.6%

Retired P H driver 0.4% (1 respondent)

Hold a hackney and private hire licence 0.4% (1 respondent)

I have never driven one of Hackney or Private hire Vehicle since I had taxi licence. 0.4% (1 respondent)

Hackney Carriage Driver responses

These responses include both Hackney Carriage drivers and those who drive both types of vehicles.

Are you a Hackney Carriage owner?

	Bournemouth	Christchurch	Poole
Yes	55.9%	95.0%	77.4%
No	44.1%	5.0%	22.6%

How long have you been involved in the Licensed Vehicle trade in this area?

	Bournemouth	Christchurch	Poole
0 to 2 years	7.9%	10.5%	4.2%
3 to 5 years	13.2%	52.6%	33.3%
6 to 10 years	5.3%	15.8%	12.5%
11 to 15 years	31.6%	5.3%	20.8%
16 to 20 years	23.7%	10.5%	8.3%
Over 20 years	18.4%	5.3%	20.8%

Besides any hires obtained from taxi ranks and excluding any regular contract hires, do you undertake any hires which are pre-booked, either directly with you or through a third party?

	Bournemouth	Christchurch	Poole
Yes	28.9%	68.4%	66.7%
No	71.1%	31.6%	33.3%

If yes, on average, how many hires do you normally undertake each day which are obtained in this way, from Monday to Thursday?

	Bournemouth	Christchurch	Poole
1 - 5 per day	36.4%	53.8%	31.3%
6 - 10 per day	36.4%	23.1%	50.0%
11 - 20 per day	9.1%	23.1%	12.5%

If yes, on average, how many hires do you normally undertake each day which are obtained in this way, on Friday?

	Bournemouth	Christchurch	Poole
1 - 5 per day	27.3%	46.2%	31.3%
6 - 10 per day	45.5%	23.1%	56.3%
11 - 20 per day	18.2%	23.1%	
21+ per day		7.7%	12.5%

If yes, on average, how many hires do you normally undertake each day which are obtained in this way, on Saturday?

	Bournemouth	Christchurch	Poole
1 - 5 per day	27.3%	38.5%	18.8%
6 - 10 per day	27.3%	15.4%	43.8%
11 - 20 per day	27.3%	15.4%	
21+ per day		7.7%	12.5%

Do you undertake regular hires, such as contract hires?

	Bournemouth	Christchurch	Poole
Yes	18.2%	25.0%	40.0%
No	81.8%	75.0%	60.0%

If yes, on average, how many hires do you normally undertake each day which are obtained in this way, from Monday to Thursday?

1 - 5 per day	75.0%	80.0%	91.7%
6 - 10 per day	16.7%	20.0%	8.3%

If yes, on average, how many hires do you normally undertake each day which are obtained in this way, on Friday?

1 - 5 per day	66.7%	60.0%	91.7%
6 - 10 per day	8.3%	20.0%	

If yes, on average, how many hires do you normally undertake each day which are obtained in this way, on Saturday?

1 - 5 per day	50.0%	40.0%	16.7%
6 - 10 per day		40.0%	

Respondents were asked how many hours they worked each day. The total weekly hours are classified as follows.

	Bournemouth	Christchurch	Poole
Up to 10	3.2%		3.3%
11 to 30	22.2%	5.0%	13.3%
31 to 50	33.3%	10.0%	30.0%
51 to 70	17.5%	50.0%	16.7%
71 to 90	20.6%		10.0%
91+	3.2%	35.0%	26.7%

Is there sufficient rank space in the area where you obtain most of your hires?

	Bournemouth	Christchurch	Poole
Yes	22.4%	15.0%	32.3%
No	77.6%	85.0%	67.7%

Do you think new ranks are required?

	Bournemouth	Christchurch	Poole
Yes	61.2%	80.0%	64.5%
No	38.8%	20.0%	35.5%

The following suggestions were received for new ranks. The suggestions are listed in reducing order of popularity.

Bournemouth rank suggestions

- Horseshoe common, at Cameo night club
- Lansdowne
- Hinton Road
- Southbourne
- Full time rank on Holdenhurst Road
- Castlepoint
- Dean Park Crescent
- Fir Vale Road
- Pier Approach

Christchurch rank suggestions

- Stour Road, near Railway Station
- Somerford Sainsbury
- Waitrose
- Hospital
- Queens Avenue
- Barrack Road near Iford Roundabout

Poole rank suggestions

- Poole Bus Station
- Ashley Cross Green near Dancing Moose
- Banks Rd near Rick Stein
- Shore road near Sandbanks beach
- Rockley Sands caravan park
- Poole quay area when the quay is closed.
- Tower Park
- Another rank in Ashley Cross area; Civic Centre area

Are there sufficient Hackney Carriages in the area where you normally operate, to meet current levels of demand?

	Bournemouth	Christchurch	Poole
Yes, too many	71.2%	75.0%	43.3%
Yes, generally sufficient	21.2%	10.0%	30.0%
No, not during all periods	3.0%	5.0%	23.3%
No opinion	1.5%	5.0%	
Don't know	3.0%	5.0%	3.3%

If you feel that there are not sufficient Hackney Carriages at certain times, at which periods are more Hackney Carriages required?

Most respondents indicated that they felt there were insufficient Hackney Carriages available all day and all night. One respondent indicated that they felt that mid afternoon during 'school run time' there can be insufficient provision.

How do you rate the following statements?

'There is not enough work to support the current number of Hackney Carriages in the area where I work'

	Bournemouth	Christchurch	Poole
Strongly disagree	10.4%		29.0%
Disagree	4.5%	10.5%	
Neither agree or disagree	6.0%	5.3%	12.9%
Agree	16.4%	15.8%	25.8%
Strongly agree	62.7%	68.4%	32.3%

'There are special circumstances in the area where I work that make the implementation or retention of a limit to the number of Hackney Carriages essential'

	Bournemouth	Christchurch	Poole
Strongly disagree	10.9%	5.3%	22.6%
Disagree	4.7%		9.7%
Neither agree or disagree	10.9%	26.3%	25.8%
Agree	28.1%	31.6%	22.6%
Strongly agree	45.3%	36.8%	19.4%

'A limit to the number of Hackney Carriages which may be licensed would provide benefits to the public'

	Bournemouth	Christchurch	Poole
Strongly disagree	6.3%		29.0%
Disagree	6.3%	10.0%	3.2%
Neither agree or disagree	12.5%	15.0%	19.4%
Agree	26.6%	30.0%	29.0%
Strongly agree	48.4%	45.0%	19.4%

Licensing of Hackney Carriages is currently separated into the three constituent authorities which merged to create the new Council. If the licensing areas of Bournemouth, Christchurch and Poole were merged to form a single licensing zone, for Hackney Carriages, for the whole authority area, would this offer any particular benefits or dis-benefits to the trade? Would such a merger of licensing zones into a single licensing zone lead to any changes in the way which people operate Hackney Carriages?

Responses from Bournemouth drivers were largely consistent. They felt that Christchurch and Poole Hackney Carriages would work in Bournemouth, leaving their original licensing areas under served. Rank space in Bournemouth is already insufficient at the main ranks and more vehicles operating in the area would exacerbate the problem.

Customers expect Hackney Carriage drivers to know the area they are picking up in. Out of area drivers would not have the same level of knowledge.

If all Hackney Carriages were able to operate in Bournemouth, then this would dilute the existing earnings of Bournemouth drivers.

The responses from Christchurch drivers were strongly in favour of a merger of zones. It was recognised that some drivers would operate in Bournemouth and it was felt that this would lead to higher earnings for Christchurch drivers. A justification of such a merger of zones was that this would help to meet demand at peak times. A further justification was that a merger would enable Christchurch drivers to pick up a return fare, from Bournemouth or Poole.

Responses from Poole drivers were mixed, but generally not in favour of merging zones. Reasoning was similar to that offered by Bournemouth drivers, including issues with lack of local knowledge and excessive numbers of vehicles trying to access ranks.

It was felt that at times, particularly at weekends, drivers may focus on Bournemouth, leaving demand in Poole unmet.

Respondents were asked if they had any other comments that they would like to make. The following responses are representative of similar submissions made by respondents.

Bournemouth comments

"There are no traffic wardens at night and many of our taxi ranks are unusable because private vehicles are parked on them most of the night making it impossible to do our jobs safely. Our customers suffer because we can't pick them up and we lose business."

"As Bournemouth hackney driver for 14 years we find our self working in extremely under pressure the busiest rank been taken away to find our self in smallest rank."

"I think there are far too many taxis its flooded enough. A merger would cause me to leave the trade. Apps are killing trade as well."

"There are too many out of town taxis picking up in Bournemouth, plus p/h picking flag downs."

"It is a good idea that EVERY taxi driver is spot checked every now and then. There are clearly drivers out here that DON'T have a licence, or have passed any knowledge test. Also, drug testing should be made during evening especially for drivers. Also monthly meetings with council members and Police would be a good idea for any driver to attend and bring forward any concerns."

"There is not enough work for existing Bournemouth Hackneys as it is. One zone for all Hackneys will destroy the night trade in Bournemouth - being the busiest town of the three."

"We need the Horseshoe Common rank to be back. It was the busiest rank in Bournemouth."

"Bournemouth licensed drivers are already suffering from an influx of cars operating in our area which are licensed in Poole and particularly Christchurch. The licensing authority should be doing more to ensure that drivers undertake the majority of their work in their licensed area as stipulated in the licensing rules. The licensing areas should not be merged unless substantial compensation is to be paid to Bournemouth owners and drivers for loss of plate value and loss of business."

"Council are failing in the policing of the trade , i.e . Many out of area cabs illegally plying for hire (Southampton, Gosport , Portsmouth cabs etc) in Bournemouth."

"I feel that there are more than enough taxis and private hire cars working the three areas already. Any more would just dilute the work even more meaning less earnings for all. Leave it as is."

"The licensing team and management needs to work on their professionalism and treat the drivers in the right manner."

"We have Uber private hire from Portsmouth operating in Bournemouth. This practice should be stopped as they are not licensed to operate here."

"I have been driving cabs for over 20 years and one of our biggest problems is bad drivers, filthy cars and scruffy drivers. I missed out on a plate the last time and still couldn't understand why drivers who already had a plate were issued another. The council rule states you must work your plate 40 hours per week, impossible if you have 2. Please sort out the bad corrupt drivers and make them stick to the rule book."

"Ease the difficulty for the hackney carriages taxi exams in Bournemouth. It is much easier to pass in Poole or Christchurch. Making the Bournemouth exam harder means its more difficult to find a driver for a Hackney car."

"There is nowhere near enough Taxi Ranks, or for that matter in the right areas of Bournemouth, especially Horseshoe area where taxis were moved from their previous prime position rank to a much smaller rank 750 yards further up the same road in a wholly inappropriate area to what was previously held. Where the rank was, has now been taken up by unlicensed Private Cars doing cheap Facebook lifts, blatantly advertised on Facebook, some of which have 7,000+ members. There is absolutely no control by the Council as regards taxis, as there is no control of private car parking. Just a total free for all."

"I do think you place too much emphasis on wheelchair accessible vehicles, I use an estate car and find this ideal for wheelchair work. They easily fold up and pop in the back with room to spare. Could we please have some enforcement to keep Taxi Ranks clear, particularly Southbourne Grove and Heathcote rd. I am constantly asking people to move. Politely, but it is very frustrating. BT open reach seem to treat Heathcote Road as their private parking space as do many drivers."

Christchurch comments

"As we move more to App based bookings, the need for day-to-day rank spaces is declining, as Private Hire cars are covering this activity. However, at peak times there is always a high demand for rank spaces. Allowing all Hackney cars from all three authorities access to ranks, would certainly alleviate the situation."

"Let's built a better Bournemouth. One license, one taxi , one Bournemouth. Together we are stronger."

"Merging is essential."

"Need to cap Christchurch Hackney numbers to alleviate Driver poverty and so keep standards high. Please work with the GMB Union as many members Hackney independent drivers in Christchurch. More ranks needed in Waitrose, Sainsbury's and Christchurch Train station. Urgent attention needed. Independent Christchurch Hackney drivers struggling."

"I have been working as taxi driver/owner in the Christchurch borough for over 30 years and have been consulted over the years most recently by councillor Bernie Davies and through that period have witnessed a steady decline in standards so hopefully you will take seriously the comments of the more experienced drivers who have answered this survey perhaps then you might reach a sensible conclusion "

Poole Comments

"This merge will be difficult and unfair on the license holders as well as residents."

"How satisfied are the taxi licence holders?... Dis-satisfied should the merger happen, it would cause a lot of problems. The survey was more for demand which the authority conduct frequently but nothing there to state how the Drivers feel about this change! Do we want this change.NO!"

"We live in a market economy - The council should not regulate the number of taxi, except where making enough provision for user with particular needs such as disabled users."

"In all other case the free market should be allowed to determine the demand - it is unnecessary to have public and private hire vehicle. Making all vehicle public hire would have a benefit to the public."

"The Only issue with regards to licensing is that council is complicit in the Black Market trading in Taxis licensing plates."

"The size of night time economies determining the BLACK MARKET Cost of licenses in Poole £25,000, in Bournemouth £50,000. People are forced to rent from moguls at rates in Poole £100-150 per week and in Bournemouth £200-250 per week."

"Deregulation should be sought in order to increase people's earnings and low costs for passengers"

"A very big problem in this Bournemouth is the areas in the town which are closed at night which are not Policed. Local Taxis seen on cctv are liable to fines and loss of licence. But private vehicles and Taxis/Private hire vehicles use the areas with impunity. This gives face book lifts and Uber an unforeseen advantage over our properly licensed vehicles and increases the risk to the public from unlicensed drivers."

"Many drivers only work in peak hours they take the good work not the everyday stuff"

"I have to rent a licence from the owner of the Licence. I deserve the opportunity to get one from the council."

"There are more wheelchair accessible vehicles than are necessary."

"Hackney drivers with wheelchair access not doing wheelchair work at some Poole ranks. Also some elderly customers find it very difficult to get into the larger and higher vehicles."

"In my opinion there are sufficient wheelchair taxis. Many people in wheelchairs if able prefer to get out and sit in the vehicle. It would be better if large companies were require to have a percentage of their taxis as wheel chair accessible just as a certain percentage of taxis are since the issuing of an accessible plate each year for a number of years now."

"Pollution. Any new plates should be electric. More charging points at ranks car parks petrol stations supermarkets etc. Moving always from diesel older vehicles without dpf filters removed. A move to taxis being either petrol hybrid and electric."

"At present Poole issues 1 Hackney plate per year they have done this for at least the past 10 years there is now way too many Hackney plates, so I feel Poole should stop issuing more Hackney plates."

"The current increase of 1 new Hackney Plate in Poole ensures at least 1 new environmentally / wheelchair friendly vehicle each year. Although the demand for wheelchair accessible vehicles 'off the rank' in Poole is not high, the demand for them from retirement and care homes is slowly increasing as people are living longer. The number of housing complexes that cater solely for the 60+ age demographic in our area is on the increase. Statistics for Bournemouth show that 30% of the population are over 60 as opposed to 24% for the rest of the country as a whole. The current trend would likely see the figure for our area increase. Although I suspect that the majority of the Hackney trade in Poole would not want any more taxis on the streets, the number of wheelchair accessible cars is still vastly outweighed by those which are mainly saloon/estate vehicles. The cost of maintaining a purpose built wheelchair accessible vehicle is much higher than that of an ordinary car and therefore the extra revenue needed to even try to keep up with them can only be offset by being a Hackney carriage. It is my opinion that if no new plates are issued, then the number of wheelchair vehicles will either remain static or slightly decrease. No current non-wheelchair vehicle owner would voluntarily switch as the profit margins are much lower. This will be to the detriment of the population of Poole and its outlying areas."

"Concerns of private hires illegally pick up from the streets near ranks."

"Not enough checks done to see if private hires are sat on ranks, and correct drivers driving."

Private Hire Driver responses

Are you a Private Hire Vehicle owner?

	Bournemouth	Christchurch	Poole
Yes	64.7%	68.4%	73.1%
No	35.3%	31.6%	26.9%

How long have you been involved in the Licensed Vehicle trade in this area?

	Bournemouth	Christchurch	Poole
0 to 2 years	4.0%	52.6%	11.5%
3 to 5 years	12.0%	31.6%	11.5%
6 to 10 years	34.0%	5.3%	26.9%
11 to 15 years	14.0%	10.5%	3.8%
16 to 20 years	18.0%		15.4%
Over 20 years	18.0%		30.8%

Do you normally subscribe to a radio circuit, or similar, for bookings made through a booking office or operator?

	Bournemouth	Christchurch	Poole
Yes	87.8%	76.5%	60.9%
No	12.2%	23.5%	39.1%

If yes, on average, how many hires do you normally undertake each day which are obtained in this way, from Monday to Thursday?

	Bournemouth	Christchurch	Poole
1 - 5 per day	14.0%	7.7%	14.3%
6 - 10 per day	34.9%	38.5%	35.7%
11 - 20 per day	39.5%	53.8%	42.9%
21+ per day	2.3%		

If yes, on average, how many hires do you normally undertake each day which are obtained in this way, on Friday?

	Bournemouth	Christchurch	Poole
1 - 5 per day	11.6%		7.1%
6 - 10 per day	18.6%	15.4%	14.3%
11 - 20 per day	41.9%	84.6%	64.3%
21+ per day	7.0%		

If yes, on average, how many hires do you normally undertake each day which are obtained in this way, on Saturday?

	Bournemouth	Christchurch	Poole
1 - 5 per day	7.0%		7.1%
6 - 10 per day	16.3%	15.4%	21.4%
11 - 20 per day	34.9%	69.2%	35.7%
21+ per day	14.0%	15.4%	7.1%

Do you undertake regular hires, such as contract hires?

	Bournemouth	Christchurch	Poole
Yes	43.1%	72.2%	52.0%
No	56.9%	27.8%	48.0%

If yes, on average, how many hires do you normally undertake each day which are obtained in this way, from Monday to Thursday?

1 - 5 per day	77.3%	76.9%	69.2%
6 - 10 per day	13.6%	15.4%	30.8%
11 - 20 per day		7.7%	
21+ per day	4.5%		

If yes, on average, how many hires do you normally undertake each day which are obtained in this way, on Friday?

1 - 5 per day	50.0%	61.5%	69.2%
6 - 10 per day	9.1%	15.4%	30.8%
11 - 20 per day	9.1%	15.4%	
21+ per day			

If yes, on average, how many hires do you normally undertake each day which are obtained in this way, on Saturday?

1 - 5 per day	22.7%	53.8%	46.2%
6 - 10 per day	9.1%	7.7%	7.7%
11 - 20 per day	9.1%	7.7%	
21+ per day		7.7%	

Respondents were asked how many hours they worked each day. The total weekly hours are classified as follows.

	Bournemouth	Christchurch	Poole
Up to 10			4.0%
11 to 30	14.3%	15.8%	12.0%
31 to 50	36.7%	21.1%	32.0%
51 to 70	36.7%	36.8%	44.0%
71 to 90	8.2%	10.5%	8.0%
91+	4.1%	15.8%	

Licensing of Private Hire Vehicles is currently separated into the three constituent authorities which merged to create the new Council. If the licensing areas of Bournemouth, Christchurch and Poole were merged to form a single licensing zone, for Private Hire Vehicles, for the whole authority area, would this offer any particular benefits or dis-benefits to the trade? Would such a merger of licensing zones into a single licensing zone lead to any changes in the way which people operate Private Hire Vehicles?

Responses from Bournemouth drivers were largely consistent. Several respondents indicated that many private hire vehicles effectively operate over all three areas currently if they work through one of the main operators, as they have a presence in each area.

Several respondents felt that the driver and vehicle standards and requirements for entry to the trade, are lower in Christchurch, than in Bournemouth. If Bournemouth vehicle and driver standards were applied across the whole area then this could be a benefit of a single licensing zone for private hire.

By having a single licensing team and office, several respondents indicated an expectation that licensing fees would be reduced, owing to improved efficiency and lower costs.

Some respondents felt that there would be a dis-benefit to the trade as earnings would drop.

The responses from Christchurch drivers were broadly similar to those from Bournemouth drivers. The differences in licensing standards were highlighted and consistent licensing across all areas was seen as a pre-requisite, especially with regard to knowledge of each area. It was noted that much of the private hire trade effectively operates across all three areas at present anyway. Some respondents suggested that a single licensing area would need to adopt consistent licensing requirements across the whole area.

Responses from Poole drivers were less consistent than in Bournemouth and Christchurch. There was a greater proportion of respondents who felt that a merged single private hire licensing area would offer more dis-advantages than advantages. However, several respondents indicated that private hire operated across the areas and that any change would have limited impact. The majority of responses were in favour of a single licensing area for private hire.

One respondent suggested that centralised licensing would make the licensing service less personal and require longer journeys to the licensing office.

It was noted that local knowledge standards to cover the three areas would need to be far more comprehensive.

Respondents were asked if they had any other comments that they would like to make. The following responses are representative of similar submissions made by respondents.

Bournemouth comments

"Too many illegal lifting in this area in social media lifts . Also to many Uber cars doing this job without Private Number plated. If any vehicle PH number is not plated surely, that vehicle is doing this business without a valid Private Hire insurance. Also, there are too many Private Hire cars coming from places such as New Forest, Portsmouth, Havant and London. Getting Private hire diver licence in Bournemouth is very hard. So these drivers coming to area without passed knowledge test. Usually, they don't know the roads. Technology could be used but anyone driving as a Taxi drivers or Private hire driver should have knowledge in the area they working."

"The deregulation act 2015 killed the taxi trade all the Christchurch cabs are in Bournemouth."

"Please merge the three together and accept that BCP is an established authority."

"Taxi drivers that don't know there area are charging too much .. i.e. going long ways and want £10 up front for a fiver job."

"The last thing this area needs is allowing all the taxis to be in Bournemouth. Why won't you use some of the ridiculously expensive licence fees to catch the illegals. £150 for me to show you my documents? And you do nothing to enforce the rules. It's a disgrace."

"My honest opinion is if the three councils taxi trade is put under one umbrella the trade in both Poole and Christchurch will suffer the most you have Hackney Carriage vehicles from Poole and Christchurch in side roads in all areas of Bournemouth."

"I think the answer in the near future is to regulate the trade and that is a mammoth job in it self good luck with which ever solution you are going to implement "

"Keep it separated"

"We would like regular surveys to be carried out every 6 to12 months. The feed back from the council will be greatly appreciated."

"Make all licensing rules as strict as Bournemouth in all areas."

"On the whole there far too many cars over the whole conurbation caused by Christchurch. Also, there is no one to police the legal state of cars i.e. illegal pickups, which are happening every day across the conurbation and to check the person who is licenced to drive the car is the actual driver!! And of course the Illegal internet lifts."

"Please allow UBER to operate officially in Bournemouth."

"It doesn't seem right that you licence yourself with one council and work wholly in another without having to pass a knowledge test."

"As a private hire driver, Bournemouth needs far more places in the town centre where we can legally pick up. Old Christchurch Road should be made a " tow away zone" after 10.pm for illegal parking. The illegal taxi cars and drivers which seem to operate outside the law need to be removed. Police the rules that are already in place."

"It is about time they were merged - I have had 4 criminal record checks with 4 different councils."

"Use the savings to prosecute Facebook and social media unlicensed drivers"

"The regulations or test for Licensing of Taxi driver has to be made same rather than Christchurch having a different or easier way of getting driver license and Bournemouth making literally tough ..All the test across the council should be same."

"If only one taxi area. What colour would private hire vehicles be?"

Christchurch comments

"I feel that both hackney and ph cars should all be under one licence and that the zones we currently have are very confusing to the general public. It would provide continuity across the whole fleet stop division in the trade and make it far easier for the local authority to police."

"Feedback from customers shows a lack of professionalism from some new drivers."

"What are the council doing about the illegal lifts pages on Facebook and the infiltration of Uber and the like in our community?"

"All matters raised always are aimed at local taxis. As I offer a chauffeured airport service it would be nice if our areas were covered."

"Sometimes for private hires drivers is difficult to pick up a client in areas we're ranks are... We can't park to wait for client anywhere. For example, I had to pick a client at revolution bar. There is car park, which was full and a taxi rank on other side. I tried on time to stop there for 1 minute. A rank officer told me is not allowed. So I immediately drive. I had to call the client and meet him a bit further along the road. Its not OK when it's raining, for a client to run for a taxi. It's not good for us too. Client may cancel the job. We lose the fare. Maybe some help in this problem. Thank you."

"Councils MUST address operators from outside BCP operating inside BCP."

Poole Comments

"There seems to be more daytime work in Poole as we always have taxis licenced in Bournemouth and Christchurch in the Poole area."

"I'd like to see the Deregulation Act 2015 repealed. It has led to all sorts of unforeseen issues to the detriment of the public and the trade."

"I feel licensing of hackney should be limited to local knowledge capability."

"I think there are too many licensed private hire/Hackney vehicles from outside of the BCP conurbation working in the area under local operators licenses."

"Although I have a Hackney Carriage Driver's Licence, I own and drive Private Hire vehicles as I own an Executive Car Service. So I found the questions awkward to answer."

"Wheel chair taxi should have disable blue badge for parking anywhere, including permission for double yellow line parking. One blue badge should work for all areas."

"I dare say this is a tick box exercise and minds have been made up. If you are really serious and nothing has already been decided then leave everything as it is. Offices in all areas, even if with only one staff member. No driver wants to travel to the other offices wasting fuel etc."

"Poole Council should be banned from giving licenses on the current format. How can you give drivers a license when they can barely speak English. They've let standards drop and it's disgusting. The number of complaints I receive from customers and a very very poor reflection on the area as a whole."

"There is not enough wheel chair vehicles over 24 hrs. A lot of them only come out at peak times."

"If Hackney merge to form a single licensing zone, then Poole and Christchurch area will not have any Hackney vehicle to serve those area because all hackney will stay in Bournemouth area since Bournemouth is relatively busy."

7 Evaluation of unmet demand and its significance

It is first important to define our specific view about what constitutes unmet demand. Our definition is when a person turns up at a hackney carriage rank and finds there is no vehicle there available for immediate hire. This normally leads to a queue of people building up, some of who may walk off (taken to be latent demand), whilst others will wait till a vehicle collects them. Later passengers may well arrive when there are vehicles there, but because of the queue will not obtain a vehicle immediately.

There are other instances where queues of passengers can be observed at hackney carriage ranks. This can occur when the level of demand is such that it takes longer for vehicles to move up to waiting passengers than passengers can board and move away. This often occurs at railway stations but can also occur at other ranks where high levels of passenger arrivals occur. We do not consider this is unmet demand, but geometric delay and although we note this, it is not counted towards unmet demand being significant.

The industry standard index of the significance of unmet demand (ISUD) was initiated at the time of the introduction of section 16 of the 1985 Transport Act as a numeric and consistent way of evaluating unmet demand and its significance. The ISUD methodology was initially developed by a university and then adopted by one of the leading consultant groups undertaking the surveys made necessary to enable authorities to retain their limit on hackney carriage vehicle numbers. The index has been developed and deepened over time to take into account various court challenges. It has now become accepted as the industry standard test of if identified unmet demand is significant.

The index is a statistical guide derived to evaluate if observed unmet demand is in fact significant. However, its basis is that early tests using first principles identified based on a moderate sample suggested that the level of index of 80 was the cut-off above which the index was in fact significant, and that unmet demand therefore was such that action was needed in terms of additional issue of plates to reduce the demand below this level, or a complete change of policy if it was felt appropriate. This level has been accepted as part of the industry standard. However, the index is not a strict determinant and care is needed in providing the input samples as well as interpreting the result provided. However, the index has various components which can also be used to understand what is happening in the rank-based and overall licensed vehicle market.

ISUD draws from several different parts of the study data. Each separate component of the index is designed to capture a part of the operation of the demand for hackney carriages and reflect this numerically. Whilst the principal inputs are from the rank surveys, the measure of latent demand comes from the public on-street surveys, and any final decision about if identified unmet demand is significant, or in fact about the value of continuing the current policy of restricting vehicle numbers, must be taken fully in the context of a careful balance of all the evidence gathered during the survey process.

The present ISUD calculation has two components which both could be zero. In the case that either are zero, the overall index result is zero, which means they clearly demonstrate there is no unmet demand which is significant, even if other values are high.

The first component which can be zero is the proportion of daytime hours where people are observed to have to wait for a hackney carriage to arrive. This is known as the Steady State Performance (SSP) coefficient. The level of wait used is an average wait of one minute or more for waiting passengers at an active location (a location with three or more hires during the hour in question). The industry definition of these hours varies, the main index user counts from 10:00 to 18:00 (i.e. eight hours ending at 17:59). The present index is clear that unmet demand cannot be significant if there are no such hours. The only rider on this component is that the sample of hours collected must include a fair element of such hours, and that if the value is non-zero, review of the potential effect of a wider sample needs to be considered.

The other component which could be zero is the test identifying the proportion of passengers which are travelling in any hour when the average passenger wait in that hour is greater than one minute. This is known as the General Incidence of Delay (GID) coefficient.

If both of these components are non-zero, then the remaining components of the index come into play. These are the peakiness factor, the seasonality factor, average passenger delay, and the latent demand factor.

Average passenger delay is the total amount of time waited by all passengers in the sample, divided by the total number of passengers observed who entered hackney carriages.

The seasonality factor allows for the undertaking of rank survey work in periods which are not typical, although guidance is that such periods should normally be avoided if possible particularly as the impact of seasons may not just be on the level of passenger demand, but may also impact on the level of supply. This is particularly true in regard to if surveys are undertaken when schools are active or not.

Periods when schools are not active can lead to more hackney carriage vehicles being available whilst they are not required for school contract work. Such periods can also reduce hackney carriage demand with people away on holiday from the area. Generally, use of hackney carriages is higher in December in the run-up to Christmas, but much lower in January, February and the parts of July and August when more people are likely to be on holiday. The factor tends to range from 0.8 for December (factoring high demand level impacts down) to 1.2 for January / February (inflating the values from low demand levels upwards).

There can be special cases where summer demand needs to be covered, although high peaks for tourist traffic use of hackney carriages tend not to be so dominant at the current time, apart from in a few key tourist authorities.

The peakiness factor is generally either 1 (level demand generally) or 0.5 (demand has a high peak at one point during the week). This is used to allow for the difficulty of any transport system being able to meet high levels of peaking. It is rarely possible or practicable for example for any public transport system, or any road capacity, to be provided to cover a few hours a week.

The latent demand factor was added following a court case. It comes from asking people in the on-street questionnaires if they have ever given up waiting for a hackney carriage at a rank in any part of the area. This factor generally only affects the level of the index as it only ranges from 1.0 (no-one has given up) to 2.0 (everyone says they have). It is also important to check that people are quoting legitimate hackney carriage rank waits as some, despite careful questioning, quote giving up waiting at home, which must be for a private hire vehicle (even if in hackney carriage guise as there are few private homes with taxi ranks outside).

The ISUD index is the result of multiplying each of the components together and benchmarking this against the cut-off value of 80. Changes in the individual components of the index can also be illustrative. For example, the growth of daytime hour queueing can be an earlier sign of unmet demand developing than might be apparent from the proportion of people experiencing a queue particularly as the former element is based on any wait and not just that averaging over a minute. The change to a peaky demand profile can tend towards reducing the potential for unmet demand to be significant.

Finally, any ISUD value must be interpreted in the light of the sample used to feed it, as well as completely in the context of all other information gathered. Generally, the guide of the index will tend not to be overturned in regard to significant unmet demand being identified, but this cannot be assumed to be

the case – the index is a guide and a part of the evidence and needs to be taken fully in context.

Bournemouth evaluation

For this survey, using all the available data, the estimated average passenger delay shared between all passengers is 0.06 minutes (3.6 seconds). The area has higher demand on Friday and Saturday evenings as one would expect. However, the overall level of demand is not several orders of magnitude larger than day time demand, so demand is not considered to be peaked. The peak factor is therefore 1.0.

The proportion of active rank hours in weekday daytimes when there are average passenger wait times of one minute or more (SSP coefficient) is 2.6%.

0% of all passengers travelled in hours when there was an average passenger delay of a minute or more (GID coefficient).

Latent demand was 1.16 (using the worst case statistic from online survey feedback).

The combination of these coefficients provided an ISUD value of 0.0. This is a long way short of the industry standard cut-off of 80 taken to suggest that measured unmet demand is significant in terms of Section 16 of the 1985 Transport Act.

Incidences of passengers waiting for Hackney Carriages to arrive at the ranks were relatively infrequent.

No other information from the survey and consultation would suggest that there are issues associated with availability of Hackney Carriages at the ranks and this, coupled with the low ISUD score, indicates that the level of unmet demand is below that which would be considered significant. **Therefore, there is no significant unmet demand in Bournemouth.**

Christchurch evaluation

For this survey, using all the available data, the estimated average passenger delay shared between all passengers is 0.22 minutes (13.2 seconds). The area has higher demand on Friday and Saturday evenings as one would expect. The level of peak demand is several orders of magnitude larger than day time demand, so demand is considered to be peaked. The peak factor is therefore 0.5.

The proportion of active rank hours in weekday daytimes when there are average passenger wait times of one minute or more (SSP coefficient) is 0.0%.

9.1% of all passengers travelled in hours when there was an average passenger delay of a minute or more (GID coefficient).

Latent demand was 1.3 (using the worst case statistic from online survey feedback).

The combination of these coefficients provided an ISUD value of 0.0. This is a long way short of the industry standard cut-off of 80 taken to suggest that measured unmet demand is significant in terms of Section 16 of the 1985 Transport Act.

Incidences of passengers waiting for Hackney Carriages to arrive at the ranks were relatively infrequent.

No other information from the survey and consultation would suggest that there are issues associated with availability of Hackney Carriages at the ranks and this, coupled with the low ISUD score, indicates that the level of unmet demand is below that which would be considered significant. **Therefore, there is no significant unmet demand in Christchurch.**

Poole evaluation

For this survey, using all the available data, the estimated average passenger delay shared between all passengers is 0.18 minutes (10.7 seconds). The area has higher demand on Friday and Saturday evenings as one would expect. The level of peak demand is several orders of magnitude larger than day time demand, so demand is considered to be peaked. The peak factor is therefore 0.5.

The proportion of active rank hours in weekday daytimes when there are average passenger wait times of one minute or more (SSP coefficient) is 1.2%.

2.7% of all passengers travelled in hours when there was an average passenger delay of a minute or more (GID coefficient).

Latent demand was 1.12 (using the worst case statistic from online survey feedback).

The combination of these coefficients provided an ISUD value of 0.3. This is a long way short of the industry standard cut-off of 80 taken to suggest that measured unmet demand is significant in terms of Section 16 of the 1985 Transport Act.

Incidences of passengers waiting for Hackney Carriages to arrive at the ranks were relatively infrequent.

No other information from the survey and consultation would suggest that there are issues associated with availability of Hackney Carriages at the ranks and this, coupled with the low ISUD score, indicates that the level of unmet demand is below that which would be considered significant. **Therefore, there is no significant unmet demand in Poole.**

8 Summary, synthesis and study conclusions

This Taxi survey on behalf of BCP Council has been undertaken following the guidance of the BPG and other recent case history regarding unmet demand and its significance. This Report has drawn together all the evidence gathered to enable the licensing committee to determine if, at this present time, there is any evidence that observed unmet demand is significant according to the requirements of Section 16 of the 1985 Transport Act, and on that basis if, and at what level, the current limit on hackney carriage vehicle numbers can continue. This chapter summarises the key points from each chapter, draws a synthesis and conclusions together and make recommendations regarding the way forward. However, it must be reiterated that it is the Committee alone who need to be satisfied that their decision is robust and would stand up if scrutinized in Court.

Background and context

Assessment of each of the three constituent areas (Bournemouth, Christchurch and Poole) which make up the BCP Council area, has been undertaken separately.

The Bournemouth and Poole areas currently operate a limit on the number of Hackney Carriages which may be licensed. Christchurch do not have a limit to the number of Hackney Carriages which may be limited.

Each of the areas has no significant unmet demand for Hackney Carriages. This leaves the authority free to maintain a defensible limit to the number of Hackney Carriages in Bournemouth and Poole. If the authority were to consider the introduction of a limit to the number of Hackney Carriages in Christchurch, then such a decision could be defended on the basis of lack of significant unmet demand for Hackney Carriages.

The following table presents the number of rank hires observed over the three days of survey, combined with the number of licensed Hackney Carriages in each area and the equivalent hires per Hackney Carriage over the three days.

Area	Bournemouth	Christchurch	Poole
Number of hires	6,024	660	1,605
Number of Hackney Carriages	248	135	87
Hires per Hackney Carriage over 3 days	24.3	4.9	18.4

The hires per Hackney Carriage statistics are lower than one would expect for Hackney Carriages which rely solely on rank hires for income and suggests that there is some reliance on other forms of hire, such as contracts and undertaking pre-booked hires (not from ranks). The feedback from the trade

and indeed observations around Bournemouth, Christchurch and Poole indicate that much of the Hackney Carriage fleets engage in pre-booked hires and contract hires.

The fleets were able to cope with peaks in demand on Friday and Saturday nights. This indicates that despite many vehicles engaging in pre-booked hires, there are still sufficient vehicles available to service peak rank based demand.

Feedback from stakeholders and the public did not provide any consistent indications that there are periods when there are significant shortages of provision.

There has been some feedback from the public that wheelchair users face limited availability of wheelchair accessible vehicles at times. This is a particular issue when attempting to book return trips. There was some indication from the feedback that some regular users of wheelchair accessible vehicles have been able to find a regular and reliable provider. However, others have not. In other areas, it has been found that one of the issues that wheelchair users and wheelchair accessible vehicle providers face, is a disconnect regarding information and communication. It may be the case that improved communication channels and focussed marketing may improve availability of and access to wheelchair accessible vehicles for users. Demand for wheelchair accessible vehicles is often suppressed as wheelchair users often have low expectations regarding availability, and so make fewer attempts to travel than able bodied people of similar age and economic position.

Christchurch Hackney Carriages were frequently observed in both Bournemouth and Poole, during the surveys. These vehicles appeared to be undertaking private hires. This was confirmed through the trade feedback. The larger private hire operators have a presence in each of the constituent areas and licensed vehicles from all areas operate across all of the areas on the main booking circuits. Consequently, when the trade were asked if there would be any benefit to operating a single licensing area (zone) for private hire, across the whole of the BCP area, this generally found more favour than objections. Several trade respondents indicated that for a single private hire area to operate effectively, a single set of licensing requirements should be adopted. It was felt that requirements in Bournemouth and Poole were more onerous for private hire, than in Christchurch. Several respondents felt that the highest standards should operate across the licensing area, should a single area be adopted. One potential issue with a single private hire licensing area, which was raised, was the level of local knowledge which could be required. If a detailed knowledge test became part of the licensing requirement, then this

would be far more difficult than any of the existing required knowledge requirements in Bournemouth or Poole.

The trade were asked views regarding combining the current three licensing areas for Hackney Carriages in to a single zone. We understand that this is not a proposal which is currently under consideration. However, the question was asked in order to gather views, should any such proposal be considered in the future.

If a single hackney carriage licensing area were to be implemented, it is likely that much of the existing combined fleet would focus on a few hot spots within Bournemouth and Poole, especially at night. This could leave other areas under served at these times. Such an approach would exacerbate existing capacity issues at ranks and potentially reduce levels of service through poor local knowledge of drivers from other areas within the BCP licensing area.

There are a large number of taxi rank locations in Bournemouth, and to a lesser extent in Poole, which are not regularly used. Some suggested new rank locations were actually at existing marked, but unused ranks, or close to these ranks. It may be worthwhile consulting with the trade whether the unused rank locations should be retained.

Rank observations

The number of waiting Hackney Carriages at some of the ranks at the busiest times, exceeded the capacity of the marked rank areas. In particular, Old Christchurch Road in Bournemouth and Bournemouth Road (Ashley Cross) in Poole often had many more vehicles waiting to access the ranks than there was capacity on the marked rank area. For example, on Bournemouth Road, Hackney Carriages queue on the opposite side of the road, before accessing the back of the vehicle queue on the marked rank side of the road. Strictly speaking, traffic enforcement could require the vehicles waiting outside the extents of the marked rank, to be moved on. However, such a move would mean that the ranks could not operate effectively and passenger waiting would occur. Successful operation of these ranks depends on the level of availability of vehicles at these ranks. With current configuration, this requires accepting the presence of waiting Hackney Carriages, beyond the extents of the marked ranks.

Public consultation

A reasonable sample of the population in each area were interviewed. A high proportion of respondents in both the face to face survey and online survey indicated that they generally pre-booked licensed vehicles. Rank hire was a minor means of obtaining a licensed vehicle.

There was some confusion regarding why all BCP licensed Hackney Carriages could not be hired off ranks or flagged down in all areas. For example flagging down a Bournemouth Hackney Carriage in Christchurch.

Latent unmet demand was notable in the online survey. This source of data needs to be treated with some caution. Often, people who complete the online questionnaire are motivated by a desire to complain and highlight problems which are disproportionate to their actual presence. Some online responses were completed multiple times by the same person. Such incidences were taken into account in the analysis.

Key stakeholder views

Very few issues were identified by stakeholders. Those dealing with disability related issues felt that there could be some issues with some elements of service provided by licensed vehicles. However, no feedback was received which identified specific issues.

Formal evaluation of significance of unmet demand

In each of the licensing areas, there was relatively little passenger waiting at the ranks, for Hackney Carriages to arrive. Some of the passenger waiting observed was at ranks with low levels of use at the time of observation. For example, ranks with fewer than three hires per hour. At such ranks, some passenger waiting is expected, owing to the low number of vehicles servicing the location. Persistent passenger queues for extended periods at busy ranks are normally indicators that there is not sufficient capacity to meet demand. There were no such persistent queues observed during the surveys. This is a strong indicator and supports the view that there is no significant unmet demand in any of the three constituent areas.

9 Recommendations

On the basis of the evidence gathered in this Taxi survey for Reading, our key conclusion is that there is no evidence of any unmet demand for the services of hackney carriages either patent or latent which is significant at this point in time in the Bournemouth, Christchurch or Poole licensing areas. The committee is therefore able to retain the present policy of limiting vehicle licences in Bournemouth and Poole. In addition, the committee may also wish to consider implementing a limit in Christchurch.

Consultation for draft Taxi and Private Hire Driver/Vehicle/Operator Policies APPENDIX 5

Access Dorset and Dots Disability	jonathan@accessdorset.org.uk
Age UK Bournemouth	info@ageukbournemouth.org.uk
Age Concern Christchurch	contact@ageconcernchristchurch.org.uk
Arts University Bournemouth	hello@aub.ac.uk
Bournemouth Accommodation and Hotel Association	info@bhhotels.co.uk
Bournemouth Area Hospitality Association	bha@bha.org.uk
Bournemouth Branch of the Federation of Small Businesses	matthew@escapeyachting.com
Bournemouth Chamber of Trade & Commerce	president@bournemouthchamber.org.uk
Bournemouth Coastal BID	info@coastalbid.co.uk
Bournemouth Community Church	office@bournemouthcommunitychurch.com
Bournemouth Interpreters Group	AMarsh1004@aol.com
Bournemouth Islamic Centre and Central Mosque	info@salaam.co.uk
Bournemouth Town Centre BID	info@towncentrebid.co.uk
Bournemouth Town Centre Chaplaincy	chaplain@clubchaplain.com
Bournemouth University	enquiries@bournemouth.ac.uk
Burton and Winkton Parish Council	burton@dorset-aptc.gov.uk
Charminster Traders Association	info@experiencecharminster.info
Christchurch BID	martin2@heartflood.co.uk
Christchurch Town Council	townclerk@christchurch-tc.gov.uk
Citizens Advice Bureau	admin@bournemouthcab.co.uk
College at Lansdowne	enquiries@bpc.ac.uk
Dorset Council Licensing	licensingteamb@dorsetcouncil.gov.uk
Dorset Healthcare University NHS Foundation Trust	ron.shields@dhft.nhs.uk
East Bournemouth Pubwatch	davidgmh@yahoo.co.uk
Highcliffe and Walkford Parish Council	trish.jamieson@highcliffewalkford-pc.gov.uk
Hurn Parish Council	hurnparishcouncil@talktalk.net
Institute of Licensing	info@instituteoflicensing.org
Poole BID	info@poolebid.com
Poole Taxi Association	pooletaxiassoc@yahoo.com

Poole Town Centre Management	info@pooletowncentre.com
LV Streetwise Safety Centre, Centre Manager	alison@streetwise.org.uk
National Coastal Tourism Academy	jo.edom@coastaltourismacademy.co.uk
National Organisation of Residents Associations	chairman@nora-uk.co.uk
North Bournemouth Pubwatch	tom@barbuffalo.co.uk
NTE Strategy Group	jon.shipp@bcpcouncil.gov.uk
Pokesdown Community Forum	Pokesdown.cf@gmail.com
Police and Crime Commissioner	pcc@dorset.pnn.police.uk
Poole BID	Info@poolebid.com
Poole Town Centre Manager	info@pooletowncentre.com
Prima Life	Sarah-jane.wouthern@pramacare.co.uk
Saxon Square Management Company	bhcommercial@ellis-partners.co.uk
South Western Ambulance Service	wayne.darch@swast.nhs.uk
Southbourne-on-Sea Business Association	info@sosba.co.uk
St Mungos	info@mungos.org
St Swithun's Church	tim@stswithuns.me
The Dorset SARC (Sexual Assault Referral Centre)	dorsetsarc@twelvescompany.co.uk
Winton Online	winton.communityofficer@bcpcouncil.gov.uk
Winton Traders Association	execofficer@bournemouthchamber.org.uk

IN ADDITION THE FOLLOWING GROUPS HAVE BEEN CONSULTED:-

BCP Council	All Councillors
	Legal Services
	Corporate Directors
	Libraries
	Tourism and Corporate Communication
	Events team
	Equalities and Diversity Manager

	Industry Partnership Manager
	Seafront and Business Development
	Community Engagement

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