

Open

Licensing and Environmental Committee

Agenda

10.30am
Monday, 5th October 2015
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Licensing and Environmental Committee

Members of Committee:

Chairman: Councillor J A Hart
Vice-Chairman: Councillor J Baker

Councillor J Aston

Councillor R Bishop

Councillor J Greener

Councillor F M Oborski MBE

Councillor J D Smith

Councillor G W Ballinger

Councillor J R Desmond

Councillor N Knowles

Councillor C Rogers

Councillor G C Yarranton

Information for Members of the Public:

Part I of the Agenda includes items for discussion in public. You have the right to request to inspect copies of Minutes and reports on this Agenda as well as the background documents used in the preparation of these reports.

Part II of the Agenda (if applicable) deals with items of "Exempt Information" for which it is anticipated that the public may be excluded from the meeting and neither reports nor background papers are open to public inspection.

Declaration of Interests by Members – interests of members in contracts and other matters

Declarations of Interest are a standard item on every Council and Committee agenda and each Member must provide a full record of their interests in the Public Register.

In addition, alongside the Register of Interest, the Members Code of Conduct ("the Code") requires the Declaration of Interests at meetings. Members have to decide first whether or not they have a disclosable interest in the matter under discussion.

Please see the Members' Code of Conduct as set out in Section 14 of this constitution for full details.

Disclosable Pecuniary Interest (DPI) / Other Disclosable Interest (ODI)

DPI's and ODI's are interests defined in the Code of Conduct that has been adopted by the District.

If you have a DPI (as defined in the Code) in a matter being considered at a meeting of the Council (as defined in the Code), the Council's Standing Orders require you to leave the room where the meeting is held, for the duration of any discussion or voting on that matter.

If you have an ODI (as defined in the Code) you will need to consider whether you need to leave the room during the consideration of the matter.

For further information:

If you have any queries about this Agenda or require any details of background papers, further documents or information you should contact Louisa Bright, Principal Committee and Member Services Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732763 or email louisa.bright@wyreforestdc.gov.uk

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Wyre Forest District Council

Licensing and Environmental Committee

Monday 5th October 2015

Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster

Part 1 - Open to the press and public

Agenda item	Subject	Page Number
1.	Apologies for Absence	
2.	<p>Appointment of Substitute Members</p> <p>To receive the name of any Councillor who is to act as a substitute, together with the name of the Councillor for whom he/she is acting.</p>	
3.	<p>Declarations of Interests by Members</p> <p>In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered.</p> <p>Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.</p>	
4.	<p>Minutes</p> <p>To confirm as a correct record the Minutes of the meeting held on the 15th June 2015.</p>	6
5.	<p>Application to Licence Pedicabs (Pedal Cycle Rickshaws) as Hackney Carriages in Wyre Forest</p> <p>To receive a report from the Director of Worcestershire Regulatory Services on behalf of Wyre Forest District Council which asks the Committee to reconsider the proposal received to consider licensing Pedicabs.</p>	8
6.	<p>Non-Motorised Hackney Carriage Vehicles</p> <p>To receive a report from the Director of Worcestershire Regulatory Services on behalf of Wyre Forest District Council which asks the Committee to consider the merits of introducing a new hackney carriage vehicle policy and suitable conditions to control the licensing of non-motorised hackney carriage vehicles.</p>	42
7.	<p>Child Sexual Exploitation (CSE) Strategy Action Plan</p> <p>To receive a report from the Director of Worcestershire Regulatory Services on behalf of Wyre Forest District Council which informs the Committee of Worcestershire's Child Sexual Exploitation (CSE) Strategy Action Plan.</p>	46

8.	<p>Gambling Act 2005 Revised Statement of Principles Review Consultation Results</p> <p>To receive a report from the Director of Worcestershire Regulatory Services on behalf of Wyre Forest District Council which asks the Committee to consider the responses received to the consultation on the revised Gambling Act 2005 Statement of Principles.</p>	52
9.	<p>Deregulation Act 2015</p> <p>To receive a report from the Director of Worcestershire Regulatory Services on behalf of Wyre Forest District Council on the Deregulation Act 2015.</p>	83
10.	<p>To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</p>	
11.	<p>Exclusion of the Press and Public</p> <p>To consider passing the following resolution:</p> <p>“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of “exempt information” as defined in the paragraph 1 of Part 1 of Schedule 12A to the Act”.</p>	

Part 2 - Not open to the Press and Public

12.	<p>To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</p>	
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WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

15TH JUNE 2015 (10.30AM)

Present:

Councillors: J A Hart (Chairman), J Baker (Vice-Chairman), R Bishop, S J M Clee, J Greener, N Knowles, F M Oborski MBE, C Rogers and J D Smith.

Observers:

There were no members present as observers.

LIC.1 Apologies for Absence

Apologies for absence were received from Councillors J Aston and G C Yarranton.

LIC.2 Appointment of Substitutes

Councillor S J M Clee was appointed as a substitute for Councillor G C Yarranton.

LIC.3 Declaration of Interests

No declarations of interest were made.

LIC.4 Minutes

Decision: The minutes of the meeting held on 9th February 2015 be confirmed as a correct record and signed by the Chairman.

LIC.5 Application to Licence Pedicabs (Pedal Cycle Rickshaws) as Hackney Carriages in Wyre Forest

The Committee were advised that the applicant had been invited to the meeting, however was not in attendance.

The Chairman adjourned the meeting at 10.37am to enable the Senior Licensing Practitioner (WRS) to contact the applicant. The meeting resumed at 10.44am, and Members were advised that the applicant was unwell and would not be present at the meeting.

Members agreed to defer the item to the next ordinary meeting of the Committee, as they had several questions they wanted to ask the applicant and felt it would be beneficial to inspect a pedicab.

Agreed: The agenda item be deferred to the next ordinary meeting of the Committee.

LIC.6 Consultation on the Review of the Gambling Act 2005 Revised Statement of Principles

The Committee received a report from the Director of Worcestershire Regulatory Services (WRS) on behalf of Wyre Forest District Council that asked Members to approve the revised Gambling Statement of Principles 2016-19 for the purpose of consultation with relevant parties, as part of the statutory three year review in accordance with Section 349 of the Gambling Act 2005.

The Senior Licensing Practitioner (WRS) led Members through the report and advised that the Council's current Statement of Principles took effect on 31st January 2013, and a new Statement of Principles had to be prepared and published ready to take effect on 31st January 2016.

Members were advised that the consultation would take place over an eight week period with relevant parties which included all Parish and Town Councils within the District.

Decision: The revised Gambling Statement of Principles as attached at Appendix 1 of the report to the Licensing and Environmental Committee, be approved for the purpose of consultation with relevant parties.

There being no further business, the meeting ended at 10.55am.

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE

5TH OCTOBER 2015

**Application to Licence Pedicabs (Pedal Cycle Rickshaws)
as Hackney Carriages in Wyre Forest**

OPEN	
DIRECTOR:	Director of Worcestershire Regulatory Services on behalf of Wyre Forest District Council
CONTACT OFFICER:	Niall McMenamin – 01527 548282 niall.mcmenamin@worcsregservices.gov.uk
APPENDICES:	Appendix 1 – HC conditions Appendix 2 – HC Bye Laws Appendix 3 – Proposed Conditions Appendix 4 – Bewdley Pedal Cab’s submission

1. PURPOSE OF REPORT

- 1.1 To reconsider the proposal received for the Licensing and Environmental Committee to consider licensing Pedicabs (often referred to as rickshaws), as hackney carriage vehicles within Wyre Forest. Members are requested to consider the practical consequences regarding the use of this type of vehicle as a hackney carriage.

2. RECOMMENDATION

The Committee is asked to:

- 2.1 **Withdraw the report following notification from Mr Salt of his withdrawal of interest in the original proposal.**

3. BACKGROUND

- 3.1 On 15th June 2015 the Licensing and Environmental Committee received a report asking for Wyre Forest District Council to consider licensing Pedicabs as hackney carriage vehicles.
- 3.2 The report was put forward to Committee following a request from Mr Salt of The Bewdley Pedal Cab Company, who at the time was interested in setting up a Pedicab business in Bewdley Town Centre.
- 3.3 On the 15th June 2015 Mr Salt was unable to attend the Committee meeting due to other work commitments. The Committee therefore made the decision to defer the whole matter until such time that Mr Salt was available to attend the meeting.

3.4 Since the meeting in June Mr Salt has withdrawn interest in his original proposal and subsequently does not now wish to pursue the matter at this time.

4. KEY ISSUES

4.1 Pedicabs (sometimes referred to as cycle rickshaws) are pedal-powered cycles (typically with three or four wheels) used for the purpose of carrying fare-paying passengers. Within this country they are a relatively new form of public transport and prominently feature in London. Outside London such vehicles are classified as hackney carriages. Within London different laws apply and they are not licensed as hackney carriages, no formal regulations are in place to regulate this mode of transport outside of London.

4.2 **Definitions:** Section 38 of the Town Police Clauses Act 1847 explains the definition of a Hackney Carriage “Every wheeled carriage, whatever may be its form or construction, used in standing or plying for hire in any street within the prescribed distance”. A Pedicab is a small three-wheeled vehicle having a seat, pedals, and handlebars in front for the operator and a usually hooded cab in back for passengers and is therefore included in this definition.

4.3 The Council therefore has the discretion under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 to license Pedicabs as hackney carriages. Furthermore the 1976 Act permits the Council to impose conditions on the grant of a hackney carriage vehicle licence.

4.4 It is not lawful to licence these Pedicab vehicles as private hire vehicles because the legal definition of a private hire vehicle commences with “A motor vehicle...”.

4.5 The power to license Pedicabs as hackney carriages was clarified in the Court of Appeal (R v Cambridge City Council ex parte Lane – 13 July 1998) where they determined that rickshaws/Pedicabs are licensable not as omnibuses but as hackney carriages. As such a Pedicab falls within the definition of a hackney carriage vehicle under Section 38 of the Town Police Clauses Act 1847, and so are licensable in the same way as motor vehicle hackney carriages.

4.6 Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 provides that:

- a) A District Council may attach to the grant of a Hackney Carriage under the Act of 1847 such conditions, as the District Council may consider reasonably necessary.
- b) Without prejudice to the generality of the foregoing Subsection, a District Council may require any Hackney Carriage licensed by them, under the Act of 1847, to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a Hackney Carriage.
- c) Any person aggrieved by any conditions attached to such a licence may appeal to the Magistrates Court.

4.7 The Council has a strict policy regarding the type and specification of vehicles, which may be licensed as hackney carriage vehicles. The Council's current standard conditions for licensing hackney carriage vehicles and drivers are set out in **Appendix 1** and a copy of our Hackney Carriage Byelaws can be seen in **Appendix 2**. A Pedicab does not meet our current specifications.

- 4.8 Should members be minded to deviate from current policy and consider the licensing of Pedicabs as hackney carriages in Wyre Forest, a suitable list of conditions has been prepared which could be applied to the issue of any licence, these can be seen at **Appendix 3**.

5. ORIGINAL MATTERS FOR CONSIDERATION

- 5.1 A request was received from Mr Salt of The Bewdley Pedal Cab Company who was seeking to set up a Pedicab business in Bewdley Town Centre. The applicant was advised that Wyre Forest District Council currently has no such policy for licensing these types of vehicles, but that we will seek a Member decision on whether or not we want to license them as an alternative mode of transport that is more environmentally friendly and could be a visitor attraction. A copy of Mr Salt's original proposal is attached at **Appendix 4**.

- 5.2 Any and each application would need to be determined on its own merits and consideration would need to be given to whether or not each Pedicab is an appropriate form of transport to be licensed as a hackney carriage in Wyre Forest. However, there are also a number of other issues which will need to be considered should Members be minded to approve the licensing of Pedicabs:

1. Safety (structurally, mechanically and operationally safe)
2. Routes/Areas of Operation (Designated area or at operators discretion)
3. Riders obligations (Medical fitness, proof of cycling skills)
4. Equalities Act 2010

- 5.3 A number of the points raised above have been addresses in Mr Salt's proposal and in the proposed conditions seen at Appendix 3.

- 5.4 Due to the nature of the Pedicab design, the proposed vehicles will not meet the current Wyre Forest policy in relation to Hackney Carriage Vehicles; therefore members will need to consider the licensing of these vehicles outside of policy. It is therefore proposed that the conditions attached at **Appendix 3** will be attached to the issue of any licence granted and will cover the following:

- Licence Holders requirements
- Pedicab construction
- Pedicab drivers/riders requirements
- Seat Belts
- Safety
- Alterations
- Overloading
- Licence Plates and Badges
- Lost Property
- Advertising
- Vehicle Damage
- Insurance

- 5.5 There is a small risk that many other operators may also look to set up a Pedicab business in Wyre Forest. There is, therefore, the chance that the authority could be inundated with applications for Pedicab Licences similar to the congestion seen in

London. If the Council wanted to limit the number of licences issued to Pedicabs the limit would need to apply to the entire fleet of hackney carriage vehicles.

- 5.6 Consultation on the above proposal has taken place with relevant stakeholders, namely the Police, County Council Highways, Wyre Forest Taxi Liaison Group, the Parish Council and Bewdley Town Council and to date no adverse comments have been received.
- 5.7 Bewdley Town Council have stated that they support the initiative in principle. However they would like the committee, should they be mindful to approve the licensing of Pedicabs in Bewdley to consider the following:
1. Restricting the designated routes to disallow the use of Welch Gate. This is so as not to add to traffic congestion in the town and subsequently air pollution.
 2. That the “pick up/set down” areas for the Pedicab be restricted, in order to not cause potential conflict with other motor vehicles.

6. FINANCIAL IMPLICATIONS

- 6.1 Taxi Licensing is funded from the fees obtained from licence holders. Legislation requires that the fees set are reasonable to recover the cost of providing that service. The cost of issuing any licences would be met through the allocated fees.
- 6.2 It is proposed that the licence fees applicable to the cost of both the driver and vehicle licence, are those currently in place.
- 6.3 There could be legal costs and officer time arising out of any appeal against refusal to grant a hackney carriage licence or where there is an appeal against the vehicle conditions.

7. LEGAL AND POLICY IMPLICATIONS

- 7.1 The Council has the discretion under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 to license Pedicabs as hackney carriages. Furthermore the 1976 Act permits the Council to impose conditions on the grant of a hackney carriage vehicle licence. This power to license Pedicabs as hackney carriages was clarified in the Court of Appeal (R v Cambridge City Council ex parte Lane – 13 July 1998). As such a Pedicab falls within the definition of a hackney carriage vehicle under Section 38 of the Town Police Clauses Act 1847.

8. RISK MANAGEMENT

- 8.1 Any decisions made by the committee must be both reasonable and lawful, otherwise it may leave the Council open to possible legal challenge.

9. EQUALITY IMPACT ASSESSMENT

- 9.1 Pedicabs cannot meet the licensing criteria in respect of wheelchair access, and if licensed contribute to the overall number of Hackney carriages licensed. Pedicabs would not be exempt vehicles under the Equalities Act 2010.

- 9.2 Although the proposed pedicabs will not be wheelchair accessible they can still be used by a significant proportion of disabled people who are ambulant and able to negotiate the step up onto the rear seat.

10. CONCLUSION

- 10.1 In light of the fact that Mr Salt of The Bewdley Pedal Company has now withdrawn interest in his original proposal and does not wish to pursue the matter at this time, an immediate decision is not now required by the committee. It is therefore the opinion of the Senior Licensing Practitioner that this report should be withdrawn, in order to explore alternative options.

11. CONSULTEES

- 11.1 Solicitor to the Council, Legal Services.

12. BACKGROUND PAPERS

- 12.1 Hackney Carriage Byelaws.

Local Government (Miscellaneous Provisions) Act 1976

Hackney Carriage Vehicle Licences
Conditions of Licence

A District Council may attach to the grant of a hackney carriage vehicle licence, such conditions as it may consider reasonably necessary (Section 47(2) Local Government (Miscellaneous Provisions) Act 1976).

All relevant information will be taken into account when consideration is given to an application for a hackney carriage vehicle or driver's licence. Whilst an application for a licence should conform to the licensing conditions and Council policies or guidelines, each application will be considered on its own merits.

Should an application be refused, the applicant has a right of appeal, in writing, within 21 days, to the Magistrates' Court. In the case of a refusal to grant a hackney carriage proprietor's licence the appeal is directly to the Crown Court. Wyre Forest District Council may, at its discretion, waive, alter or add to any of the conditions, standards or requirements.

A hackney carriage vehicle licence is issued, upon application, on 1 July each year and is valid for one year.

A hackney carriage driver's licence is issued, upon application, on 1 April and is valid for two years

The hackney carriage ("the vehicle") shall at all times be kept and used in compliance with:-

The provisions of all Acts of Parliament and regulations made thereunder relating to the use of vehicles on public highways including in particular those contained in the Motor vehicles (Construction and Use) regulations.

The provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976

All byelaws relating to hackney carriages for the time being in force where the vehicle is kept and used.

Hackney Carriage Licensing Conditions

- 1 Wyre Forest District Council will only licence new vehicles of a purpose built design for use as Hackney Carriages. The body must be of a fixed head type and have a bulkhead partition. The vehicle must be designed and developed exclusively for use as a wheelchair accessible taxi. Wheelchair access must be from the side and not from the rear. It must be unaltered from the manufacturer's specification and documentation must be produced to show that the vehicle is certified to M1, European Whole Vehicle Approval or Low Volume Type Approval standards.
- 2 Production of the registration document (V5 form) that records when the vehicle was first registered; body type, vehicle type approval will be required to be produced at the time of MOT testing and licensing, together with a certificate provided by the manufacturer, issued by the Vehicle certification Agency (VCA form) and a bill of sale from the vendor that stipulated the vehicle is the standard of the new specification.
- 3 Hackney carriages will be coloured silver, suitably finished to a high quality. The silver colour shall be matching to BS 5252 (reference no. 00A03) or other similar colour as the Council may agree. The identification decal provided by the Council shall be applied to the mid or upper section of the nearside and offside front doors.
- 4 Where rubbing strips are fitted on the doors or panels they should comply with the colour scheme of the relevant door or panel unless they consist of black plastic, rubber or other material as normally supplied by the manufacturer.
- 5 All Vehicles when first submitted for licensing, must be less than two **(2)** years old. The upper age limit for hackney carriage vehicles will be ten **(10)** years unless agreed by the Council who may on a vehicle by vehicle basis extend this period dependent on the condition of the vehicle.
- 6 All vehicles shall have a minimum of four doors, each adjacent to, and allowing direct access to and from the seats.
- 7 Vehicles must be capable of carrying a wheelchair accessed from the side in a secure forward or rear facing position.
- 8 All wheelchair accessible hackney carriages are to permit loading of wheelchairs **ONLY** through the side door(s) of the vehicle. Vehicles, which load wheelchairs through the tailgate, will not be accepted for licensing.

- 9 All wheelchair accessible hackney carriages shall be equipped with properly mounted fittings for the safe securing of a wheelchair and the passenger seated in it, when carried inside the vehicle.
- 10 Anchorage provided for wheelchair access must be either chassis or floor linked. Restraints for wheelchair and occupant must be independent of each other. Anchorage must be provided for the safe stowage of a wheelchair when not in use when folded or otherwise, if carried within the passenger compartment.
- 11 Provisions must be made for the ramps to be stowed safely when not in use.
- 12 Each seat shall have a minimum width of not less than 16 inches per person. The seat width for 3 persons of 48" shall be measured by taking the actual distance between the arm rests.
- 13 The rear seat shall accommodate not less than three persons; unless the safe carriage of a passenger seated in a wheelchair necessitates the removal of any seat.

Maintenance of vehicle

- 14 The hackney carriage vehicle hereby licensed is to be tested to a Ministry of Transport standard, and the vehicle shall be taken to the appropriate Council testing station. Vehicles will be tested and inspected three times per year.
- 15 The vehicle and all its fittings and equipment shall at all times when the vehicle is in use, or available for hire, be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in the Motor vehicles (Construction and Use) Regulations shall be fully complied with.
- 16 Vehicles submitted for test/inspection shall be in such a condition as to be suitable for inspection, free from oil and any other matter, thoroughly cleaned inside and out. Vehicles not meeting these conditions will not be inspected. These vehicles will be treated as having failed to attend the inspection centre and be suspended immediately until they pass a re-examination.
- 17 Proprietors of vehicles, which fail to attend any notified inspection, or whose vehicles are refused an inspection due to their condition, shall be liable to pay a fee for the re-inspection.
- 18 Vehicles that fail to attend for any inspection will be suspended immediately until such time as they attend and pass the inspection.
- 19 Vehicles must have a Department for Transport test certificate where required by the Road Traffic Acts.

NB : UNDER S.47 ROAD TRAFFIC ACT 1988, A HACKNEY CARRIAGE IS REQUIRED TO BE TESTED NOT LESS THAN ONE YEAR FROM ITS FIRST REGISTRATION.

Alteration of Vehicle

20 No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without prior approval of the Council at any time while the licence is in force.

CCTV

21 There may be installed a CCTV camera, providing all image handling and recording equipment complies with the requirements of current and future data protection legislation. There must be signs displayed in and out of all windows of the vehicle informing passengers that the vehicle is fitted with surveillance equipment. The signs shall be not less than 11 x 8cm.

Advertising

22 The Hackney carriage hereby licensed shall display no advertisement unless the Council shall have first approved its size colour and subject matter, and position on the vehicle in writing. A draft copy of the advertisement must be firstly submitted for approval. The letter of approval must be produced to the Council testing station at the time of the vehicle inspection.

Safety Equipment

23 There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher.

Accidents

24 In the event of the hackney carriage vehicle hereby licensed being involved in any accident to the vehicle causing damage material affecting the safety, performance, or appearance of the vehicle, or comfort or convenience of the passengers, the proprietor shall report such accident to the Council as soon as reasonable practicable, and in any event within 72 hours of the occurrence thereof.

Change of address

25 The proprietor shall notify the Council in writing of any change during the period of licence within 7 days of such change-taking place.

Liquid Petroleum Gas

26 A hackney carriage proprietor converting their licensed vehicle to run on Liquid Petroleum Gas (LPG) must notify the Council of such change and comply with the following conditions. These conditions will also apply to proprietors purchasing a new or used vehicle that runs on LPG.

27 That the installation of a LPG tank be fitted by an LPGA approved installer as recommended by the Liquid Petroleum Gas Association.

- 28 That the proprietor produces a certificate of compliance by an approved LPGA installer.
- 29 That the LPG tank fitted must be a multi-valve tank and be fitted with a sealed tank box made from aluminium and vented to the atmosphere.
- 30 That the vehicle displays on the front and rear screens a round sticker stating that the vehicle has been fitted with a LPG tank for the purpose of the emergency services in the event of an accident.
- 31 That if a doughnut tank is fitted in the spare wheel well of the boot, the spare wheel must be securely fixed in a position not obstructing the entire luggage space.
- 32 That the proprietor of the vehicle must notify DVLA Swansea, of the change in fuel from petrol to both LPG and petrol.
- 33 The vehicle be serviced by a person competent in LPG powered vehicles.

HACKNEY CARRIAGE BYELAWS

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 by the Wyre Forest District Council with respect to Hackney Carriages.

INTERPRETATION

1. **THROUGHOUT** these Byelaws "the Council" means the Council of the District of Wyre Forest and "the District" means the administrative District of Wyre Forest.

PROVISIONS REGULATING THE MANNER IN WHICH THE NUMBER OF EACH HACKNEY CARRIAGE CORRESPONDING WITH THE NUMBER OF ITS LICENCE SHALL BE DISPLAYED

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside respectively of the carriage or on plates affixed thereto
- (b) A proprietor or driver of a hackney carriage shall:
- (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing plying or being driven for hire
 - (ii) not cause or permit the carriage to stand, ply or be driven for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible
 - (iii) cause a plate (to be provided by the Council and hereinafter called "the number late") bearing the number corresponding with the number of the Licence of such carriage to be conspicuously affixed on the outside of the back of such carriage
 - (iv) cause a plate (to be provided by the Council and hereinafter called the "inside number plate") bearing a number corresponding with the number of the licence of such carriage to be conspicuously affixed inside such carriage, immediately above the fare plate

PROVISION REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED

3. The proprietor of a hackney carriage shall:
- (a) provide sufficient means by which any person in the carriage may communicate with the driver
 - (b) cause the roof or covering to be kept watertight

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- (c) provide any necessary windows and a means of opening and closing not less than one window on each side
 - (d) cause the seats to be properly cushioned or covered
 - (e) cause the floor to be provided with a proper carpet mat or other suitable covering
 - (f) cause the fittings and furniture generally to be kept in a clean condition well maintained and in every way fit for public service
 - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage
 - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use
 - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver
4. A proprietor of a duly licensed motor hackney carriage shall not cause or suffer such carriage to be used for the purpose of plying for hire or carrying passengers for reward unless and until it has been fitted with a taximeter or other similar apparatus.
5. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say
- (a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter.
 - (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter.
 - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter, in clearly legible figures, a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf.
 - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon.
 - (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring.

- (f) the taximeter and all fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

PROVISIONS REGULATING THE CONDUCT OF THE PROPRIETORS AND DRIVERS OF HACKNEY CARRIAGES PLYING WITHIN THE DISTRICT IN THEIR SEVERAL EMPLOYMENTS AND DETERMINING WHETHER SUCH DRIVERS SHALL WEAR ANY AND WHAT BADGES

- 6. The driver of a hackney carriage provided with a taximeter shall:
 - (a) when standing or plying for hire keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter.
 - (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring.
 - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purpose of the Road Traffic 1972 and also at any other time at the request of the hirer.
- 7. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof or with the seals affixed thereto.
- 8. The driver of a hackney carriage shall when plying for hire in any street and not actually hired:
 - (a) proceed with reasonable speed to one of the stands in the District
 - (b) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward
 - (c) when the carriage is the first carriage on the stand remain with the carriage ready to be hired at once

In this byelaw "stand" means a stand for the time being

(i) Appointed under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 in the District; or

(ii) Fixed by byelaw made under Section 68 of the Town Police Clauses Act 1847 in any part of the District

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9. A proprietor or driver of a hackney carriage when standing or plying for hire shall not by calling out or otherwise importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
10.
 - (a) every proprietor or driver of a motor hackney carriage shall at all times where standing, plying or driving for hire conduct herself/himself in an orderly manner.
 - (b) the driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
11. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall unless delayed or prevented by some sufficient cause punctually attend with such carriage at such appointed time and place.
12. The driver of a hackney carriage when hired to drive to any particular destination shall subject to any directions given by the hirer proceed to that destination by the shortest available route.
13. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
14. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall when standing, plying or driving for hire wear that badge in such a position and manner as to be plainly and distinctly visible.
15. The driver of a hackney carriage so constructed as to carry luggage shall when requested by any person hiring or seeking to hire the carriage:
 - (a) convey a reasonable quantity of luggage
 - (b) afford reasonable assistance in loading and unloading
 - (c) afford reasonable assistance in removing it to or from the entrance of any house, station or place at which he may take up or set down such person
16. Every proprietor or driver of a hackney carriage who shall knowingly convey in the carriage the dead body of any person shall immediately thereafter notify the fact to the Head of Planning, Health and Environment.

Wyre Forest District Council

CONDITIONS ATTACHED TO PEDICABS AS HACKNEY CARRIAGE VEHICLES LICENCE

Conditions for Pedicab Licences (All conditions relate to both Employer and Employee Licences except where indicated for Licence Holder Only)

Pedicabs (sometimes referred to as cycle rickshaws) are pedal-powered cycles (typically with three or four wheels) used for the purpose of carrying fare-paying passengers.

LICENCE HOLDER

1. The Licence holder shall ensure that all drivers/riders of pedicabs employed by him hold a valid Dual Hackney Carriage/Private Hire Drivers Licence issued by Wyre Forest District Council.
2. The Licence holder shall maintain an up to date list of the names and addresses of all drivers used by him and shall produce this list on request to a duly authorised officer of the licensing authority or to a Constable at all reasonable times.
3. The Licence holder shall ensure that an inspection of any pedicab presented to the Council for licensing is undertaken by a local cycle shop authorised by Wyre Forest District Council's Licensing Team prior to the issue of an initial vehicle licence.

The inspection will include, but will not be limited to ascertaining the condition of the following

1. Front and rear brakes
 2. Front and rear lights
 3. Operation of seat belts
 4. Conditions of tyres, wheels and spokes
 5. Condition of all safety guards
4. The Licence holder shall ensure that an annual inspection of any pedicab licensed by the Council is undertaken by local cycle shop authorised by Wyre Forest District Council's Licensing Team, prior to the renewal of a vehicle licence (covering all of the areas highlighted above at **3.**)
 5. The Licence holder shall ensure that all pedicabs are maintained regularly and kept in a safe condition. The Licence holder shall also retain records of all maintenance work carried out on each pedicab licensed in his name.
 6. The Licence holder shall maintain operational records to ensure that there is a record retained of the identity of the driver of any pedicab at any given point in time.
 7. Upon request from the licensing authority the Licence holder shall produce all pedicabs held by him under this licence for examination at such time and place as may be reasonably required by the licensing authority. In the event that any pedicab does not pass this inspection it shall not be operated until any defects are remedied and the pedicab has passed reinspection to the satisfaction of the licensing authority.

PEDICAB CONSTRUCTION

8. The Licence holder shall ensure that pedicabs comply with the Pedal cycle (Construction and Use) Regulations 1983, and the Road Vehicle Lighting Regulations 1989 and any other legislation that effects the construction/lighting of pedicabs.

PEDICAB DRIVERS/RIDERS

9. The driver of a pedicab must hold a valid Dual Hackney Carriage/Private Hire Drivers Licence issued by Wyre Forest District Council.

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10. The driver of a pedicab must have passed The National Standard for Cycling Training level 3 or equivalent.
11. The driver of a pedicab shall operate pedicabs only on routes approved by Wyre Forest District Council's Licensing Team.
12. The driver of a pedicab shall comply with National and Local Legislation and the Highway Code relating to the use of pedicabs on the road i.e. traffic signals, no entry signs and one way streets etc.
13. The driver of a pedicab shall use his best endeavours to ensure the safety of passengers, other road users and him/herself at **all times**.

SEAT BELTS

14. Seat/lap belts shall be fitted to the rear seat and shall be readily accessible for use by all passengers. They shall be maintained in good condition and in useable state of repair at all times
15. The driver of a pedicab shall ensure that **All** passengers use the safety/lap belt before commencing all journeys.

SAFETY

16. The driver of a pedicab shall ensure the safety of passengers at all times. Drivers must not carry passengers if they are likely to endanger themselves, other road users or pedestrians this includes passengers who are:
 1. Drunk
 2. Uncontrollable or who refuse to accept the driver's instructions.
 3. Carrying unsuitable luggage, that cannot be safely stowed.
 4. Too Heavy
 5. Minors, who may not have the consent of their parent or guardian to travel.
17. The driver of a pedicab shall undertake the following daily safety checks on the vehicle before the start of each shift:
 1. Check and ensure that all tyres are inflated to the correct pressure levels;
 2. Check and ensure that all tyres have suitable tread and are in generally good condition.
 3. Check and ensure that both the front and rear brakes are fully operation
 4. Check and ensure that all safety guards are in place. This includes the wheel discs, wheel guards and the diff guard
 5. Check and ensure that all lights fully operational
 6. Check and ensure that all any bell fitted is fully operational
 7. Check and ensure that all safety belts are fully operational

ALTERATIONS

18. No alterations to any equipment, dimensions or other specifications shall be undertaken without the prior consent of any Authorised Officer of the Licensing Authority. For the avoidance of doubt alterations includes both additions to and the removal of any existing equipment in, or on, Licensed Vehicles.

NO OVERLOADING

19. The driver of a pedicab shall not overload the pedicabs and will only take passengers if they can be seated in the pedicab i.e. a maximum of three passengers.

LICENCE PLATES AND BADGES

20. The driver of a pedicab shall at all times while he is acting as such have with him the badge of identification issued by the licensing authority. He shall exhibit such badge of identification on demand to any passenger, Constable or authorised officer of the licensing authority. The badge of identification issued by the licensing authority shall include a recent photograph showing a true likeness of the

Agenda Item No. 5 Appendix 3

driver and he shall display his badge of identification at all times while so acting conspicuously on the outer front, upper portion of his outermost garment with the inscribed side of the badge clearly visible.

21. The driver of a pedicab shall NOT:-
 - A - Permit any other person to use his badge of identification.
 - B - Willfully damage his badge of identification.
 - C - Give, transfer, sell or otherwise dispose of his badge of identification.
22. The driver of a pedicab shall immediately report the loss of his badge of identification to the licensing authority.
25. The driver of a pedicab shall surrender to the licensing authority a badge of identification, the inscription or photograph on which has become in whole or in part illegible or defaced as the case may be.
26. The Licence holder shall ensure that the identification plate on the pedicabs remain in place at all times during the currency of the licence and in the event of it being removed, damaged or defaced shall report this to the licensing authority as soon as practicable in order to obtain a replacement plate. **(Licence Holder Only).**

LOST PROPERTY

27. The driver of a pedicab at the end of each hiring shall search the pedicab of which he is in charge of any property that may have been left therein.
28. Any property found by the driver shall, within twenty-four hours, be returned to the owner of the property, if known or such property shall be handed in by the driver to any police station.

ADVERTISING

29. The position of advertising on the pedicabs must be inspected and approved in writing by Wyre Forest District Council's Licensing Team before any advertising is displayed on the pedicabs.

The content of the advertisements to be assessed by the Council's Licensing Team shall include the following criteria:

- Non-sexual
- Non-religious
- Non-political
- Non-discriminatory
- Not to cause public offence
- Not misleading
- No cigarette advertising
- No alcohol advertising
- Location does not distract from council vehicle signs
- Not to obscure vision of the driver

VEHICLE DAMAGE

30. Accidents resulting in damage materially affecting the safety, performance or appearance of the pedicab or the comfort or convenience of persons carried shall be reported to the Licensing Section within 72 hours of the accident occurring. Until the damage is repaired to the satisfaction of the Licensing Authority or inspected by them, and written consent is received to continue to use the vehicle, the vehicle must not be used.
31. Accidents involving personal injury to passengers must be notified to the Police and Licensing unit as soon as possible but in any case within forty-eight hours.

INSURANCE

32. The licence holder shall have in place Third Party Public Liability Insurance (minimum one million pounds for any one event) to cover the operation of all pedicabs for which this licence is issued. **(Employer only)**
33. The licence holder shall notify the Council of any change of insurer or any change to the insurance particulars and shall provide full details thereof within three working days of such change. Copies of the insurance document must be kept within the pedicab at all times.

HACKNEY CARRIAGE/PRIVATE HIRE HANDBOOK

34. The pedicab driver and employee must adhere to the byelaws (where practicable) as laid out in pages 12 – 15 of the Wyre Forest District Council “Guide for Applicants Drivers and Owners of Hackney Carriage and Private Hire Vehicles”.

July 2015

THE BEWDLEY PEDAL CAB COMPANY

Providing a safe, entertaining and environmentally friendly pedal power
taxi and tour service to visitors of Bewdley

THE BEWDLEY PEDAL CAB COMPANY

Providing a safe, entertaining and environmentally friendly pedal power taxi and tour service

THE BEWDLEY PEDAL CAB COMPANY will

- Provide a unique taxi experience for those wishing to travel within Bewdley Town in a more relaxed manner.
- Be low cost to passengers.
- Provide an entertaining and informative tour service around Bewdley Town.
- Be ZERO polluting & environmentally friendly.
- Offer local businesses the possibility to advertise their goods & services in a new way.
- Provide a regular shuttle service to and from Bewdley train station.
- Allow less able visitors and locals the opportunity to move around the town without the need to walk.



THE BEWDLEY PEDAL CAB COMPANY

Providing a safe, entertaining and environmentally friendly pedal power taxi and tour service



THE BEWDLEY PEDAL CAB COMPANY will also

- Give local businesses and their customers a personal low cost delivery service.
- Add to Bewdleys' many attractions.
- Provide a memorable and enjoyable experience to those visiting the historic town.
- Offer tourist advice and support in accordance with the Tourist Information Centre.

The benefits to the pub trade of Bewdley

Bewdley has many wonderful public houses which offer a great choice of drinks and superb food. But a number of them are some distance from the actual town centre (Load Street). This may often put off those on foot from making the effort to walk to them.

By offering a cheap local taxi service to and from these pubs **The Bewdley Pedal Cab Company** will be able to satisfy those visitors and locals alike who may otherwise not wish to walk to such pubs as The Rising Sun, 139 Kidderminster Road, The Old Waggon and Horses, 91 Kidderminster Road, The Great Western, 42 Kidderminster Road, The Little Pack Horse, 31 High Street, The Hop Pole, Hop Pole Lane. It is rather impracticable, due to costs, to call for a conventional private hire taxi to take one from the town centre to any of these pubs. However we can offer a service that is both very affordable and practicable, let alone fun and memorable.

This is good for visitors to Bewdley and great for those pubs on the edge of town who could quite easily see their customer base increase thanks to **The Bewdley Pedal Cab Company**.

The benefits to Severn Valley Railway

Bewdley has a fantastic train station, a real treasure to the town, its' residents and its' visitors. But it is quite some distance by foot from the town centre, which may discourage those arriving by train to make the walk down into the town, or equally those in town wishing to visit the station.

The **Bewdley Pedal Cab Company** will offer a very low cost and enjoyable shuttle service to and from the train station which will be great news for those who would otherwise not be inclined to walk the distance.

Another benefit to visitors is that they may be encouraged to park their cars at Dog Lane car park rather than attempt to find a space at the station car park. The knowledge that there is a unique local taxi service from the town to the station would benefit greatly the Severn Valley Railway.

The benefits to tourism of Bewdley

Bewdley has so much history and so many magnificent places of interest. A number of these are some distance from the town centre. As mentioned previously there may be tourists to our town who may be discouraged from visiting these attractions because of the walk involved to get to them.

However **The Bewdley Pedal Cab Company** can help those less able or encourage those less inclined to walk to these places of interest, by offering them a cheap, fun and attractive service, and by doing so allow them to visit all of Bewdley and see all of its' delights.



The benefits to local businesses, events and shows.

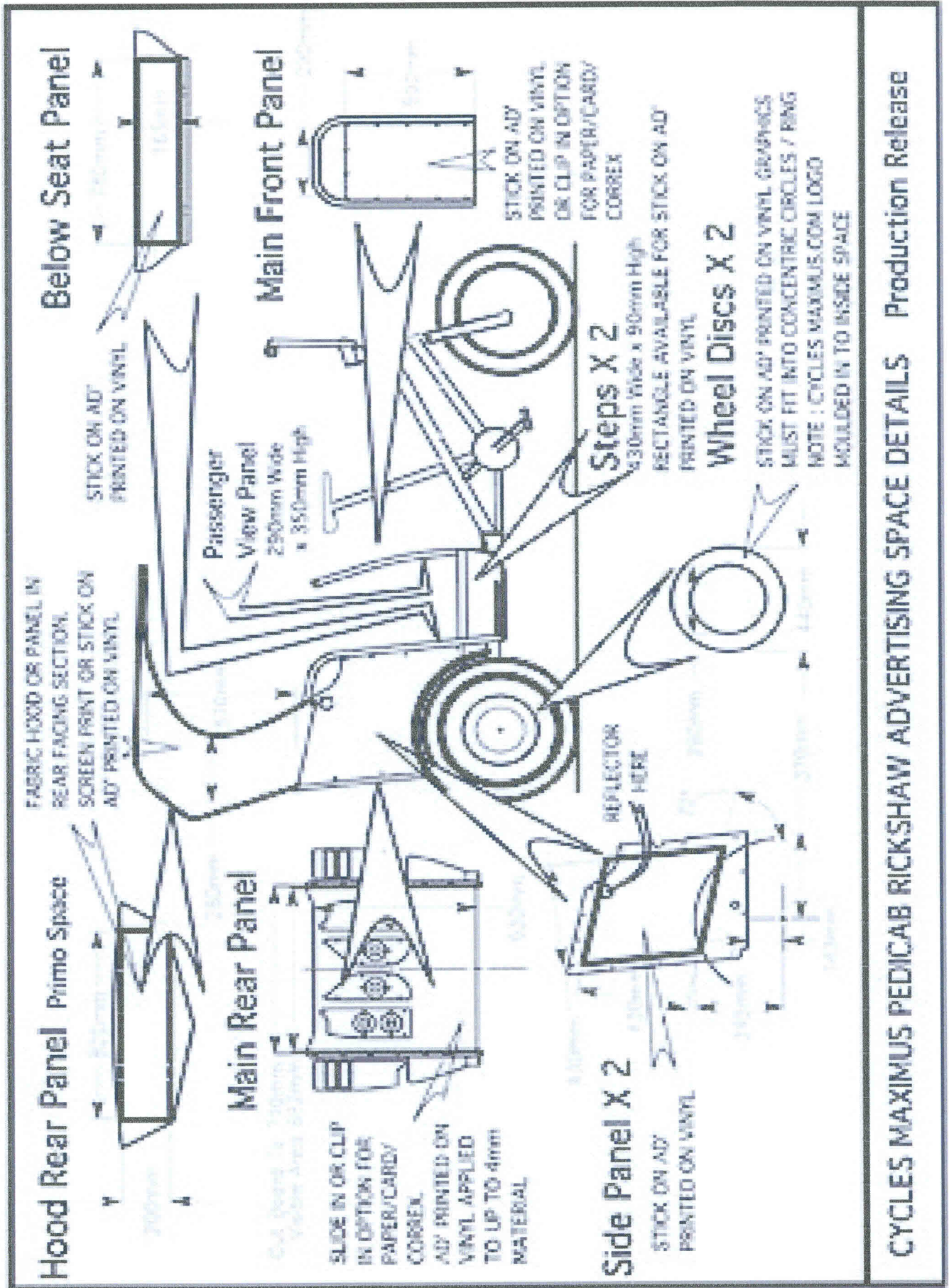


There is a great opportunity for local businesses and charities to uniquely advertise their goods and services with **The Bewdley Pedal Cab Company.**

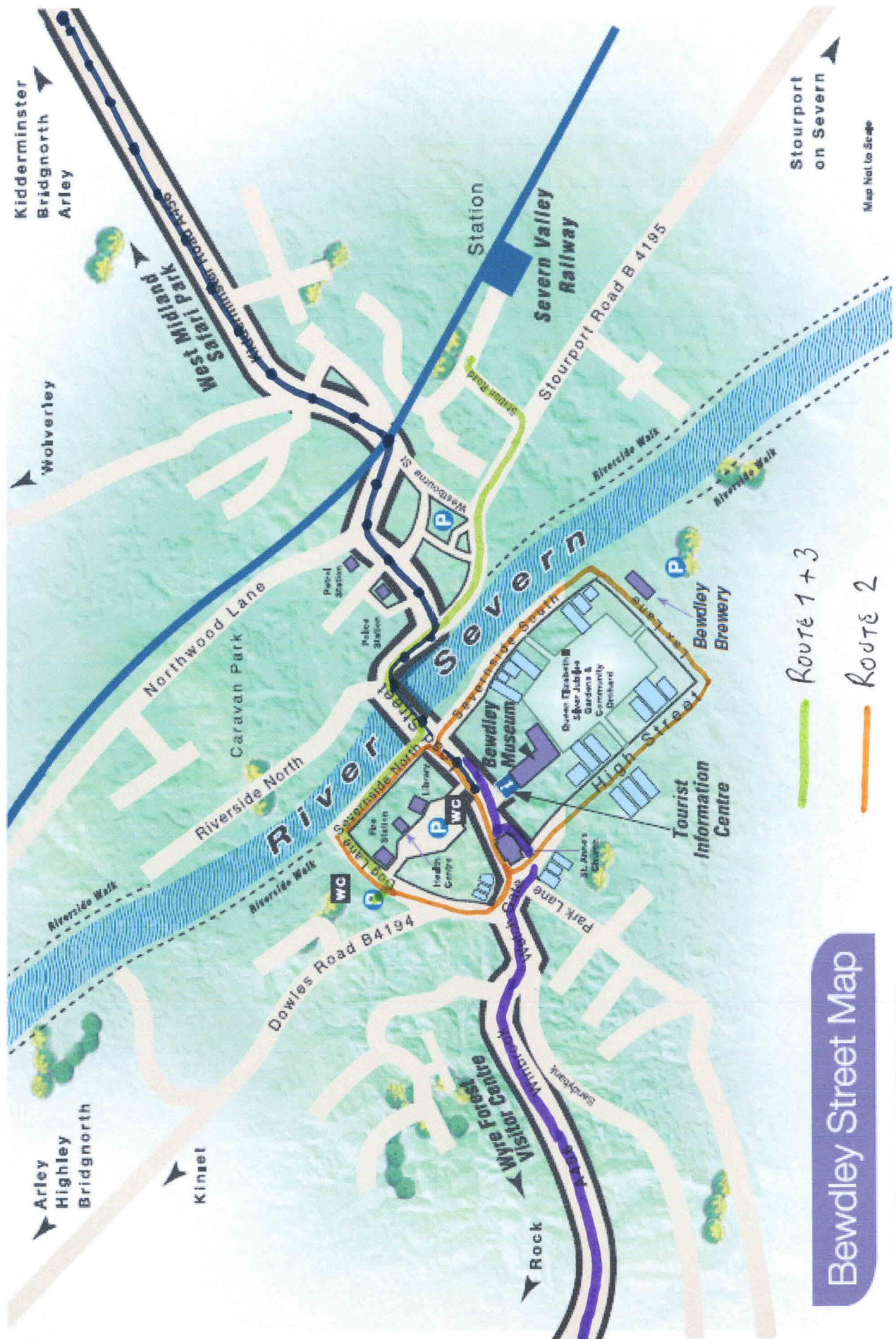
Also the pedicabs offer a great moving and attractive platform for showcasing **local attractions, events and shows.**

But that's not all.... **The Bewdley Pedal Cab Company** can offer local traders a delivery service, such as fruit and vegetables and local grocery deliveries. All at low cost and with absolutely **NO** pollution!

Plenty of advertisement space on board.



Intended routes



Bewdley Street Map

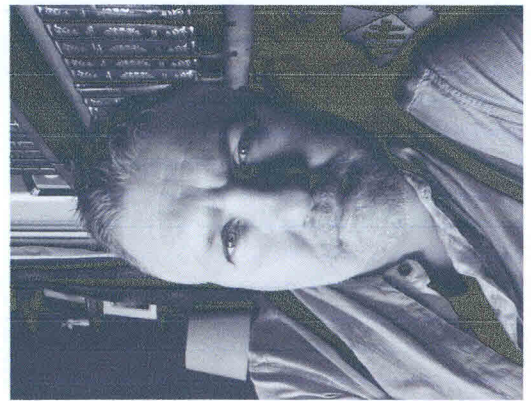
Route 1 + 3
Route 2
Route 4
Route 5

The Bewdley Pedal Cab Company will be run us, Rock and Amanda Salt. We have lived at [redacted] Bewdley for over 10 years and we both agree that we would not wish to be anywhere else. We have a 6 year old [redacted], and a dog named Dave. We also have a few hens.

We are incredibly proud to be members of the Wyre Forest community and love our town of Bewdley, its' history and its unique riverside charm.

Being given the opportunity to provide a Hackney Pedicab service to visitors and locals of Bewdley would be an immense privilege and honour for both of us. We believe that **The Bewdley Pedal Cab Company** could become an integral part of town life and would also become a famous added attraction to those who visit our wonderful town.

Thank you



THE BEWDLEY PEDAL CAB COMPANY

Intend to use The Cycles Maximus CabTrike (We may have to purchase second hand)



"Our Cycles Maximus pedicabs are very popular with riders and passengers alike - a great British innovation"

Neil Adams, Bugbugs Ltd. - London Pedicab Operator

"Cycles Maximus pedicabs make me enjoy my job, as much as my customers enjoy their sightseeing tours"

Jean-Charles MULLER Cyclorama, Strazbourg, France

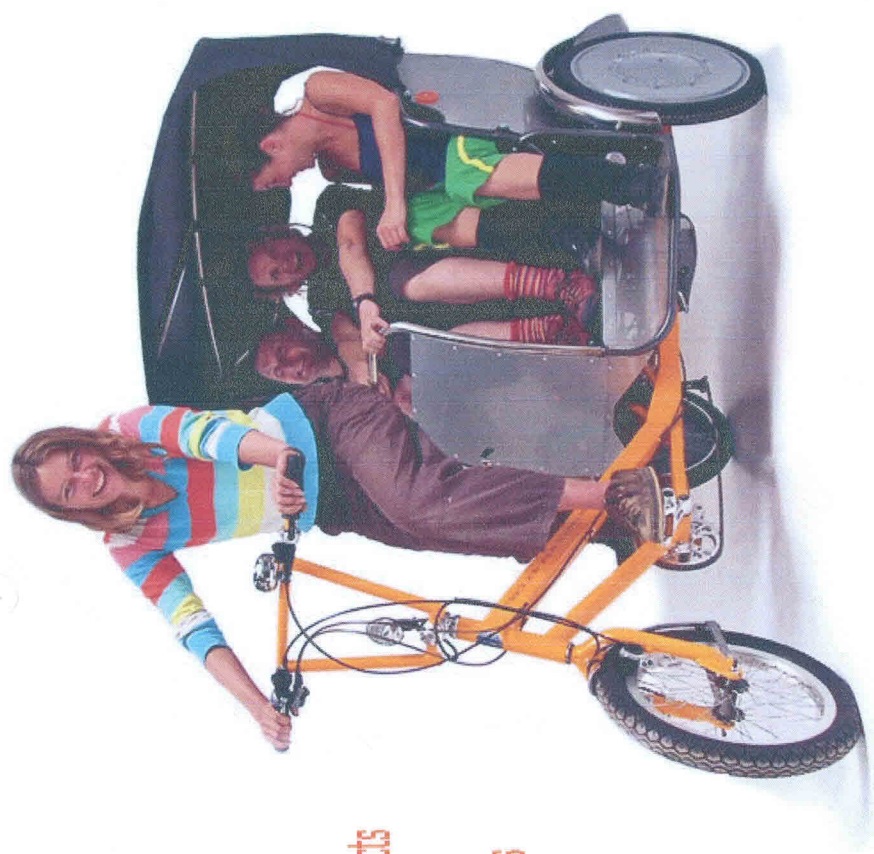
"Our goal with The Joy Ride? Pedal-Limos is to set ourselves apart from other Pedicab companies by offering a better quality ride, and the Cycles Maximus have helped us succeed. Compared to other models, our cabs are by far the most stylish and distinctive-looking from a design standpoint, and the ride is really smooth and solid. The turn radius is incredible! Passengers really love how much room they have in the seat, and advertisers love how good their signs look on the cab. The upright handlebars seem specifically designed to make uphill and heavy rides easier on the driver, while maintaining a healthy ergonomic position. Overall, the Cycles Maximus Pedicab is a great product and an intelligently designed vehicle"

Andre Roman -The Joy Ride Pedal-Limos Company - Denver, Colorado

The Cycles Maximus CabTrike

"Cycles Maximus were the best choice for us and our varied activities, with well made robust products which fitted our needs they helped us to become a great success. We use our vehicles to help transport over 200,000 items of freight a year, collect tonnes of trade waste and move thousands of people around our town, without a doubt Maximus are key to enabling us to deliver a high level of service with dependable vehicles"

Will Vaughan - Hereford Pedicabs and Cargo



"London Pedicabs have been using Cycles Maximus Trikes for 4 years & they have proven to be a very reliable vehicle . They are light & very manoeuvrable, which makes them by far the most preferred cycle on the London Circuit for riders & operators alike. With the addition of the new advertising body & safety features, we feel they are now without a doubt the complete package."

Graeme Rivett MD. London Pedicabs

Reasons to choose CabTrike:

- Cycles Maximus have updated the rickshaw for the 21st Century with a seat that will carry three passengers in style and comfort
- There are now hundreds on the streets of London, the Pedicab offers environmentally sound, quiet and fast people transport, and it is a great way to earn a living for Riders and Operators. Around the world, the Cycles Maximus Pedicabs are the riders first choice
- Carries 3 adult passengers in comfort
- Safety belt
- Opportunity for large income from advertising
- Easily interchangeable with other bodies due to it's Modular Design
- Optional Weather Guard, protecting passengers from cold and rain
- Can be stored on its back to save space
- Lockable box under the seat for storage of the belongings
- Roof that folds flat, so that the trike can be stored on its back, taking up less floor space. This also enables compact delivery on a 1.2M/1.2M (47") pallet

All Cycles Maximus trikes feature: -

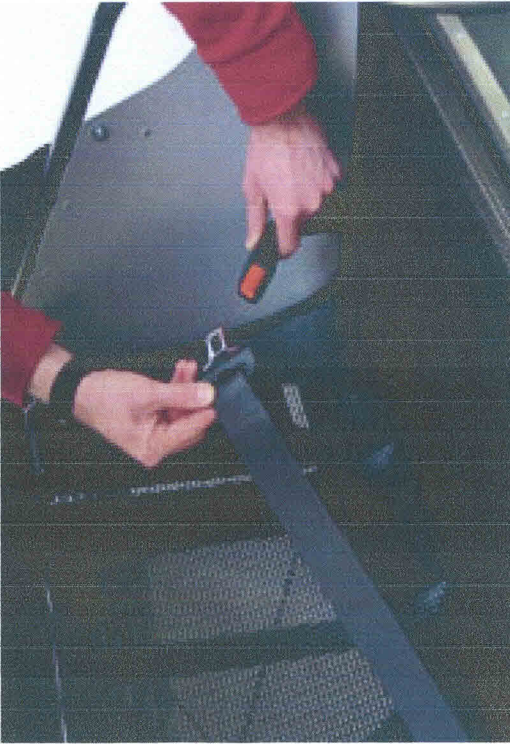
- Hand-built, rugged construction
- Differential drive
- High specification components
- Lightweight with aircraft-grade steel
- Hydraulic brakes
- Choice of interchangeable bodies
- Advertisement opportunities
- 24 speed transmission (except PowerDrive)

Electric Assist option all of this results in a tricycle that is: -

- Extremely reliable
- Simple to maintain
- Highly manoeuvrable
- Very economical to run
- Easy and comfortable to ride
- Zero pollution



3 point safety seat belts



Lockable storage space



And finally.....Our Promise

The Bewdley Pedal Cab Company promises to ALWAYS respect Bewdley, its' residents and its' visitors. We promise to ALWAYS work in a safe, courteous and professional manner. We promise ALWAYS to be fair with tariffs and to NEVER over charge.

We will ALWAYS promote our wonderful town of BEWDLEY and its many business.

WYRE FOREST DISTRICT COUNCIL**LICENSING AND ENVIRONMENTAL COMMITTEE****5TH OCTOBER 2015****Non-Motorised Hackney Carriage Vehicles**

OPEN	
DIRECTOR:	Director of Worcestershire Regulatory Services on behalf of Wyre Forest District Council
CONTACT OFFICER:	Niall McMenamin – 01527 548282 niall.mcmenamin@worcsregservices.gov.uk
APPENDICES:	None

1. PURPOSE OF REPORT

- 1.1 To consider the merits of introducing a new hackney carriage vehicle policy and suitable conditions to control the licensing of non-motorised hackney carriage vehicles in the district of Wyre Forest.

2. RECOMMENDATION

The Committee is asked to:

- 2.1 **Consider the merits of whether to instruct Officers to undertake further work on the formulation and introduction of a new policy and to draft suitable conditions to control the licensing of non-motorised vehicles as hackney carriages.**

3. BACKGROUND

- 3.1 Non-motorised vehicles such as pedicabs (often referred to as bicycle rickshaws) and horse drawn carriages are occasionally used for the purpose of carrying fare-paying passengers. This is particularly popular in seaside towns and other places that attract a large number of tourists.
- 3.2 If a non-motorised vehicle were to ply for hire in a controlled district, it would fall within the definition of a hackney carriage vehicle as defined in the Town Police Clauses Act 1847. However the use of non-motorised vehicles on a pre-booked basis does not require licensing because the legal definition of a private hire vehicle refers to a “motor vehicle”.
- 3.3 Outside of London there are no national regulations in place to regulate these types of vehicles when being used to carry fare paying passengers. However under the Town Police Clauses Act 1847 the Council has the discretion to set local policies and conditions that would allow these types of vehicles as hackney carriage vehicles. Furthermore the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to impose conditions on the grant of hackney carriage vehicle licences.

- 3.4 Local policies and conditions to regulate the use of hackney carriages are normally designed with motorised vehicles in mind. Therefore those Councils that allow non-motorised hackney carriages to ply for hire in their area have needed to adopt specific policies and conditions that are suited to regulating this mode of transport.

4. KEY ISSUES

- 4.1 In early 2015, WFDC received an enquiry from a local businessman who was considering setting up a pedicab business in the Bewdley area. The enquiry highlighted the fact that WFDC had no local procedures or policies in place to deal with applications to licence non-motorised vehicles as a hackney carriage.

- 4.2 In this particular case, consideration was being given to licence a pedicab outside of the current WFDC hackney carriage policy and to simply attach suitable conditions to the issue of any licence granted.

- 4.3 The proposal was subsequently withdrawn; however it has raised the question should consideration be given by WFDC to have in place a suitable policy to deal with any possible future applications of a similar nature.

- 4.4 Although some work has already been undertaken by Officers, members (should they be minded to consider it necessary to introduce a new policy and suitable conditions to control the licensing of non-motorised hackney carriage vehicles) need to be made aware of a number of additional factors which are relevant and would need to be taken into consideration, namely:

- The need to formulate a licensing policy.
- The need to draft suitable vehicle conditions.
- Full consultation with the trade and any interested parties (12 weeks),
- Setting of appropriate licence fees.
- Adoption of policy/conditions by Full Council.
- Approval and introduction of new Licence fees.

- 4.5 To give members an idea of the anticipated timescales involved, it is estimated that the above work would be undertaken over a period of between 5 to 6 months. Details of the timelines are as follows:

- | | |
|--|-------------------------------------|
| • Consideration of a draft policy and conditions | Committee 7 th December. |
| • Approval to undertake consultation | Committee 7 th December. |
| • Consultation | 12 weeks. |
| • Consultation results | Committee 11 th April. |
| • Policy/conditions approval | Committee 11 th April. |
| • Licence Fee setting/approval | Committee 11 th April. |
| • Adoption (policy, fees) | Full Council. |

In the event that objections are received to proposed fee levels (following advertising), those objections must be considered by the Licensing and Environmental Committee before any fee is introduced. This may therefore alter the timeline as follows:

- Consideration of objections to Fees Committee 13th June.
- Licence Fee setting/approval Committee 13th June.
- Adoption (policy, fees) Full Council.

5. FINANCIAL IMPLICATIONS

- 5.1 Taxi Licensing is funded from the fees obtained from licence holders. Legislation requires that the fees set are reasonable to recover the cost of providing that service. The cost of issuing any licences would be met through the allocated fees.
- 5.2 There could be legal costs and officer time arising out of any appeal against refusal to grant a hackney carriage licence or where there is an appeal against the vehicle conditions.
- 5.3 Any additional work undertaken on the formulation of new hackney carriage vehicle policies, conditions, procedures or fees would need to be met from existing budgets held by Worcestershire Regulatory Services.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 The Council has the discretion under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 to license non-motorised vehicles as hackney carriages. Furthermore the 1976 Act permits the Council to introduce policies and impose conditions on the grant of a hackney carriage vehicle licence.
- 6.2 The power to license non-motorised vehicles such as Pedicabs as hackney carriages was clarified in the Court of Appeal (R v Cambridge City Council ex parte Lane – 13 July 1998). As such a Pedicab falls within the definition of a hackney carriage vehicle under Section 38 of the Town Police Clauses Act 1847.

7. RISK MANAGEMENT

- 7.1 Any decisions made by the committee must be both reasonable and lawful; otherwise it may leave the Council open to possible legal challenge.

8. EQUALITY IMPACT ASSESSMENT

- 8.1 Many non-motorised vehicles cannot meet the licensing criteria in respect of wheelchair access, and if licensed contribute to the overall number of Hackney carriages licensed. Non-motorised vehicles would not be exempt vehicles under the Equalities Act 2010.

9. CONCLUSION

- 9.1 Members should consider the merits of whether it is necessary for officers to undertake further exploratory work, with a view to formulating new policies, procedure, conditions and licence fees which would ultimately allow the licensing of non-motorised hackney carriage vehicles in the Wyre Forest District.

9.2 To date only one person has expressed an interest to licence a non-motorised vehicle with WFDC.

10. CONSULTEES

10.1 Solicitor to the Council, Legal Services.

11. BACKGROUND PAPERS

11.1 None.

WYRE FOREST DISTRICT COUNCIL**LICENSING AND ENVIRONMENTAL COMMITTEE****5TH OCTOBER 2015****Child Sexual Exploitation (CSE) Strategy Action Plan**

OPEN	
DIRECTOR:	Acting Head of Worcestershire Regulatory Services on behalf of Wyre Forest District Council
CONTACT OFFICER:	Sue Garratt, Licensing and Support Manager Susan.garratt@worcsregservices.gov.uk Tel: 01562 738037
APPENDICES:	Appendix 1 – Worcestershire’s Child Sexual Exploitation Strategy Action Plan Appendix 2 – WRS CSE information leaflets

1. PURPOSE OF REPORT

- 1.1 To inform the Committee of Worcestershire’s Child Sexual Exploitation (CSE) Strategy Action Plan.

2. RECOMMENDATION

The Committee is asked to:

- 2.1 **Note and endorse the provisions of the report relating to Worcestershire Regulatory Services (WRS) participation in Worcestershire’s Child Sexual Exploitation Strategy Acton Plan on behalf of Wyre Forest District Council and recommend approval of the provisions the to the WRS Joint Committee.**

3. BACKGROUND

- 3.1 Worcestershire’s Child Sexual Exploitation Strategy Acton Plan was drawn up by the CSE Strategic Group comprising Board Members; the Chair of the Safer Communities Board; and Chair of the Missing Children, CSE and Trafficking Group.
- 3.2 The plan identifies the actions to be undertaken to achieve the key priorities and target areas laid out in the Strategy.
- 3.3 Some of the time frames have yet to be agreed with the action owners and accountable bodies and there may need to be some slight adjustment to the measures following discussion at the relevant Board Meetings. However, all Local Authorities, and other relevant bodies have been asked to endorse the plan through their Committee process and WRS is keen to show support and play its role of raising awareness with licensed premises and Hackney Carriage and Private Hire Drivers.
- 3.4 The Plan is detailed but also highlights the complexity of Child Sexual Exploitation. Broadly the actions are linked to:

Agenda Item No. 7

- Producing a communication strategy including a public CSE awareness campaign
- Producing a training strategy including raising awareness in schools
- Reviewing the CSE pathway aimed at referral, assessment and decision making
- Developing a sharing of information protocol related to CSE and that results in effective practice and in the production of a good multi agency data set that clearly shows patterns and trends
- Identifying gaps in the provision of specialist support for victims and families including transition to Adult Services, for commissioning purposes
- Establishing wider links with key partnerships and other Authorities to co-ordinate approaches to CSE including licensing authorities
- Identifying current and potential perpetrators, strengthening controls to prevent CSE, and working effectively with offenders

3.5 An extract of Worcestershire's Child Sexual Exploitation Strategy Action Plan relevant to WRS is attached at **Appendix 1**.

4. **KEY ISSUES**

4.1 The key responsibilities for WRS within the Strategic Plan found in Appendix 1 are:

- Undertake a CSE awareness raising campaign with Hackney Carriage and Private Hire licensed drivers and Operators
- Undertake a CSE awareness raising campaign with licenced premises in partnership with the CSP District Tasking Groups
- District Council Licensing Committee Members to be made aware of CSE responsibilities

4.2 In line with its responsibilities under this Action Plan, WRS has incorporated CSE information leaflets within its application processes with an aim to raising awareness of CSE amongst the licensed trade, both for Premises Licence holders and the taxi trade. These leaflets are routinely added to outgoing granted licence packs.

4.3 All of Wyre Forest District Council's licensed hackney carriage/private hire drivers have now received a copy of the WRS CSE information leaflet.

4.4 Raising CSE awareness has also been an agenda item at Taxi Forum/Liaison meetings, so that trade representatives can pass the relevant information to their members.

4.5 A copy of the CSE information leaflets produced by WRS are attached at **Appendix 2**.

5. **FINANCIAL IMPLICATIONS**

5.1 There are no financial implications arising directly from this report. The Council's contribution to the Strategy and the cost of awareness raising on the issues of CSE with the hackney carriage and private hire trade and licensed premises will be met within existing budgets provisions.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 There is a duty on local authorities under Section 10 of the Children Act 2004 to make arrangements to promote co-operation to improve the wellbeing of all children within the District.

7. RISK MANAGEMENT

- 7.1 The Hackney Carriage and Private Hire trade and Licensed Premises are an integral part of the local working economy; often they are the eyes and ears of the Community, raising awareness within these groups of what to look for and how and who to report to is a vital link within this Strategic Plan. Not doing so would mean this vital link in the information chain would be missed and perhaps opportunities to help vulnerable groups, children and adults may also be missed.

8. EQUALITY IMPACT ASSESSMENT

- 8.1 Endorsement of the Strategy and the proposed proactive contribution by the Council and WRS as detailed in the report will help support the aims of Strategy by ensuring that both children and young people are kept safe.

9. CONCLUSION

- 9.1 Worcestershire Regulatory Services (WRS) participation in Worcestershire's Child Sexual Exploitation Strategy Action Plan on behalf of Wyre Forest District Council will go some way in raising awareness of the issues related to CSE with Wyre Forest District Council licence holders.

10. CONSULTEES

- 10.1 Solicitor to the Council, Legal Services.
10.2 WRS Joint Committee.

11. BACKGROUND PAPERS

- 11.1 Worcestershire's Child Sexual Exploitation Strategy Action Plan.

Worcestershire’s Child Sexual Exploitation Strategy Action Plan/WRS Extract

3.3 Develop community safety, regulatory and taxi licensing functions (consider a Partnership Enforcement Team)				
Action	Action Owner	Measure	Accountable Body	Timeframe
3.3.4 Undertake a CSE awareness raising campaign with Hackney carriage and private hire licenced drivers/operators	Worcestershire Regulatory Services	<ul style="list-style-type: none"> •Guidance issued to all licence holders upon annual renewal of licences •CSE awareness raising rolled out through district taxi forums and liaison meetings 	WRS Joint Committee	July 15 (WRS Board from April 2016)
3.3.5 Undertake a CSE awareness raising campaign with licenced premises in in partnership with the CSP District Tasking Groups, e.g. Nightsafe in Worcester Pub Watch in Redditch and Bromsgrove town centres	Worcestershire Regulatory Services and Community Safety Partnerships	Issuing and dissemination of information to licenced premises with a focus on 'hotspot' areas	WRS Board	December 15
3.3.6 District Council Licence Committee Members to be made aware of CSE responsibilities	Worcestershire Regulatory Services	CSE awareness training is incorporated into Licence Committee Member inductions	WRS Joint Committee & Partner Licensing Committees	September 15 (WRS Board from April 2016)

Child Sexual Exploitation

Guidance for Licensed Drivers



Child Sexual Exploitation involves;

Young people under the age of 18 being encouraged or forced into situations or relationships of a sexual nature by an adult. Often this involves the young person being offered something such as food, accommodation, alcohol, drugs gifts or money in return for performing sexual acts, including posting images on social media. It is not unusual that the young person experiences violence, coercion or intimidation.

Where can it happen?

Young people can be sexually exploited at any time in any location some examples of places are:

- Parks
- Shopping Centres
- Taxi Ranks
- Restaurants/Takeaways/Pubs/Clubs/Bars
- Gyms/Leisure Centres

How does this affect the Taxi Trade?

Drivers can be the eyes and ears of the community as such they can play a crucial part in the fight against child sexual exploitation by reporting potentially important information to the local authority.

What are your responsibilities?

You may be aware of or have suspicions about a child being at risk or about a premise that may be used to sexually exploit children if this is so it should be reported using the Police non-emergency number **101** or **Crimestoppers 0800 555 111**.

Operators may wish to consider conducting driver training to raise awareness of indicators of Child Sexual Exploitation and how this can be reported

What to Look for:

- Taking/collecting young people (girls and boys) hotels/bed and breakfasts/house-parties/pubs
- Picking up young people from other cars
- Young people that look distressed, intimidated or frightened
- Young people under the influence of drugs or alcohol
- Suspicious activity in 'hot spot' areas, this may include a residential premises
- Attempts by young women to avoid paying fares in return for sexual favours
- Men requesting regular taxi rides to and from locations with young people
- Young people with injuries such as bruising or blood stains
- Taking young people to A&E who are not in the presence of parents
- Change in the personality, wellness or demeanor of a child you may transport regularly
- A young person displaying inappropriate sexualised behaviours

What you need to do;

Make a note of the information you have such as

- Locations and/or addresses
- descriptions of people
- Car registration numbers, make and models of vehicles
- Description of the activity that you are concerned about and the time it occurred

Call **101** or **Crimestoppers 0800 555 111** to report any concerns about possible sexual exploit

Child Sexual Exploitation

Guidance for Licensed Premises



Child Sexual Exploitation involves;

Young people under the age of 18 being encouraged or forced into situations or relationships of a sexual nature by an adult. Often this involves the young person being offered something such as food, accommodation, alcohol, drugs gifts or money in return for performing sexual acts, including posting images on social media. It is not unusual that the young person experiences violence, coercion or intimidation.

Where can it happen?

Young people can be sexually exploited at any time in any location some examples of places are:

- Parks
- Shopping Centres
- Taxi Ranks
- Restaurants/Takeaways/Pubs/Clubs/Bars
- Gyms/Leisure Centres

How does this affect Licensed Premises?

As part of the grooming process adults may meet young people or take them to licensing premises to develop a relationship. A premises could therefore be misused for this kind of activity by the people socialising or working there.

What are your responsibilities?

Under the Licensing Act 2003, premises licence holders and designated premises supervisors have a legal responsibility to make sure that children and young people are protected from harm at their premises. It is therefore important that the risk of child sexual exploitation is managed at your premises. You may be aware of or have suspicions about a child being at risk if this is so it should be reported using the Police non-emergency number **101** or **Crimestoppers 0800 555 111**.

What to Look for:

- Taking/collecting young people (girls and boys) from Licensed premises
- Young people that look distressed, intimidated or frightened
- Young people under the influence of drugs or alcohol
- Men requesting regular taxi rides to and from locations with young people
- Young people with injuries such as bruising or blood stains
- Change in the personality, wellness or demeanor of a child you may transport regularly
- A young person displaying inappropriate sexualised behaviours
- Children or Young people being taken to areas of licensed premises that are not supervised or security checked.

What you need to do;

- Train staff to recognise indicators of child sexual exploitation and how to report concerns
- If possible monitor the premises with CCTV or security patrols
- Report suspicious activity to the Police
- Get descriptions of people
- Get car registration numbers, make and models of vehicles where possible
- Description of the activity that you are concerned about and the time it occurred.

Call **101** or **Crimestoppers 0800 555 111** to report any concerns about possible sexual exploitation.

WYRE FOREST DISTRICT COUNCIL**LICENSING AND ENVIRONMENTAL COMMITTEE****5TH OCTOBER 2015****Gambling Act 2005 Revised Statement of Principles Review
Consultation Results**

OPEN	
DIRECTOR:	Acting Head of Worcestershire Regulatory Services on behalf of Wyre Forest District Council
CONTACT OFFICER:	Niall McMenamin – 01562 738059 niall.mcmenamin@worcsregservices.gov.uk
APPENDICES:	Appendix 1 – Consultation responses Appendix 2 – Revised Gambling Statement of Principles 2016-19

1. PURPOSE OF REPORT

- 1.1 The committee is asked to consider the responses received during the recent consultation on the revised Gambling Act 2005 Statement of Principles and recommend to Council that the revised Statement of Principles 2016–19, be approved and published.

2. RECOMMENDATION

The Committee is asked:

- 2.1 **Note the outcome of the consultation exercise and recommend to Council, that the revised Statement of Principles 2016–2019 attached at Appendix 2, be approved and published.**

3. BACKGROUND

- 3.1 Wyre Forest District Council is a licensing authority in accordance with the provisions of the Gambling Act 2005.
- 3.2 Each licensing authority is required before each successive three year period, to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during that period. This document is commonly referred to as the authority's Statement of Principles.
- 3.3 The Council's current Statement of Principles took effect on 31st January 2013 and therefore a new Statement of Principles must now be prepared and published ready to take effect on 31st January 2016.

4. KEY ISSUES

- 4.1 On the 15th June 2015 the Licensing and Environmental Committee considered the revised Statement of Principles as part of the Statutory Triennial review and

Agenda Item No. 8

resolved that the Statement of principles be updated and approved, for the purpose of consultation with relevant parties.

4.2 Consultation commenced on the 6th July 2015 and closed on 31st August 2015. As part of the consultation the following were consulted:

- The Chief Officer of West Mercia Police
- The Gambling Commission
- All other responsible authorities identified under the Act
- Relevant Trade Associations
- Organisations working with people who are problem gamblers
- District Councillors
- Parish Councils
- The General Public

4.3 Consultation was also carried out via the Council's website.

4.4 During the consultation period five responses were received by the Council, these being from:

- Daren Hunt, Fire Safety Officer of Hereford and Worcester Fire and Rescue Service
- Andrew Wright, Senior Compliance Officer for the Gambling Commission
- Coral Racing Ltd
- The Association of British Bookmakers
- Wolverley and Cookley Parish Council

4.5 A copy of the consultation responses are attached at **Appendix 1**.

4.6 After careful consideration the revised Statement of Principles has been amended to incorporate the additional suggestions made by Mr Wright of the Gambling Commission in his submission. These being the addition of the following sections:

- Local Area Profiling, section 4 (page 5)
- Local Risk Assessments, section 10 (page 9)
- Enforcement / Inspections, section 20 (page 17)

4.7 The matters raised by Association of British Bookmakers in their response have been noted.

4.8 A copy of the final draft of the revised Statement of Principles 2016 – 2019 is at attached at **Appendix 2**. All of the additions and amendments made to the current Statement of Principles 2013 - 2016 can be clearly seen in appendix 2, underlined in italics.

5. FINANCIAL IMPLICATIONS

5.1 The costs involved in carrying out the consultation were met from existing budgets held by Worcestershire Regulatory Services.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 Section 349 of the Gambling Act 2005 requires that the licensing authority produce, consult on and publish a Statement of the Principles that it proposes to apply when exercising its functions under the Act.
- 6.2 The Act also requires that the Statement of Principles should be kept under review and must be re-published at least every three years.

7. RISK MANAGEMENT

- 7.1 Failing to prepare and publish a new Statement of Principles by 31st January 2016 would leave the Council in a position where it was failing to comply with its duties as a licensing authority under the provisions of the Gambling Act 2005.

8. EQUALITY IMPACT ASSESSMENT

- 8.1 The Licensing Committee will ensure it has regard to the desirability of exercising its functions with regard to the need to eliminate discrimination and to increase equality of opportunity.

9. CONCLUSION

- 9.1 The Consultation exercise has allowed residents, businesses, District/Parish Councillors, gambling care organisations and all of the Responsible Authorities the opportunity to comment on how Gambling is administered in the District.
- 9.2 Revision of the Councils Gambling Act 2005 Statement of Principles will result in the effective continuation of the delivery of this important area of regulatory work. With ever changing guidance and legislation it is essential to review the Principles, to ensure that it is up to date.

10. CONSULTEES

- 10.1 Solicitor to the Council, Legal Services.

11. BACKGROUND PAPERS

- 11.1 Gambling Commission Guidance to Local Authorities.



HEREFORD & WORCESTER
HWFR
FIRE AND RESCUE SERVICE

Chief Fire Officer/Chief Executive M Yates QFSM MA MCGI DMS MIFireE
Hereford & Worcester Fire and Rescue Service Headquarters
2 Kings Court Charles Hastings Way Worcester WR9 1JR
Tel 01905 12 24464 Fax 01905 357 466 Web www.hwfrs.org.uk

Wyre Forest Gambling Consultation
Worcestershire Regulatory Services
Wyre Forest House
Finepoint Way
Kidderminster
DY11 7WF

Telephone 01905 368225
Your reference Gambling Act 2005
My reference N2403703/DGH/AM
Please ask for Darren Hunt
Date 17/07/2015

Dear Sir

**Gambling Act 2005 - Consultation on Revised Statement of Principles –
Wyre Forest District Council**

Further to your e mail dated 13 July 2015, I confirm the Fire and Rescue Service have no comments to make at this stage with regard to the revised statement of principles

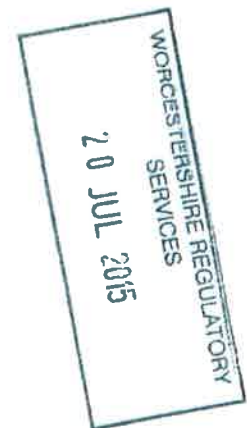
Any applications will be looked at on an individual basis to ensure compliance with fire safety legislation

Should you require any further information, please do not hesitate to contact me.

Yours faithfully

Fire Safety Officer

Copy by email: wrsenquiries@worcsregservices.gov.uk



PREVENTION PROTECTION INTERVENTION

To make Herefordshire and Worcestershire safer for all the way that we do it, we will be... (text is partially obscured)

From: Andrew Wright
Sent: 29 July 2015 15:46
To: Dave Etheridge; Niall McMenamin
Subject: Statement of Principles Consultation

Hello Both

Following on from our discussion with regards to the revised Statement of Principles 2016-2019 and as part of your consultation I would like to highlight four areas for consideration and in addition to the requirements set out in the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006

- 1) Your approach to compliance and enforcement, for example what the inspection regime looks like and how you will manage illegal gambling activity.
- 2) Your expectations of operators, this could be in general terms or expectations of a sub-sector, for example sharing information with you in relation to results of test purchase scheme carried out or participation in social responsibility schemes.
- 3) As Operators are required to develop their own premises specific risk assessments by 6 April 2016 authorities should provide a clear indication of what factors, as a non-exclusive list they expect to be taken into account.
- 4) Look towards a development of a local area profile to understand how gambling is provided in a particular area and what the risks might be.

In conjunction with this I would highlight the Licensing Authority Bulletins included in this email which may assist in providing further information.

Many Thanks

Andrew Wright
Senior Officer - Compliance
Gambling Commission
4th Floor Victoria Square House Victoria Square Birmingham
B2 4BP
Office: 0121 230 6532
Mobile
www.gamblingcommission.gov.uk

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Wyre Forest Gambling Consultation
Worcestershire Regulatory Services
Wyre Forest House
Finepoint Way
Kidderminster
Worcestershire
DY11 7WF

28th August 2015

Dear Sir,

Consultation on Wyre Forest District Council's Statement of Principles – Gambling Act 2005

Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.

Coral Racing Limited are supportive of the document; it again notes that the Board when considering applications are still required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives', additionally noting that it should not take into account any moral objections to gambling.

Coral Racing Limited recognise the requirement to supply risk assessments with future applications or variations as from April 2016, although this information does not appear within the consultation document.

It is particularly pleasing to note that the Council have not included within their document a list of locations which are suggested by their inclusion as not being suitable for a licensed betting office, albeit each application would be judged on its merits. The presence of such a list would have been based on assumption not fact and it is refreshing to note that Wyre Forest District Council have not tried to categorise specific locations.

Coral's experience is that through all it does, it achieves an exemplary degree of compliance already, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced with future premises licence applications from April 2016, Coral believe that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed. In other words, your document is correct in not defining specific locations as reference to these would be included anyway within our risk assessment.

If we can provide any further information, we would be pleased to do so.

Yours faithfully,

John Liddle
Director of Development – Coral Retail



Coral Racing Limited
One Stratford Place, Montfichet Road, London E20 1EJ
Registered Office: New Castle House, Castle Boulevard, Nottingham NG7 1FT
Registered in England No. 541600
Tel: 020 3288 7000 Fax: 020 3288 7050



a [redacted] company

Wyre Forest Gambling Consultation

Worcestershire Regulatory Services

Wyre Forest House

Finepoint Way,

Kidderminster

Worcestershire

DY11 7WF

wrsenquiries@worcsregservices.gov.uk

27th July 2015

Gambling Policy Statement of Principles consultation | ABB response

August 2015

Introduction

The Association of British Bookmakers (ABB) represents over 80% of the high street betting market. Our members include large national operators such as William Hill, Ladbrokes, Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

Please see below for the ABB's response to the current consultation on the Council's review of its gambling policy statement.

This sets out the ABB approach to partnership working with local authorities and details our views on the implementation of the new LCCP requirements, from April 2016, relating to operators' local area risk assessments and their impact on the licensing regime. We are concerned to ensure these changes are not implemented in such a way as to fundamentally change the premises licence regime through undermining the "aim to permit" principle.

In our view the current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.

It is important that this is also set within the context of declining betting shop numbers. Over recent years betting shop numbers have been relatively stable at around 9,000 nationally, but more recently a trend of overall downwards decline can be seen. The latest [Gambling Commission industry statistics](#) show that numbers as at 31 Mar 2015 were 8,958 - a decline of 179 from the previous year, when there were 9,137 recorded as at 31 March 2014.

Working in partnership with local authorities

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and we welcome the opportunity to respond to this consultation.

- **LGA – ABB Betting Partnership Framework**

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA), developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms, which established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the

“...desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be.”

The framework builds on earlier examples of joint working between councils and the industry, for example the Ealing Southall Betwatch scheme and Medway Responsible Gambling Partnership.

In Ealing, the Southall Betwatch was set up to address concerns about crime and disorder linked to betting shops in the borough. As a result, crime within gambling premises reduced by 50 per cent alongside falls in public order and criminal damage offences.

In December last year, the Medway Responsible Gambling Partnership was launched by Medway Council and the ABB. The first of its kind in Britain, the voluntary agreement allows anyone who is concerned they are developing a problem with their gambling to exclude themselves from all betting shops in the area.

The initiative also saw the industry working together with representatives of Kent Police and with the Medway Community Safety Partnership to develop a Reporting of Crime Protocol that is helpful in informing both the industry, police and other interested parties about levels of crime and the best way to deal with any crime in a way that is proportionate and effective.

Learnings from the initial self-exclusion trial in Medway have been incorporated into a second trial in Glasgow city centre, launched in July this year with the support of Glasgow City Council, which it is hoped will form the basis of a national scheme to be rolled out in time for the LCCP deadline for such a scheme by April 2016.

Jane Chitty, Medway Council’s Portfolio Holder for Planning, Economic Growth & Regulation, said:

“The Council has implemented measures that work at a local level but I am pleased to note that the joint work we are doing here in Medway is going to help the development of a national scheme.”

Describing the project, Glasgow’s City Treasurer and Chairman of a cross-party Sounding Board on gambling, Cllr Paul Rooney said:

“This project breaks new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator.”

- **Primary Authority Partnerships in place between the ABB and local authorities**

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities.

These Partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the Partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015.

By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

Local area risk assessments

From April 2016, under new Gambling Commission LCCP provisions, operators are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated.

Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy and local area profile in their risk assessment, and these must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or a new premises licence.

The ABB supports this requirement as set out in the LCCP, as this will help sustain a transparent and open dialogue between operators and councils. The ABB is also committed to working pro-actively with local authorities to help drive the development of best practice in this area.

- **Evidence based approach**

It is important that any risks identified are supported by substantive evidence. Where risks are unsubstantiated there is a danger that the regulatory burden will be disproportionate. This may be the case where local authorities include perceived rather than evidenced risks in their local area profiles.

This would distort the aim to permit principle set out in the Gambling Act 2005 by moving the burden of proof onto operators. Under the Act, it is incumbent on licensing authorities to provide evidence as to any risks to the licensing objectives, and not on the operator to provide evidence as to how they may mitigate any potential risk.

A reversal of this would represent a significant increase in the resource required for operators to be compliant whilst failing to offer a clear route by which improvements in protections against gambling related harm can be made.

The industry fully supports the development of proportionate and evidenced based regulation, and is committed to minimising the harmful effects of gambling. The ABB is continuing to work closely with the

Gambling Commission and the government to further evaluate and build on the measures put in place under the ABB Code for Responsible Gambling, which is mandatory for all our members.

- **Concerns around increases in the regulatory burden on operators**

Any increase in the regulatory burden would severely impact on our members at a time when overall shop numbers are in decline, and operators are continuing to respond to and absorb significant recent regulatory change. This includes the increase to 25% of MGD, changes to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

Moving away from an evidence based approach would lead to substantial variation between licensing authorities and increase regulatory compliance costs for our members. This is of particular concern for smaller operators, who do not have the same resources to be able to put into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.

Such variation would in our opinion also weaken the overall standard of regulation at a local level by preventing the easy development of standard or best practice across different local authorities.

The ABB is also concerned that overly onerous requirements on operators to review their local risk assessments with unnecessary frequency could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to uphold the three licensing objectives.

- **Employing additional licence conditions**

It is our view that additional conditions should only be imposed in exceptional circumstances where there are clear reasons for doing so – in light of the fact that there are already mandatory and default conditions attached to any premises licence. The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statements as to the need for evidence.

This would further increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities.

- **Operators' risk assessments**

As indicated, any exposition of risk in the Statement of Principles should not be based on anything less than empirical evidence and proportionality needs to be applied to all licensing decisions. For example successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Although our members will be implementing risk assessment at a local premises level, we do not believe that it is for the licensing authority to prescribe the form of that risk assessment. We believe that would be against better regulation principles with operators being allowed to gear risk assessment to their own operational processes; informed by Statements of Principle and the local area profile.

- **Additional concerns**

We would also request that where a local area profile is produced by the licensing authority that this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.

Conclusion

The ABB and our members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, we already do this successfully in partnership with local authorities now. This includes through the ABB Code for Responsible Gambling, which is mandatory for all our members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff. We would encourage local authorities to engage with us as we continue to develop both these codes of practice which are in direct support of the licensing objectives.

Contact: For any responses or requests for additional information please contact Lauren Hilton, Public Affairs Executive (laurenhilton@abb.uk.com / 020 7434 2111).

11 AUG 2015

WOLVERLEY AND COOKLEY PARISH COUNCIL
(Worcestershire)
Clerk: Mrs B J Drew, M.AAT

5th August 2015

Tel: 01562 850435

Wyre Forest Gambling Consultation

Dear Sir/Madam,

I write on behalf of Wolverley and Cookley Parish Council to confirm that at the Parish Council Meeting held on 4th August 2015 Councillors discussed the Gambling Act 2005 – Consultation on Revised Statements of Principles and Councillors requested that we write to give full support to the Revised Statement of Principles.

Yours sincerely

Mrs B J Drew
Clerk to Wolverley & Cookley Parish Council



Wyre Forest District Council

Revised Statement of Principles

2016 – 2019

Gambling Act 2005

Wyre Forest District Council,
Wyre Forest House
Finepoint Way,
Kidderminster,
Worcestershire,
DY11 7WF
01562 732928
www.wyreforestdc.gov.uk

Revised with effect from:

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Statement of Principles – Gambling Act 2005

1. Introduction

1.1 Wyre Forest District is situated in North West Worcestershire and comprises the three distinctive riverside towns of Kidderminster, Bewdley and Stourport-on-Severn as well as surrounding countryside. It covers an area of 75 square miles. In 2011, the population totalled 98,100 (2011 census).

1.2 Kidderminster is the main business and commercial centre in the district offering industrial, shopping, offices and leisure facilities. Kidderminster is famous for carpet manufacture and is still closely associated with the carpet industry; **though since the 1970 the industry has been in decline leaving the town in a process of economic diversification. In more recent years** the town centre underwent an extensive £60 million river and canal side redevelopment providing retail and leisure facilities. Kidderminster is also the terminus of the Severn Valley Railway. *The national tourist attraction, West Midland Safari Park, lies between the towns of Kidderminster and Bewdley.*

1.3 Stourport-on-Severn is a popular tourist town. It was uniquely created as a canal port in 1766, when the canal Navigation Act for Worcestershire received Royal Assent. *The Georgian Market Town of Stourport has benefited from significant tourism and today continues to be a thriving market town and a successful visitor attraction.*

1.4 Bewdley is a small riverside town built along the banks of the River Severn. It contains many fine Georgian buildings, has an award-winning museum and is a popular tourist destination.

1.5 The Council's overall vision is that Wyre Forest should be a place "where people have the opportunity to enjoy a good quality of life and want to live, work, visit and invest". This Statement accords with that vision in seeking to promote the objectives set out in the Act, which are central to the regulatory regime created by the Act. These are:

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

1.6 The Licensing Authority has produced this statement as required by Section 349 of the Gambling Act 2005 (referred to in this statement as "the Act") and having had regard to the Gambling Commission's formal guidance issued under Section 25 of the Act, the licensing objectives and to the views of those that we have consulted.

1.7 The Licensing Authority consulted widely upon this statement before finalising and publishing. The list of those persons and organisations consulted is appended. The consultation took place between July and September 2015 in line with current published Government consultation principles. Should you have any comments as regards this policy statement please send them via email or letter to: wrsenquiries@worcsregservices.gov.uk

- 1.8 The Licensing Authority intends that this document should provide information and guidance on the general approach to licensing. A series of advice sheets with more specific guidance is available from the Council's web site or will be sent on request. Advice tailored to individuals is available by phone or to personal callers.
- 1.9 Nothing in this Policy takes away from the right of any person to make an application under the Act and to have that application considered on its merits; nor does it undermine the right of any person to object to an application or to seek a review of a licence where the law provides that they may do so. Applications will be considered in line with the Licensing Authority's Statement of Principles below.

2. Gambling Act 2005

- 2.1 This Policy reflects the corporate aim to make Wyre Forest a place ““where people have the opportunity to enjoy a good quality of life and want to live, work, visit and invest” and is valid for up to three years from 1st February 2016, although the Licensing Authority may choose to review or revise it at any time.
- 2.2 The Act provides for Gambling to be authorised in a number of different ways.
- 2.3 The Licensing Authority's main functions are to:
- license premises for gambling activities, including the issue of Provisional Statements,
 - regulate and grant permits for gambling and gaming machines in clubs including commercial clubs,
 - regulate gaming and gaming machines in alcohol licensed premises,
 - grant permits to family entertainment centres for the use of certain lower stake gaming machines,
 - grant permits for prize gaming,
 - receive and endorse notices given for the temporary use notices,
 - receive occasional use notices for betting at tracks,
 - register small societies lotteries,
 - maintain public registers, and
 - provide information to the gambling Commission on the issue of Licences.
- 2.4 The Gambling Commission regulates remote gambling and issues personal and operating licences for premises.
- 2.5 Spread betting is regulated by the Financial Services Authority.
- 2.6 The 'National Lottery' is regulated by the National Lottery Commission.

3. The Gambling Commission

- 3.1 *The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling; by ensuring that gambling is conducted fairly and openly; and by protecting children and vulnerable people.***

- 3.2 The Commission provides independent advice to the Government about the manner in which gambling is carried out, the effects of gambling, and the regulation of gambling generally. It also produces guidance under Section 25 of the Act detailing how local authorities should exercise their licensing functions.
- 3.3 In addition, the Commission's role is to issue codes of practice under Section 24 of the Act about the manner in which facilities for gambling are provided, and how those provisions might be advertised.
- 3.4 Information about the Gambling Commission can be found on the Internet at: www.gamblingcommission.gov.uk or by phone: 020 7306 6218.

4 Local Area Profile

- 4.1 Alongside its Statement of Principles, the Licensing Authority would like to work with the other Licensing Authorities in Worcestershire and other partners during the lifetime of this Statement to develop a "Local Area Profile" for the County as a means of mapping out local areas of concern, which can be reviewed and updated to reflect changes to the local landscape.
- 4.2 This Local Area Profile is likely to take account of a wide range of factors, data and information held by the Licensing Authority and its partners. An important element of preparing the Local Area Profile will be proactive engagement with responsible authorities as well as other organisations in the area that can give input to 'map' local risks in the area.
- 4.3 These are likely to include public health, mental health, housing, education, community welfare groups and safety partnerships, and organisations such as Gamcare or equivalent local organisations.
- 4.4 The aim of the Local Area Profile will be to increase awareness of local risks and improved information sharing, to facilitate constructive engagement with licensees and a more coordinated response to local risks. The Local Area Profile will also help to inform specific risks that operators will need to address in their own risk assessments, which will form a part of any new licence application, or an application to vary a licence from April 2016.
- 4.5 The creation of a Local Area Profile, however, is dependent on information and knowledge of the local area gathered by partner agencies and other relevant organisations who have the expertise and knowledge of the impact gambling has in the local area. Where evidence is submitted to the Licensing Authority which identifies the areas of concern it is intended to produce a Local Area Profile separate to this Policy.
- 4.6 Once a Local Area Profile has been developed, it will be published on the Licensing Authority's website and updated on a regular basis to reflect changes to the local environment.

5. Authorised Activities

- 5.1 'Gambling' is defined in the Act as either gaming, betting, or taking part in a lottery.
- 'Gaming' means playing a game of chance for a prize.
 - Betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not, and
 - A lottery is an arrangement where persons are required to pay in order to take part in an arrangement whereby one or more prizes are allocated by a process which relies wholly on chance.

6. General Statement of Principles

- 6.1 In carrying out the licensing functions in accordance with the Act, particularly with regard to premises licences, the Licensing Authority will aim to permit the use of premises for gambling as long as it is considered to be:
- in accordance with any relevant Codes of Practice issued by the Gambling Commission
 - in accordance with any relevant Guidance issued by the Gambling Commission
 - in accordance with this Statement of Principles, and
 - reasonably consistent with the licensing objectives.
- 6.2 The Licensing Authority will not seek to use the Act to resolve matters that are better dealt with by other legislation. Licensing is not the primary mechanism for general control of nuisance and the antisocial behaviour of people once they are away from licensed premises.
- 6.3 The Licensing Authority will ensure that in dealing with applications under the Act the Licensing Authority follow the required procedures and only take into account issues that are relevant. Specifically the Licensing Authority will not have regard to "demand" when considering applications for gambling premises; nor will the Licensing Authority consider the suitability of applicants for premises licences (which is a matter for the Gambling Commission). The Licensing Authority will not reject an application on moral grounds. If the Licensing Authority does decide to reject an application, the Licensing Authority will make known the reasons for doing so.
- 6.4 The Council has delegated its licensing function to its Licensing Sub-Committee and Licensing Officers. In the remainder of this Statement of Principles they are referred to collectively as the 'Licensing Authority'.
- 6.5 Where an application is for a new premises licence, the responsible authorities will usually visit to check that gambling facilities meet all necessary legal requirements.
- 6.6 Where there are no representations (objections), licences and permissions will be granted subject only to any appropriate mandatory conditions (S167 of the Act) and any conditions having at least the effect of appropriate default conditions made under Section 168.

- 6.7 If there are objections that cannot be resolved informally, or the Licensing Authority intend to impose extra conditions, the Licensing Authority will hold a public hearing at which the Licensing Sub-Committee will hear evidence and make a decision in accordance with the Act.
- 6.8 This Statement is not intended to override the right of any person to make an application under the Act, and to have that application considered on its merits. Equally, this Statement of Principles is not intended to undermine the right of any person to make representations about an application or to seek a review of a licence where provision has been made for them to do so.

7. Preventing Gambling from being a Source of Crime and Disorder

- 7.1 The Gambling Commission takes the leading role in preventing gambling from being a source of crime, and maintains rigorous licensing procedures aiming to prevent criminals from providing facilities for gambling. Applicants need an operating licence from the Commission before the Licensing Authority will issue a licence to use premises for gambling.
- 7.2 The Licensing Authority will not issue premises licence to someone who does not hold an Operator's licence, and would not generally be concerned with the suitability of an applicant. Where concerns about a person's suitability arise the Licensing Authority will bring those concerns to the attention of the Commission.
- 7.3 If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, the Licensing Authority will, in consultation with the Police and other relevant authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime. This could include a requirement for door supervisors registered by the Security Industries Association.
- 7.4 'Disorder' is generally a matter for the Police; the Licensing Authority will not use this Act to deal with general nuisance issues, for example, parking problems, which can be better dealt with using alternative powers. Disorder will only be considered under this Act if it amounts to activity which is more serious and disruptive than mere nuisance, and where it can be shown that gambling is the source of that disorder. A disturbance might be serious enough to constitute disorder if police assistance was required to deal with it; the Licensing Authority will then consider how threatening the behaviour was to those who could see or hear it, and whether those people live sufficiently close to be affected or have business interests that might be affected.
- 7.5 When making decisions relating to disorder, the Licensing Authority will give due weight to comments made by the police.

8. Ensuring Gambling is conducted in a Fair and Open Way

- 8.1 The Gambling Commission does not expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way. The Commission, through the operating and personal licensing regime, will regulate the management of the gambling business and the suitability and actions of an individual.

8.2 As betting track operators do not need an operating licence from the Commission, the Licensing Authority may, in certain circumstances, require conditions of licence relating to the suitability of the environment in which betting takes place.

9. Protecting children and vulnerable people from being harmed or exploited by gambling

9.1 The intention of the Act is that children and young persons should not be allowed to gamble, and should be prevented from entering those gambling premises which are 'adult-only' environments.

9.2 Codes of Practice – including advice about access by children and young persons - may be published by the Gambling Commission for specific kinds of premises. Applicants are expected to heed this advice where applicable.

9.3 The Licensing Authority expect steps to be taken to prevent children from taking part in, or being in close proximity to, gambling. This may include restrictions on advertising to ensure that gambling products are not aimed at children, nor advertised in such a way that makes them particularly attractive to children.

9.4 When determining a premises licence or permit the Licensing Authority will consider whether any additional measures are necessary to protect children, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises like pubs, clubs and betting tracks.

9.5 In seeking to protect vulnerable people the Licensing Authority will include people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling, perhaps due to a mental impairment, alcohol or drugs.

9.6 The Licensing Authority will always treat each case on its own individual merits and when considering whether specific measures are required to protect children and other vulnerable people will balance these considerations against the overall principle of aiming to permit the use of premises for gambling.

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

These principles are:

- *The need for the body to be responsible for an area covering the whole of the Licensing Authority's area.*
- *The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.*

In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Worcestershire Safeguarding Children Board for this purpose.

10. Local Risk Assessments

10.1 From 6 April 2016 it will be a requirement for operators to assess local risks to the licensing objectives taking into account this Council's Policy. The operator must also have policies, procedures and control measures in place to mitigate these risks. Risk assessments must be reviewed whenever there are significant changes in local circumstances, or at the premises, or when applying for a new licence or a variation of a licence. Risks in this context include actual, potential and possible future emerging risks to the licensing objectives.

10.2 The Licensing Authority will expect the local risk assessment to consider, for example:

- whether the premise is in an area of deprivation;
- whether the premise is in an area subject to high levels of crime and/or disorder;
- whether the premise is near an addiction treatment facility and in general consider the demographics of the area in relation to vulnerable groups;
- the location of sensitive buildings such as schools, playgrounds, toy shops, leisure centres, libraries and other areas where children are likely to gather; and
- how vulnerable persons as defined within this Policy are protected.

10.3 In compiling their local risk assessment the Licensing Authority shall also expect operators to take into account the general principles as set out in this Policy

10.4 Other matters that the risk assessment may include are, for example:

- Staff training, including refresher training, e.g. such as intervention when customers show signs of excessive gambling, in the mandatory licensing conditions, in location of the premises licence; in location of information relating to gambling care providers, etc.;
- Where installed, details of CCTV coverage and how the system will be monitored;
- Layout of the premises to ensure staff have unobstructed views of persons using the premises or where this is not possible, evidence of how this can be achieved;
- The number of staff employed at the premises at any one time taking into account any effects from seasonal trade in the area.
- Where only one staff member is employed in the case of smaller premises, what the supervisory and monitoring arrangements are when that person is absent from the licensed area or distracted for any other reason;
- Provision of signage and documents relating to games rules, gambling care providers;
- What mix of gambling is provided;
- Consideration of primary gambling activity and location of gaming machines;

10.5 Operators are expected to share their risk assessments with the Licensing Authority when applying for a new Premises Licence, applying for a variation to an existing licensed premise or otherwise upon request. These risk

assessments must in any event be kept under regular review and updated as necessary.

10.6 The information contained within the risk assessment may be used to inform the decision the Licensing Authority makes about whether or not to grant the licence, to grant the licence with special conditions or to refuse the application.

10.7 However, in all circumstances each application will be treated on its own merits with the onus on the applicant providing the Licensing Authority with sufficient information to make their determination with the underpinning statutory aim of permitting gambling subject to being reasonably consistent with the licensing objectives.

10.8 In its Guidance to Licensing Authorities, the Gambling Commission suggests that Licensing Authorities should adopt a 'Local Area Profile'. The Guidance suggests that a Local Area Profile is a process of gathering and presenting information about a locality and any particular areas of concern within that locality. It underpins and explains the approach that the Licensing Authority will apply when granting licences. By developing a Local Area Profile it is likely to assist operators in identifying specific local risks within the area.

11 Premises Licences

11.1 A premises licence can authorise the provision of facilities at the following:

- casino premises
- bingo premises
- betting premises, including betting tracks
- adult gaming centres
- family entertainment centres

11.2 Premises can be 'any place' but the Act generally prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence provided they are for different parts of the building and those parts can be reasonably regarded as being separate 'premises'.

11.3 This will allow large multiple unit premises such as shopping malls or service stations to obtain separate premises licences, with appropriate safeguards in place. The Licensing Authority will pay particular attention if there are issues about sub divisions of a single building or plot and mandatory conditions relating to access between premises are observed. The Licensing Authority will not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partition, can properly be regarded as different premises. Whether different parts of a building can properly be regarded as being separate premises will depend on the individual circumstances of the case.

11.4 A particular requirement might be for entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that separation of the premises is not compromised and people are not allowed to drift accidentally into a gambling area. It should normally be possible to access

the premises without going through another licensed premises or premises with a permit. The Licensing Authority will also expect customers to be able to participate in the activity named on the premises licence.

- 11.5 The Secretary of State has appointed an independent Casino Advisory Panel to advise the Government on the areas in which small and / or large casinos may be located. Wyre Forest District has not been identified as a suitable location for a casino, consequently the Authority is prevented from granting a licence for casino premises at present.

11.6 The Council has not passed a resolution under section 166(5) of the Gambling Act 2005 to not issue casino premises licences. If such a resolution were considered in the future, the Council would carry out a full public consultation and consider all responses before passing such a resolution

- 11.7 The Licensing Authority will not turn down applications for premises licences where relevant objections can be dealt with through the use of licence conditions.

- 11.8 Other than an application for a betting premises licence for a track, the Licensing Authority are not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.

- 11.9 When considering applications for premises licences the Licensing Authority will not take into account either the expected 'demand' for facilities, or the likelihood of planning permission or building regulation approval being granted as well as moral objections to gambling. Equally, the grant of a premises licence will not prejudice or prevent any action which may be appropriate under the law relating to planning or building regulations.

- 11.10 The Licensing Authority will only issue a premises licence once it is satisfied that the premises is ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required. If the construction of a premises is not yet complete, or if any alteration, or the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made as having a right to occupy the premises is a pre-condition to making a Premises Licence application.

- 11.11 The Licensing Authority will apply a two stage consideration process if there is outstanding construction or alteration works at the premises:

- should the premises be permitted to be used for gambling;
- can appropriate conditions be imposed to cater for the situation that the premises is not yet in a state in which they should be before gambling takes place.

- 11.12 The Licensing Authority is entitled to decide whether or not it is appropriate to grant a licence subject to conditions.

- 11.13 Applicants for premises licences are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.

11.14 The Licensing Authority will maintain a public register of premises licence applications received which may be viewed at the Council offices during normal office hours which are generally Monday to Friday 9am – until 4.30pm.

12. Responsible Authorities

12.1 Responsible authorities are identified in the legislation and have to be notified about licence applications so that it can identify any risk. The responsible authorities that the Licensing Authority currently recognise are listed below:

- The Gambling Commission
- The Chief of Police for the area
- Fire & Rescue Service
- Wyre Forest District Council Development Control Section
- Worcestershire Regulatory Services – Community Protection, Business Compliance and Licensing
- Worcestershire Safeguarding Children Board
- HM Revenue and Customs
- Any other bodies identified in Regulation by the Secretary of State
- For vessels - the Environment Agency, British Waterways, Secretary of State

12.2 Contact addresses and telephone numbers for each of the responsible authorities identified are available on the Council's web site, and will be sent with application packs and on request.

12.3 Any concerns expressed by a responsible authority cannot be taken into account unless they are relevant to the application itself and to the licensing objectives. However each representation will be considered on its own individual merits.

13. Interested Parties

13.1 An interested party is someone who:

- lives sufficiently close to the premises to be likely to be affected by the authorised activities, or
- has business interests that might be affected by the authorised activities (including existing gambling premises), or
- represents persons in either of the two groups above.

13.2 The Licensing Authority will generally require written evidence that a person/body, represents someone is either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting representations is sufficient. Whilst this may not apply to elected Ward Members, Member of Parliament or Parish Councillors, those persons should be aware of the need to represent the whole of the community that they represent and not just the vocal minority.

- 13.3 In determining in whether a person lives sufficient close to particular premises as to be affected, the Licensing Authority will take into account amongst other things:
- the size of the premises
 - the nature of the premises
 - the distance of the premises from the person making the representation
 - the nature of the complaint
 - the potential impact of the premises
- 13.4 In determining whether a person has a business interest which could be affected the Council will consider, among other things:
- the size of the premises
 - the catchment area of the premises, and
 - whether the person making the representation has business interests in the catchment area that might be affected.
- 13.5 If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, the Licensing Authority would not consider this, in the absence of other evidence, as a relevant representation as it does not relate to the licensing objectives and instead relates to demand or competition.
- 13.6 The Licensing Authority may consider a representation to be either frivolous or vexatious, and reject it. This will generally be a matter of fact given the circumstances of each individual case but, before coming to a decision the Licensing Authority will normally consider:
- who is making the representation and whether there is a history of making representations that are not relevant,
 - whether it raises an issue relevant to the licensing objectives, or
 - whether it raises issues specifically to do with the premises which are the subject of the application.

14. Licence Conditions

- 14.1 In particular cases the Licensing Authority may find it necessary to impose conditions beyond appropriate mandatory and default conditions. Any such conditions will be relevant to the need to make the building suitable for use as a gambling facility; directly related to the premises and the type of licence applied for; fairly and reasonably related to the scale and type of premises and reasonable in all other respects. The Licensing Authority will not have recourse to a pool of standard conditions.
- 14.2 The Licensing Authority will ensure that category C machines or above that are on offer in premises to which children are admitted, are located in an area of the premises which is separated by a physical barrier. This should be to prevent access other than through a designated entrance: the designated area must be supervised and observed by staff or the licence holder.
- 14.3 Examples of some conditions which are likely to be attached in certain circumstances include those relating to opening hours, segregation of gambling

from non gambling areas frequented by children, Security Industry Authority licensed door supervisors, appropriate signage for adult only areas, age limits, or keeping children and young persons away from gaming machines. The Licensing Authority will also expect the applicants to offer their own suggestions as to the way in which the licensing objectives can be promoted effectively.

14.4 The Licensing Authority will not seek to control those matters specified in the Act with conditions:

- which make it impossible to comply with an operating licence condition imposed by the Gambling Commission,
- relating to gaming machine categories or method of operation,
- which specify that membership of a club or other body is required, or
- in relation to stakes, fees, winnings or prizes.

14.5 Duplication with other statutory or regulatory regimes will be avoided as far as possible. The need for conditions will be assessed on the specific merits of each application.

15. Gaming Machines

15.1 Gaming machines include all types of gambling activity, which can take place on a machine, including betting on 'virtual' events.

15.2 The Act itself prescribes the number and category of gaming machines that are permitted in each type of gambling premises.

15.3 Subject to the provisions of the Act, gaming machines can be made available in a wide variety of premises, including:

- casinos
- bingo premises
- betting premises (including tracks)
- adult gaming centres
- family entertainment centres
- clubs
- pubs and other alcohol licensed premises
- travelling fairs

15.4 A machine is not a gaming machine if the winning of a prize is determined purely by the player's skill. However, any element of 'chance' imparted by the action of the machine would bring it within the definition of a gaming machine.

15.5 The Licensing Authority will encourage permit and premises licence holders to adopt applicable codes of practice which may be introduced by the amusement industry or Gambling Commission, from time to time.

16. Temporary Use Notices

- 16.1 Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. The Licensing Authority would object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises. Premises that might be suitable for a temporary use notice would include hotels, conference centres and sporting venues. A temporary use notice may only be granted to a person or company holding a relevant operating licence.
- 16.2 Temporary use notices may only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. Equal chance gaming is gaming which does not involve playing or staking against a bank and gives equally favourable chance to all participants. Example of equal chance gaming includes games such as Backgammon, mahjong, rummy, kalooki, dominoes, cribbage, bingo and poker.

17. Occasional Use Notices

- 17.1 Occasional use notices relate to particular activities at tracks. The Licensing Authority's only role is to ensure that the statutory limit of 8 days in a calendar year is not exceeded. Whilst tracks are normally thought of as permanent racecourses, this can also include land which has a number of uses for example agricultural land upon which a point-to-point meeting takes place. Land used temporarily as a track can qualify, provided races or sporting events take place or will take place there. The track need not be a permanent fixture.

18. Lotteries

- 18.1 All lotteries are unlawful unless they are run in accordance with an operating licence issued by the Gambling Commission - unless they are 'exempt' lotteries as defined by the Act. One of those exemptions is for "small society lotteries" which the Licensing Authority will allow, after registration. The Licensing Authority will maintain a register of small society lotteries.
- 18.2 A society will be allowed to register if it is 'non-commercial', in other words, if it is established and conducted:
- for charitable purposes ;
 - for the purpose of enabling participation in, or of supporting, sport, athletic or a cultural activity; or
 - for any other non-commercial purpose other than for private gain.

19. Exchange of Information

- 19.1 To ensure the licensing objectives are met, the Licensing Authority will establish a close working relationship with the police, the Gambling Commission and, where appropriate, other responsible authorities.

- 19.2 Subject to the provisions of the Data Protection Act 1998, the Licensing Authority will share any information it receives through the application process with the Gambling Commission, and any relevant responsible authority. In doing so the Licensing Authority will have regard to the Act itself, any guidance issued by the Commission and to any Regulations issued by the Secretary of State.
- 19.3 The Licensing Authority is committed to being open about what it does and how it comes to a decision, in accordance with the spirit of the Freedom of Information Act 2000 (FOIA). An important feature of the FOIA is the requirement for each public authority to produce a publication scheme setting out what information it will publish as a matter of course, how and when it will be published, and whether this information will be free of charge or on payment.
- 19.4 Individual requests should be made in writing via the Council's website. foi@wyreforestdc.gov.uk
- 19.5 Unless restricted by the Gambling Act, details about applications, licences and representations will be made available in our public register. Representations that we accept will be copied in their entirety to applicants, to provide an opportunity for mediation and to ensure that the rights of the applicant are not compromised.

20. Enforcement Protocols

- 20.1 The main enforcement and compliance role for the Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the Operator and Personal Licences and will also take the lead role on the investigation and where appropriate, the prosecution of illegal gambling. Any concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.
- 20.2 The Licensing Authority will work with the Commission, the Police and other enforcing authorities, having regard to any specific guidance produced by the Gambling Commission, relevant codes of practice, the licensing objectives and this statement of principles, to provide for the targeting of agreed problem or high-risk premises. A lighter touch will be applied to those premises which are shown to be well managed and maintained.
- 20.3 The overall aim is to permit the use of premises for gambling. With that in mind it is intended that action will generally be taken against 'problem' premises through the licence review process.

20.4 We will also have regard to the Regulators' Code whilst carrying out our regulatory functions.

- 20.5 The Licensing Authority will also be mindful of future developments as regard the work of the Better Regulation Executive whilst carrying out its regulatory functions.

20.6 The Licensing Authority will endeavour to be proportionate; accountable; consistent; transparent and targeted, as well as avoiding duplication with other regulatory regimes so far as possible.

20.7 In order to ensure compliance with the law, the Licensing Authority will prepare a risk based Inspection Programme and will carry out regular 'routine' day time programmed inspections, based on risk assessment in the categories High, Medium and Low and will also carry out 'non routine' evening programmed inspections. Where a one off event takes place under a Temporary Use Notice or Occasional Use Notice, the Licensing Authority may also carry out inspections to ensure the Licensing Objectives are being promoted.

20.8 High-risk premises are those premises that have a history of complaints and require greater attention with low risk premises needing only a lighter touch so that resources are effectively concentrated on problem premises.

21. Reviews

21.1 A request for a review of a premises licence can be made by interested parties or responsible authorities, however, the Licensing Authority will decide if the review is to be carried out on the basis of the following:

- In accordance with any relevant Code of Practice and/or guidance issued by the Gambling Commission
- Consistent with the licensing objectives
- In accordance with the statement of principles.

21.2 The Licensing Authority will also consider whether or not the request for a review is frivolous, vexatious, or repetitious or whether it would wish to alter/revoke or suspend the licence.

21.3 The Licensing Authority can also initiate a review of a premises licence on the basis of any reason which it thinks is appropriate, including if a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

21.4 Once a valid application for a review has been received by the Licensing Authority, representations can be made by responsible authorities and interested parties during the statutory consultation period. The purpose of the review will be to determine whether it should take any action in relation to the licence. The options available are:

- Add, remove or amend a licence condition;
- Remove or amend a default condition, such as opening hours;
- Suspend the premises licence for a period not exceeding 3 months;
- Revoke the licence.

Scheme of Delegation

The Licensing Authority is responsible for making licensing decisions but may delegate some of its powers to authorised officers. The table shows how it is proposed decisions will be made.

Matter to be dealt with	Full Council	Licensing Sub-Committee	Officers
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (where appropriate)			X
Application for premises licences		Where representations have been received and not withdrawn	Where no representations have been received or representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations have been received or representations have been withdrawn
Application for a transfer of licence		Where representations have been received from the Commission	Where no representations have been received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations have been received or representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections have been made or objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

List of Consultees

Chief Officer of West Mercia Police

Gambling Commission

All Other Responsible Authorities Identified in the Gambling Act 2005

District Councillors

Parish Councils

Holders of Premises Licences issued by the Council under the Gambling Act 2005

Gambling Trade Associations:

Association of British Bookmakers

British Amusement Catering Trade Association

Bingo Association

National Casino Forum

Lotteries Council

Hospice Lotteries Association

Organisations working with those who have a gambling problem:

GamCare

Gamblers Anonymous

WYRE FOREST DISTRICT COUNCIL**LICENSING AND ENVIRONMENTAL COMMITTEE****5TH OCTOBER 2015****Deregulation Act 2015**

OPEN	
DIRECTOR:	Acting Head of Worcestershire Regulatory Services on behalf of Wyre Forest District Council
CONTACT OFFICER:	Niall McMenamin – 01562 738059 niall.mcmenamin@worcsregservices.gov.uk
APPENDICES:	Appendix 1 – Draft guidance on private hire operator licence durations

1. PURPOSE OF REPORT

- 1.1 From 1st October 2015, as a result of section 10 of the Deregulation Act 2015, the standard duration of hackney carriage and private hire driver licences is three years and private hire operator licences is five years, unless the Council thinks it is appropriate to grant licences for a lesser period in the circumstances of a particular case.
- 1.2 Members are asked to approve guidance on the duration of private hire operator licences to take immediate effect.
- 1.3 Members are further asked to set the Licence fees in respect of three year driver licences and five year private hire operator licences and request officers to carry out the process required to advertise a new fee for a five year operator licence.

2. RECOMMENDATION

The Committee is asked to RESOLVE:

- **To approve the guidance on the duration of private hire operator licences (Appendix 1) to take immediate effect.**
- **Direct officers to carry out the procedures required to advertise the proposed fee for a five year private hire operator licence as £1760.**
- **Recommend to Council that the proposed fee for a three year dual hackney carriage/private hire driver licence be set at £415 and if no representations are received following the advertisement of the proposed fee, that the five year private hire operator licence fee be set at £1760. If representations are received they must be considered by the Committee before a fee is recommended to Council.**

3. BACKGROUND

- 3.1 The Deregulation Act 2015 received Royal Assent on 26th March 2015. Section 10 of this Act relates to the Council's hackney carriage and private hire licensing functions came into force on 1st October 2015.
- 3.2 The effect of this change means that the standard (default) duration of a hackney carriage or private hire drivers' licence issued by the Council must be three years and the standard (default) duration of a private hire operators' licence must be five years.
- 3.3 Currently the Council issues dual hackney carriage/private hire driver licences for a period of two years, and private hire operator licences for a period of one year.

4. KEY ISSUES

Private Hire Operators

- 4.1 Whilst the standard duration of a private hire operators licence is five years as of 1st October 2015, sections 53 and 55 (as amended) still allow the Council to grant a licence for a lesser period if it thinks it appropriate to do so in the circumstances of the case.
- 4.2 Draft guidance on the duration of private hire operator licences can be seen at **Appendix 1**.
- 4.3 Under this draft guidance, if an applicant wishes to be granted an operator licence for one year, the Council would automatically deem it appropriate in the circumstances to grant a licence for this period in line with the wishes of the applicant.
- 4.4 There are many reasons why an applicant may want to remain on a one-year licence. Inevitably the cost of applying for a five year licence will be higher than the cost of a one year licence as the Council's enforcement and compliance costs for the five year period would have to be covered in the licence fee. Applicants may therefore prefer to avoid having to pay a larger licence fee every five years and continue to pay a lower fee each year.
- 4.5 Members are therefore recommended to approve the draft guidance shown at **Appendix 1** with immediate effect.

Driver's Licences

- 4.6 Whilst the standard duration of a driver's licence is three years as of 1st October 2015, again sections 53 and 55 (as amended) still allow the Council to grant a licence for a lesser period if it thinks it appropriate to do so in the circumstances of the case.
- 4.7 Following the change in the legislation, it is the Council's intention to grant 3 years driver's licences, in line with what is now permitted by the amended provisions, to both new and existing drivers when renewing licences.

5. FINANCIAL IMPLICATIONS

5.1 The current licensing fees in respect of dual hackney carriage/private hire driver licences and private hire operator licences are as follows:

- Dual hackney carriage/private hire drivers licence £295.00 (2 years)
- Private hire operator licence £463.00 (1 year)

5.2 The fees charged by the Council for dual hackney carriage/private hire driver licences and for private hire operator licences have now been reviewed in light of the changes being enacted under section 10 of the Deregulation Act 2015.

5.3 The proposed fees to be charged in respect of dual hackney carriage/private hire driver licences and private hire operator licences will be as follows:

- Dual hackney carriage/private hire drivers licence £415.00 (3 years)
- Private hire operator licence £1760.00 (5 years)

5.4 The fees charged for three year driver licences and five year operator licences are inevitably going to be higher than the current cost of a one or two year licence as the Council's enforcement and compliance costs for the three or five year period would have to be covered in the licence fee.

5.5 However the proposed licence fees are not simply the relevant multiplied cost of a two or one year licence fee, as the costs associated with administering applications for three and five year licences will be less.

6. LEGAL AND POLICY IMPLICATIONS

6.1 The Council is required to advertise any operator licence fees and invite representations on it for a period of 28 days. Any representations will need to be considered before the fee for a five year licence is implemented.

6.2 Section 10 of the Deregulation Act 2015 amends sections 53 and 55 of the Local Government (Miscellaneous Provisions) Act 1976 which from 1st October 2015 will read as follows:

Section 53 (1) – Driver Licences

- (a) *Every licence granted by a district council under the provisions of this Part of this Act to any person to drive a private hire vehicle shall remain in force for three years from the date of such licence or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case.*
- (b) *Notwithstanding the provisions of the Public Health Act 1875 and the Town Police Clauses Act 1889, every licence granted by a district council under the provisions of the Act of 1847 to any person to drive a hackney carriage shall remain in force for three years from the date of such licence or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case"*

Section 55 (2) – Operator Licences

Every licence granted under this section shall remain in force for five years or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case

7. RISK MANAGEMENT

- 7.1 There is a need to consider the legislative changes and to amend and or adopt a policy to take account of the changes required. Failure to take account of new legislation may leave the authority at risk of legal challenge by customers who seek to apply for a licence under the new provisions.

8. EQUALITY IMPACT ASSESSMENT

- 8.1 There are no equality impact assessment issues arising from this report.

9. CONCLUSION

- 9.1 The proposals contained in this report will enable the Council to comply with the provisions of the Deregulation Act 2015. The proposals may also benefit the licensed trade with reduced fees and longer licence periods for private hire operators and dual hackney carriage/private hire drivers.

10. CONSULTEES

- 10.1 Solicitor to the Council, Legal Services.

11. BACKGROUND PAPERS

- 11.1 None.

WYRE FOREST DISTRICT COUNCIL

GUIDANCE ON THE DURATION OF PRIVATE HIRE OPERATOR LICENCES

From 1st October 2015 the standard duration of licences issued under the Local Government (Miscellaneous Provisions) Act 1976 to authorise individuals to operate private hire vehicles will be five years or such less period as the Council think appropriate in the circumstances of the case.

Applicant Request for a One Year Licence

Notwithstanding the generality of the foregoing provisions, one of the circumstances that the Council would consider granting a licence of less than five years is if the applicant for a licence to operate private hire vehicles requests a licence of one year duration rather than the standard five years, the Council would normally think it appropriate to grant a one year licence in accordance with the applicant's wishes.

Standard Five Year Licence

If an existing licensed operator wishes to be granted a licence of five years duration, they must pay the relevant fee and must also provide a DBS Application Form with their application.