

**NORTHAMPTON BOROUGH COUNCIL**

**Licensing Committee**

Your attendance is requested at a meeting to be held at  
The Jeffrey Room, St. Giles Square, Northampton, NN1 1DE.

on Tuesday, 11 December 2012

at 6:00 pm.

**D Kennedy**  
**Chief Executive**

**AGENDA**

**1 Apologies**

**2 Minutes**

To approve the minutes of the meeting held on 25<sup>th</sup> September 2012.  
(copy herewith)

**3 Deputations / Public Addresses**

**4 Declarations of Interest**

**5 Matters of Urgency which by reason of special  
circumstances the chair is of the opinion should  
be considered**

**6 Hackney Carriage and Private Hire Vehicles  
Conditions including Testing Criteria**  
(Copy herewith)

*A proposal suggested by the Northampton Hackney Carriage Drivers Association  
and tabled by them at the meeting is attached as an addendum at the end of the  
report on this item.*

**7 Review of Hackney and Private Hire Fees**  
(copy herewith)

**8 Review of Street Collections Policy**  
(copy herewith)

**9 Street Trading Fees and Consents**  
(copy herewith)

**10 Statement of Gambling Principles 2012 - 15**  
(copy herewith)

**11 Additional meeting of the Committee**

The Committee is not scheduled to meet between the date of this meeting and 19 March 2013. It is likely that there will be business which will need to be considered during that period and Members are requested to consider setting a date for an extra meeting of the Committee on Monday 11 February 2013 at 6pm.

The Chair has been consulted on dates and Members have received notification of the intention to arrange an additional meeting of the Committee on this date.

**12 Exclusion of Public and Press**

The Chair to Move:

“that the public and press be excluded from the remainder of the meeting on the grounds that there is likely to be disclosure to them of such categories of exempt information as defined by section 100(1) of the Local Government Act 1972 as listed against such items of business by reference to the appropriate paragraph of Schedule 12a to such act.”

**Public Participation**

Members of the public may address the Committee on any non-procedural matter listed on this agenda. Addresses shall not last longer than three minutes. Committee members may then ask questions of the speaker. No prior notice is required prior to the commencement of the meeting of a request to address the Committee.

## LICENSING COMMITTEE

Tuesday, 25 September 2012

**PRESENT:** Councillor Malpas (Chair); Councillor Hill (Deputy Chairman);  
Councillors Eales, Ford, Patel, Sargeant, Strachan and Wire

### 1. APOLOGIES

Apologies were received from Councillor Malpas – Councillor Hill took the Chair and Councillor Beardsworth.

### 2. MINUTES

With the addition of Councillor Hill to the apologies, the minutes of the meeting held on 31<sup>st</sup> July 2012 were agreed and signed by the Chair.

### 3. DEPUTATIONS / PUBLIC ADDRESSES

There were none.

### 4. DECLARATIONS OF INTEREST

There were none.

### 5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED

There were none.

### 6. STREET TRADING CONSENTS

The Senior Licensing Officer (SLO) submitted a report confirming the designation of two additional sites in Gladstone Road and Bedford Road as Street Consent Sites .It was also decided to include roads and streets that have been adopted within the Borough of Northampton since 6 October 2005 as prohibited.

Committee formally agreed to publish a notice of intention to designate the two additional sites on 31<sup>st</sup> July 2012. A notice was published and no representations from members of public were received. There were representations from the Police expressing concerns that no advertisement or equipment should cover or damage any street furniture. This was agreed as a condition.

Councillor Penny Flavell being the Ward Councillor for Rushmills. had also been consulted and raised no objections. Similarly Councillor Gareth Eales, being the Ward Councillor for Spencer raised no objections.

### RESOLVED:

That with effect from 1<sup>st</sup> November 2012.

- (i) the existing street trading regulations for the Borough be updated to allow the Council to designate additional street trading consents as set out in the Notice attached
- (ii) the roads and streets in the Borough that did not exist in 6 October 2005 be designated as prohibited streets
- (iii) A condition be introduced to apply to all street trading consents that no advertisement or equipment should cover or damage any street furniture.

## **7. DEREGULATION OF LIVE MUSIC**

The Senior Licensing Officer presented a report on the deregulation of live music which comes into force on the 1<sup>st</sup> October 2012.

When it comes into effect, it will:

- remove the licensing requirement for unamplified live music taking place between 8am and 11pm in all venues, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises
- remove the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on premises authorised to supply alcohol for consumption on the premises, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate . As a result of consultation the numbers of persons had been reduced from 5000 in the original proposals to 200.
- remove the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
- remove the licensing requirement for the provision of entertainment facilities
- widen the licensing exemption for live music integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applies to live or recorded music instead of unamplified live music.

Members were advised that this deregulation meant that any conditions currently imposed on live music in these circumstances will be removed. This could lead to an increase in reviews. Any review would then still have powers to impose conditions.

**RESOLVED:-** That the report be noted.

The meeting concluded at 6:16 pm

## Appendices

1. HC Conditions
2. PH Conditions
3. Sample Mileages
4. Draft Inspection manual
5. MOT Inspection report
6. Representations



## LICENSING COMMITTEE REPORT

<b>Report Title</b>	<b>Hackney Carriage and Private Hire Vehicles Conditions including Testing Criteria.</b>
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**AGENDA STATUS: PUBLIC**

<b>Committee Meeting Date:</b>	<b>11<sup>th</sup> December 2012</b>
<b>Directorate:</b>	<b>Customers and Communities</b>

### 1. Purpose

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1.1 To inform the Committee of the amended Taxi and Private Hire Conditions and Vehicle Testing arrangements

### 2. Recommendation

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2.1 That the amended Taxi and Private Hire Conditions be adopted (Option1) and the Vehicle Testing Standards be approved including maintaining two scheduled vehicle tests per year (Option 3).

### 3. Issues and Choices

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#### 3.1 Report Background

3.1.1 On the 8<sup>th</sup> May 2012, Licensing Committee, on considering the consultation results and research previously undertaken, resolved not to introduce age limits on Hackney Carriages (HC) and Private Hire Vehicles (PHV). It was further resolved to remove the existing sting 3 year lower limit on HCs, pending the introduction of a set of conditions which includes the testing criteria of vehicles to ensure a good standard of HCs and PHVs in Northampton is maintained.

- 3.1.2 The Committee requested the setting up of a working party (WP) made up of driver and operator representatives, Councillors and officers to work toward providing the amended conditions.
- 3.1.3 A nomination process was undertaken and the drivers' representatives were identified as: Mr P. Bruere (HC), Mr P. Mainstone (HC), Mr M Jadoon (PHV), Mr T. Ali (PHV), Mr K. Willsher (PHV), Mr H. Shah (solicitor representing a group of drivers). The Councillors were Cllrs Malpas (Chair), Eales, Sergeant, Beardsworth and Patel. One officer from legal, licensing, and meeting services attended the meetings.
- 3.1.4 The WP met four times and a number of concerns were raised by the representatives which were not within the remit of the Working Party but are worth noting here:
- A limit on the number of vehicles licensed (plate capping).
  - The three year rule – the implications when abolished.
  - The economic situation of drivers.
  - CRB checks on drivers.
  - MOTs based on set mileages rather than twice a year.
  - The Council having its own MOT station.
  - Increasing the number of MOT stations
  - The condition of the roads.
  - Allowing PHVs to use bus/HC lanes.
  - Having all vehicles licensed as HCs.
- 3.1.5 The Chair felt that there was potential for the Working Party to continue in order to consider some of these issues in the future.

## **3.2 Issues**

3.2.1 The WP worked through all of the conditions in the HC and PHV documents and amendments were made accordingly. Changes were made to allow for amendments in legislation (e.g. smoking in a public place) that had been introduced since the last review and the changing structure within the Licensing Authority. There were also amendments to conditions surrounding spare wheels, the use of technology (hands free phones) and the criteria for advertising. The updated conditions documents for HCs and PHVs are at Appendices 1 and 2.

### **3.2.2 Scheduled Council Inspections/MOT testing**

The results from the consultation undertaken earlier in the year had found that the key issue as to whether a vehicle is roadworthy was not age, but regular maintenance. The research undertaken at the same time also showed that the majority of the 389 vehicles researched were failing the six monthly inspection irrespective of age (a copy is attached as Appendix 5). There were concerns that not introducing any age limits and removing the three year rule on HCs may exacerbate this situation and therefore it was important to introduce a clear set of transparent testing requirements to

ensure as far as possible that a high standard of vehicles are available for public use.

- 3.2.2 A number of related documents were distributed to the WP, some of which the representatives requested. Other authority testing manuals were looked at to provide a benchmark from where we could start.
- 3.2.3 The driver representatives were keen to use the Department of Transport best practice guidance and the Technical Officer Group report (TOGR) which provides a national minimum standard for the testing of HCs and PHVs. This was compared with the Coventry City testing manual which was also based on the TOGR with additional requirements upon which a Northampton initial draft document was based.
- 3.2.4 The WP worked through this document comparing it with the TOGR and amendments were made from the draft document which the representatives felt were not relevant to vehicles in Northampton.
- 3.2.5 Whilst agreement was reached in most cases, some issues were not resolved.

### **3.2.6 Tyre Tread Depth**

The legal limit is 1.6mm. Currently in Northampton we have a limit of 2mm. This is not prosecutable but a vehicle can be prohibited from working as a HC or PHV if it is found with any tyre below 2mm until replacement tyres are fitted. Some representatives felt that without any other justification, if the legal limit is 1.6mm then that is what it should be. While the explanation was given that HCs and PHVs do higher mileages than normal domestic vehicles, it was requested that HC and PHV mileages be researched as there was a feeling within the representatives that these vehicles were undertaking between 30-40,000 miles per year and not the higher mileages normally associated with HCs and PHVs.

A sample of 103 vehicles was selected randomly and these are shown alphabetically by registration at Appendix 3. Of these vehicles, 97 had a record of their 12 monthly mileages and 6 had a record of their 6 monthly mileage. The average mileage undertaken by the 97 vehicles was in excess of 1,000 miles per week. One vehicle recorded in excess of 100,000 miles per year, one over 90,000, two over 80,000, two over 70,000, eight over 60,000, seventeen over 50,000 and thirty three over 40,000 miles per year. Whilst it is acknowledged that this is a relatively small sample of the licensed vehicles in Northampton, the purpose is to show that there are vehicles undertaking significant mileages.

There is no definitive research which shows the tread wear of a tyre as so many variables are involved, but the AA estimate a well looked after set of quality tyres should last approximately 30,000 miles. The AA also advise changing tyres at 2mm and this is supported by the Royal Society for the Prevention of Accidents who go further and advise changing at 3mm due to the increased stopping distances of tyres with a shallower depth.

If we use the AA's estimate of 30,000 miles being the average life of a tyre then the tread of a tyre covering 1,000 miles per week would wear at a rate of 0.2mm per week on average. This means that a tyre with a 1.6mm tread could be below the legal limit within approximately a week of passing its MOT.

### **3.2.7 One MOT Test or Two**

Whilst at the Licensing Committee in May 2012 it was decided to maintain two tests per year, there was strong opposition from representatives to maintaining two tests in light of the introduction of the new testing criteria. The rationale behind the representatives' thoughts were that the TOGR implies the use of an annual test as it states that the testing standards should be used in conjunction with the VOSA Inspection Manual. The Department of Transport best practice guidance suggests that *'an annual test seems appropriate in most cases unless local conditions suggest that more frequent tests are necessary'* It also states that *"Local licensing authorities will want to ensure that each of their various licensing requirements is properly justified by the risk it aims to address"*. Also, as stated above, there was a belief that HCs and PHVs do not undertake mileages high enough to warrant two inspections per year.

However, the same document includes *"The key premise remains the same - it is for individual licensing authorities to reach their own decisions both on overall policies and on individual licensing matters, in the light of their own views of the relevant considerations. This Guidance is intended to assist licensing authorities but it is only guidance and decisions on any matters remain a matter for the authority concerned"*. The Local Government (Miscellaneous Provisions) Act 1976 s50 also provides for a local authority to require up to three full inspections per year.

As stated above, the research undertaken into MOT tests and failure rates during the consultation period prior to the May Committee hearing assisted the Committee in deciding that the requirement for two tests per year be maintained. It is intended that the adoption of the new testing criteria will improve failure rates and this can be monitored by researching MOT failure rates in 12 or 18 months time.

### **3.2.8 Exterior Body Condition**

It was felt that in the initial draft testing manual the exterior specification was too onerous detailing the number and size of stone chips etc. It was therefore agreed that a more general standard would be introduced which would be based on the overall condition of the exterior. This has been added to the proposed testing manual but there is some concern from representatives that it is still too onerous.

### **3.2.9 Other Issues**

There were requested amendments in relation to type of emergency repair or type of wheels that could be replaced from the original. It is not the intention



to list every type of emergency repair or type of wheel but wheels should all be the same size as at manufacture and any emergency repair equipment should be to the approved British Safety Standard.

Final written responses by the WP consultees are attached at Appendix 6.

### **3.3 Options**

- 3.3.1
- 1) That the updated conditions for HCs and PHVs be adopted to reflect legislative changes and vehicle developments providing up to date documents.
  - 2) That the updated conditions booklet for HC's and PHV's is not adopted. This would result in effectively out of date documents that do not reflect the changes in legislation, the Licensing Authority and development of vehicles which the amended documents incorporate.
  - 3) That the proposed criteria (Appendix 4) for HC and PHV testing, including the requirement to have two inspections per year and maintaining the 2mm tyre tread limit are approved by the Licensing Committee. This will provide a clear and transparent document so that drivers, owners, MOT testing stations and members of the public are clear on what is expected of these vehicles in order to be fit for purpose as a HC or PHV in Northampton, assist in the decrease in MOT failure rates and maintain safe vehicles for public use.
  - 4) That the proposed criteria (Appendix 4) are not adopted by the Licensing Committee and the current system remains. If this option is chosen it is unlikely that MOT failure rates will improve and with the removal of existing age limits there is a risk of substandard vehicles being utilised in Northampton.
  - 5) That the proposed criteria are adopted, but reducing the requirement for a scheduled inspection from two to one test per year. If this option is taken then vehicles of any age undertaking 5, 6 or 7 times the average annual mileage of a domestic vehicle may be carrying members of the public around Northampton only undergoing one scheduled inspection per year. MOT failure rates are high with two MOTs per year, but at least this ensures defects are rectified on a six monthly basis.

## **4. Implications (including financial implications)**

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### **4.1 Policy**

- 4.1.1 There are no policy implications as a result of the introduction of the proposed inspection criteria

## **4.2 Resources and Risk**

- 4.2.1 As a result of the implementation of the proposed inspection criteria, no risk to resources has been identified.

## **4.3 Legal**

- 4.3.1 Under Section 48(2) Local Government (Miscellaneous Provisions) Act (1976), a district council may attach to the grant of a licence under this section such conditions as it may consider reasonably necessary. Therefore the addition and / or modification of any licence conditions is lawful so long as they are reasonably necessary.

## **4.4 Equality**

- 4.4.1 An equality impact assessment was undertaken at the outset of this piece of work and has been reviewed as developments have been made. The key equalities factor was identified as being a negative financial impact on groups if age limits were introduced. As it has been decided no age limits are to be introduced there is no longer any possibility of a differential impact. The introduction of the proposed testing criteria sees no change to the current fee structure associated with HCs and PHVs and no negative equality impact has been identified.

## **4.5 Consultees (Internal and External)**

- 4.5.1 Legal, Finance, Private Hire representatives, Hackney Carriage Representatives, Public Protection.

## **4.6 Other Implications**

- 4.6.1 If the proposed criteria are introduced, consultation will need to take place with the two contracted MOT testing stations used by this Authority. It is estimated that the implementation of the proposed changes would commence April 1<sup>st</sup> 2013

## **5. Background Papers**

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- 5.1 Tyre tread and stopping distances (ROSPA 2005)

[www.theaa.com/motoring\\_advice/safety/tyre-life-and-age.html](http://www.theaa.com/motoring_advice/safety/tyre-life-and-age.html)

Hackney Carriage and Private Hire Vehicle National Inspection Standards, Technical Officer Group Report (Freight Transport Association)

Taxi and Private Hire Vehicle Licensing Best Practice Guidance (Dept of Transport 2010)

Coventry City Council Private Hire and Hackney Carriage Vehicle Inspection manual

Derby City Council – Supplementary Testing manual.

**Report Author – Bill Edwards, Senior Licensing Officer. 8986**

## APPENDIX 1



# HACKNEY CARRIAGES

## BYELAWS. CONDITIONS, RELEVANT LEGISLATION AND GUIDELINES

### CONTENTS

1. Byelaws
2. Town Police Clauses Act 1847
3. Local Government (Miscellaneous Provisions) Act 1976
4. Hackney Carriage Vehicle Conditions of Licence
5. Advice on Meeting the Needs of Disabled Passengers
6. Guidelines Relating to the Relevance of Convictions

## **BYELAWS FOR HACKNEY CARRIAGES**

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by Northampton Borough Council with respect to hackney carriages in the borough of Northampton.

### **INTERPRETATION**

1. Throughout these byelaws “the Council” means Northampton Borough Council and “the district” means the borough of Northampton.

### **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 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 or plying for hire; and
- (ii) not cause or permit the carriage to stand or ply for hire with any such painting marking or plate so defaced that any figure or material particular is illegible.

### **PROVISIONS 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 water-tight;

(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; and

(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. 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 time as well as for distance in pursuance of the tariff fixed by the Council;

(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; and

(f) the taximeter and all the 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**

5. 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; and

(c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.

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.

7. 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 appointed by the Council;
  - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; and
  - (d) 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.
- 8 A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.
- 9 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.
- 10 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.
- 11 The 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.
- 12 If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
- 13 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; and
  - (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

**PROVISIONS FIXING THE RATES OR FARES TO BE PAID FOR HACKNEY CARRIAGES WITHIN THE DISTRICT AND SECURING THE DUE PUBLICATION OF SUCH FARES**

14. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by a combination of distance and time unless the hirer express at the commencement of the hiring his desire to engage by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

15. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

#### **PROVISIONS SECURING THE SAFE CUSTODY AND RE-DELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES, AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF**

16. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
17. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:-
  - (a) carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner, to the office of the Council and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and
  - (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

#### **PENALTIES**

18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefor.

#### **REPEAL OF BYELAWS**

19. The byelaws relating to hackney carriages which were made by Northampton Borough Council on the 31 day of January 1977 and which were confirmed by Secretary of State of the Home Office on the 4 day of March 1977 are hereby repealed.



THE COMMON SEAL of  
NORTHAMPTON BOROUGH COUNCIL  
was hereunto affixed this ..... day of ..... in the presence of:-

Signed:

.....

Francis Fernandes  
Solicitor to the Council

## OTHER RELEVANT LEGISLATION:-

### Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976.

Under the 1976 Act, there are a number of offences relating to both hackney carriages and private hire vehicles. Again, enforcement falls to the local authority, but the 1976 Act introduces the concept of an authorised officer.

This is defined in section 80 as: *“authorised officer” means any officer of a district council authorised in writing by the council for the purposes of this Part of the Act;*

Your attention is drawn to the following offences relating to Hackney Carriage Proprietors, Drivers and Vehicles.

Level 1	Level 2	Level 3	Level 4	Level 5
£200	£500	£1,000	£2,500	£5,000

### TOWN POLICE CLAUSES ACT 1847

Section	Offence	Maximum Penalty
40	Giving false information on application for hackney carriage proprietor's licence	Level 1
44	Failure to notify change of address of hackney carriage Proprietor	Level 1
45	Plying for hire without a hackney carriage proprietor's licence	Level 1
47	Driving a hackney carriage without a hackney carriage driver's licence	Level 4
47	Lending or parting with a hackney carriage driver's licence	Level 3
47	Hackney carriage proprietor employing unlicensed driver	Level 3
48	Failure by hackney carriage proprietor to hold hackney carriage driver's licence	Level 1
48	Failure by hackney carriage proprietor to produce hackney carriage driver's licence	Level 1
52	Failure to display hackney carriage plate	Level 1
53	Refusal to take a fare	Level 2
54	Charging more than the agreed fare	Level 1

<b>Section</b>	<b>Offence</b>	<b>Maximum Penalty</b>
55	Obtaining more than the legal fare	Level 3 & 1 month imprisonment until the excess is refunded
56	Travelling less than the lawful distance for an agreed fare	Level 1
57	Failing to wait after a deposit to wait has been paid	Level 1
58	Charging more than the legal fare	Level 3
59	Carrying other person than the hirer without consent	Level 1
60	Driving a hackney carriage without proprietors consent	Level 1
60	Person allowing another to drive a hackney carriage without proprietors consent	Level 1
61	Drunken driving of hackney carriage	Level 1
61	Wanton or furious driving or wilful misconduct leading to injury or danger	Level 1
62	Driver leaving hackney carriage unattended	Level 1
64	Hackney Carriage driver obstructing other hackney carriages	Level 1

#### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

<b>Section</b>	<b>Offence</b>	<b>Maximum Penalty</b>
49	Failure to notify transfer of hackney carriage proprietor's licence within 14 days.	Level 3 (by virtue of section 76)
50(1)	Failure to present hackney carriage for inspection as required	Level 3 (by virtue of section 76)
50(2)	Failure to inform Local Authority where hackney carriage is Stored if requested	Level 3 (by virtue of section 76)
50(3)	Failure to report an accident to Local Authority within 3 days.	Level 3 (by virtue of section 76)
50(4)	Failure to produce hackney carriage proprietor's licence and Insurance	Level 3 (by virtue of section 76)
53(3)	Failure to produce hackney carriage driver's licence within 7 days.	Level 3 (by virtue of section 76)
57	Making false statement or withholding information to obtain a hackney carriage drivers licence	Level 3 (by virtue of section 76)

<b>Section</b>	<b>Offence</b>	<b>Maximum Penalty</b>
<b>58(2)</b>	Failure to return plate after notice given <b>after</b> expiry, revocation or suspension of hackney carriage proprietor's licence within 7 days	Level 3 (by virtue of section 76)
<b>61(2)</b>	Failure to surrender drivers licence after suspension, revocation or refusal to renew	Level 3 (by virtue of section 76)
<b>64</b>	Permitting any vehicle other than hackney carriage to wait on a hackney carriage stand	Level 3 (by virtue of section 76)
<b>66</b>	Charging more than the meter fare for a journey ending outside the district, without prior agreement	Level 3 (by virtue of section 76)
<b>67</b>	Charging more than the meter fare when hackney carriage used as private hire vehicle	Level 3 (by virtue of section 76)
<b>69</b>	Unnecessarily prolonging a journey	Level 3 (by virtue Of section 76)
<b>71</b>	Interfering with a taximeter	Level 3 (by virtue of section 76)
<b>73</b>	<p><b>(1)</b> Any person who –</p> <p>(a) wilfully obstructs an authorised officer or constable acting in pursuance of this Part of this Act or the Act of 1847; or</p> <p>(b) without reasonable excuse fails to comply with any requirement properly made to him by such officer or constable under this Part of this Act; or</p> <p>(c) without reasonable cause fails to give such an officer or constable so acting, any other assistance or information which he may reasonably require of such person for the purpose of the performance of his functions under this Part of this Act or the Act of 1847;</p> <p>shall be guilty of an offence</p> <p><b>(2)</b> If any person, in giving any such information as is mentioned in the preceding subsection, makes any statement which he knows to be false, he shall be guilty of an offence.”</p> <p>It can be seen that an authorised officer is a person appointed by the district council to act on their behalf, in relation to enforcement activities under the 1976 and 1847 Acts. It will be necessary for such an officer to demonstrate his authorisation, if required, and that authorisation must be in writing to satisfy the requirements of section 80.</p>	<p>Level 3 (by virtue of section 76)</p> <p>Level 3 (by virtue of section 76)</p> <p>Level 3 (by virtue section 76)</p>

## **HEALTH ACT 2006**

Chapter 1, Part 1 Offence of smoking in smoke-free place.

(1) In this section, a “smoke-free place” means any of the following—

(a) premises, so far as they are smoke-free under or by virtue of sections 2 and 3 (including premises which by virtue of regulations under section 3(5) are smoke-free except in relation to performers),

(b) a place, so far as it is smoke-free by virtue of section 4,

(c) a vehicle, so far as it is smoke-free by virtue of section 5.

(2) A person who smokes in a smoke-free place commits an offence.

## **THE ROAD VEHICLES (Construction and Use) (Amendment) (No. 4) Regulations 2003**

### **Amendment of the Road Vehicles (Construction and Use) Regulations 1986**

(2). The Road Vehicles (Construction and Use) Regulations 1986(2) are amended by inserting after regulation 109—

“Mobile telephones

110.—(1) No person shall drive a motor vehicle on a road if he is using—

(a) a hand-held mobile telephone; or

(b) a hand-held device of a kind specified in paragraph (4).

(c)

NOTE: Whilst operating a hands free device is not unlawful, the Council does not encourage its use and advises drivers stop in a safe place to make and receive calls.

## HACKNEY CARRIAGE VEHICLE CONDITION OF LICENCE

The Hackney Carriage Vehicle Licence is granted to you subject to you complying with the following conditions of licence.

Failure to comply with any of the conditions may lead to prosecution or could lead to your licence being suspended, revoked or not being renewed.

### 1. MAINTENANCE OF VEHICLE

- (a) The vehicle and all its fittings and equipment must 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 the relevant statutory requirements including in particular those contained in Motor Vehicles (Construction and Use Regulations) must be fully complied with.
- (b) That a spare wheel or other approved manufacturers device is provided readily available for use together with the tools and equipment required to carry out an emergency repair.
- (c) That a complete set of replacement light bulbs are readily available.

### 2. DRIVER'S LICENCE

The proprietor must, before a driver commences to drive the vehicle, satisfy themselves that the driver has a valid Hackney Carriage Driver's Licence and a valid Hackney Carriage Vehicle Licence. This must include a personal check of the aforementioned Licenses issued by the Council.

### NOTE: LICENCE RENEWAL/REMINDERS

**Please note that licence renewals/reminders are sent purely as a courtesy. The responsibility for renewal rests with the licence holder.**

### 3. CHANGE OF ADDRESS

The proprietor must notify the Licensing Department, in writing, of any change of address or operator during the period of the licence within 7 days of such a change taking place.

### 4. INSURANCE

- (a) The proprietor must maintain in force for the duration of the licence an insurance policy for the vehicle providing private hire cover only and must produce on demand to an authorised officer of the Council or Police Constable an appropriate certificate.
- (b) The proprietor is responsible for maintaining up to date records of licences and insurances for all employed drivers and vehicles operating under his/her control. The proprietor must ensure that these records are maintained for inspection at any time by an authorised officer of the Council or Police Constable.
- (c) The driver or proprietor of the vehicle, whilst working for a Private Hire Operator, **MUST** carry valid proof of private hire insurance for that vehicle. Failure to carry valid proof of insurance (i.e. cover note or certificate, photocopies acceptable) **WILL** entail the immediate suspension of the vehicle licence until such proof is

provided. Proprietors with more than one vehicle should supply drivers with a Motor Vehicle Schedule as well as a copy of motor insurance.

**NOTE: On plating, it is expected that the presented insurance certificate will have a minimum of seven days cover remaining**

## **5. DRIVERS**

The proprietor of the vehicle must notify the Licensing Department of the name and address of all licensed drivers engaged and employed by him/her and of any such driver ceasing to be so employed within 7 days of the date appointment or termination as the case may be.

## **6. NO SMOKING SIGN**

In accordance with the Council's policy on smoking a 'No Smoking' sign shall be displayed within the vehicle, in such a position that can be clearly seen.

## **7. REAR LICENSING PLATE**

The driver or proprietor of a Hackney Carriage Vehicle shall not wilfully or negligently cause or suffer any licence plate issued by the Council to be concealed from public view whilst the vehicle is being used for the purpose of hire and must ensure that the plate is securely fixed to the rear outside of the vehicle.

The rear licensing plate remains the property of the Council.

## **8. INTERIOR PLATE REPLICA**

A small replica of the Hackney Carriage Licensing Plate issued by the Council shall be affixed to the inside of the vehicle so as to be plainly and distinctly visible to fare paying passengers.

## **9. VEHICLE CHECKS**

a) The proprietor, or the driver of the vehicle, as the case may be, must, at the request of an authorised officer or Police Constable stop the vehicle to enable a check to be made for the purpose of preventing or detecting contravention of any statutory requirements or of any conditions applicable to the vehicle and its use as a Hackney Carriage vehicle whether or not passengers are carried at that time, and must not proceed until the authorised officer or Police Constable is satisfied that all such requirements or conditions are being observed and complied with.

b) It is an offence if lawfully directed, to fail to attend such an inspection

## **10. RADIO EQUIPMENT**

Any radio equipment **MUST** be securely fixed in the vehicle so as not to cause the driver or passengers any problem when they vacate the vehicle.

There is a complete ban on all radio scanners to prevent bookings from being intercepted.

## 11. OVERLOADING

The driver or proprietor must not convey or permit to be conveyed in the vehicle a greater number of persons (excluding the driver), than the number of persons authorised by the licence.

**Note: Each person is classed as an individual passenger.**

## 12 SAFETY EQUIPMENT

- (a) There must 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 and a suitable first aid kit. This equipment must be carried in such a position in the vehicle as to be readily available for immediate use in emergency.
- (b) The fire extinguisher must be securely clamped which is easily accessible by the driver. The fire extinguisher must be of the rechargeable, multi purpose, dry powder type. It must have a minimum 13a/70b as defined in European Standard EN3 and have been manufactured to comply to that standard. It must be serviced annually in accordance with British Standard 5305, Part 3 and permanently, legibly marked with the licensing plate number of the vehicle.

As a general guide, the first aid kit shall contain the following items:-

1. 10 individually wrapped sterile adhesive dressings of various sizes.
2. 2 sterile eye pads.
3. 4 individually wrapped triangular bandages.
4. 6 safety pins.
5. 6 medium size and 2 large individually wrapped sterile unmedicated wound dressings.
6. 1 pair of disposable gloves.

That a sign indicating the location of the first aid box be displayed in the vehicle for the benefit of passengers or the Emergency Services and that it be legibly marked with the licensing plate number of the vehicle.

**Note: There is no requirement under this condition for the driver to administer or be trained in the use of First Aid.**

## 12. AUTHORISED OFFICER/POLICE SUSPENSION OF VEHICLE NOTICE

- (a) Any driver or proprietor, on being issued with a notice suspending the vehicle from public use, must present the vehicle for test and inspection at a Council Approved Testing Station or nominated place within the time and date stated in the notice. Any disputes as a result of the inspection to be adjudicated by a Licensing Enforcement Officer.
- (b) A fee will be payable by the driver/proprietor to the testing station relative to the determined faults to be rectified.

## 13. ADVERTISEMENTS

All advertisements, printed matter, mark or sign, other than as required by law, must be formally approved by the Council, such approval not to be unreasonably withheld.



## **Suggested criteria for display of advertisements in or on a Hackney Carriage Vehicle**

### **Advertisements displayed in or on Hackney Carriage Vehicles Licensed by Northampton Borough Council must comply with the Equality Act 2010 e.g**

- (a) Non racist
  - (b) Non sexist
  - (c) Non disablist.
- They should also be:
- (a) Non Political
  - (b) Should not refer to tobacco products unless as part of a Health Education or similar campaign
  - (c) Should not cause offence to the general public or any section of the community.

## **14. PRODUCTION OF LICENCE TO THE POLICE**

At the request of a Police Constable to produce, for inspection within 7 days, your Hackney Carriage Vehicle Licence.

## **15. TRANSFER OF VEHICLE**

In the event of any proprietor specified in the vehicle licence transferring his/her interest in the vehicle to someone other than a joint proprietor, both parties that is to say the current proprietor and the new proprietor shall within 7 days of such transfer complete the "Transfer of Vehicle" form available on request from the Licensing Office. Once completed, the form must be returned forthwith together with Public Hire Insurance for the change of ownership to be recorded.

## **16. VEHICLE TESTING**

(a) To present the vehicle for inspection and testing on up to 3 separate occasions during any one period of 12 months within such period and at such place as the Council may, by notice, reasonably require.

(b) The proprietor of the licensed vehicle or his/her agent shall submit the vehicle to a safety check, when required, on the demand of an Authorise Officer or Police Officer, irrespective of inspections required by the Council.

## **17. TAXI METERS**

An accurate electronic, calendar controlled taxi meter of a type approved by the Council must be affixed in the Hackney Carriage in a position satisfactory to the Council. No licence holder or driver may tamper with the mechanism of the taxi meter or its seals, provided that, should the meter become defective it may be repaired and a service meter substituted. The service meter and repaired meter must, before use, be duly tested and sealed. Taxi meters fitted to licensed Hackney Carriages must be tested on each vehicle test.

## **18. TARIFF SHEET**

The current tariff sheet must be mounted and displayed inside the Hackney Carriage in a position approved by the Council. Following an increase in tariff,

vehicles nominated by the Council must submit to a meter check at an authorised testing station within seven days.

## **19. DAMAGE TO VEHICLE**

- (a) If a Hackney Carriage is involved in a road traffic accident and either mechanical or body damage is sustained or damage caused by any other means which material affects safety, performance or appearance or the comfort or convenience of persons carried therein, a report must be made by the licence holder to the Licensing Department as soon as practicable or within 3 days of the accident and, after repair, may be required to pass a mechanical inspection at a place to be determined by the Council, subject to payment of an appropriate fee. The Hackney Carriage Licence Plate is liable to be removed from any vehicle which, in the opinion of an Authorised Officer or Agent of the Council in any way constitutes a danger to the public, is in breach of any road traffic enactment or the Construction and Use Regulations, or is unfit for use as a Hackney Carriage.
- (b) On completion of the repairs to the satisfaction of the Authorised Officer the plate may be restored.
- (c) The removal of the Hackney Carriage Licence plate will constitute suspension of the Hackney Carriage Licence.

## **20. "TAXI" SIGN**

The Hackney Carriage shall exhibit a taxi sign on the roof as approved by the Council. This shall be capable of being illuminated at night. No other form of lighting shall be displayed on the Hackney Carriage other than that required by law.

## **21. RECORDS OF BOOKINGS**

Where a Hackney Carriage Driver accepts a pre-booked fare either by telephone or verbally then a record of such a booking shall be kept in such form as the Council may prescribe. Such records shall be kept for at least one year. The entry is to be entered in such record book to be:-

- (a) Name of person making the booking, name and address of passenger and place where passenger is to be picked up.
- (a) Time and date where passenger(s) are to be picked up (24hr clock must be used)
- (b) Destination.
- (c) Licence number of Hackney Carriage so used.
- (d) It shall be the responsibility of the vehicle licence holder to keep and maintain this record. Such record shall be produced on request to any authorised officer or to any police constable for inspection.

## 22. APPEAL AGAINST CONDITION

Any person aggrieved by any of the conditions specified in their vehicle licence may appeal to a court of summary jurisdiction against such condition within 21 days of the date hereof pursuant to Section 47(3) of the Local Government (Miscellaneous Provisions) Act 1976.

## 28. COPY OF CONDITIONS

The driver or proprietor must, at all times, when driving a Hackney Carriage Vehicle carry with him/her a copy of this booklet and make it available for inspection by the hirer or any other passenger, authorised officer or police constable, on request.

## ADVICE ON MEETING THE NEEDS OF DISABLED PASSENGERS

### Advice for Drivers

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

You may have a vehicle which has been designed to make travelling easier for many elderly and disabled people including those who use wheelchairs. But the vehicle design is only part of the answer. **Your attitude and understanding are vital.** If you are not sure how to help or if you are not willing to help elderly or disabled passengers you may lose a significant potential market and they will have lost an invaluable source of independent mobility. Here is some basic advice to help you give the best service to your passenger and get the best from your vehicle. Disability comes in many forms - some visible, some invisible. Never make assumptions. Always ask what help (if any) a passenger may need from you. Make sure you are familiar with any access and safety equipment in your vehicle. For example you have a responsibility to know how to use wheelchair ramps safely and correctly. If the passenger is a wheelchair user and you drive a wheelchair accessible vehicle you should always:-

- pull as close as possible to the kerb;
- ask if they would like to use the ramps;
  
- if necessary, tip up the back seat to give more space to manoeuvre the wheelchair;
  
- insist that the passenger travels in the correct position as recommended by the vehicle manufacturer, or conversion team. In the case of Fairway or Metrocab taxis this position will be facing to the rear of the vehicle. In the case of wheelchair accessible vehicles which have been specially converted for the purpose of conveying wheelchairs, you should follow the converter's recommendations. **Any other travelling position is unsafe;**

- always make sure that the brakes of the wheelchair are on;
- be polite and ask before touching or moving your customer;
- secure the wheelchair and suggest that the passenger also uses the seat belt provided (*they may need your help with this*);
- if it has been raised, lower the back seat, if the passenger would prefer it;
- avoid sudden braking or acceleration;
- bring the wheelchair out of the vehicle backwards down the ramp and ask if the passenger would like the brakes on once it is unloaded;
- leave the passenger in a safe and convenient place which enables them to move away independently.

If you drive a saloon car, you may still be able to take wheelchair users provided that the passenger is able to transfer. In those circumstances, you should ask the passenger what help they require, listen to their response, and act only as advised. Take care when loading the wheelchair into the boot. Wheelchairs can be expensive to repair or replace and without one the passenger may be totally immobile.

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

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

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

- look out for the "TAXI" sign which is held out by some blind or partially sighted people in order to hail a cab;
- if you are collecting a blind or partially sighted passenger from a prebooked location, knock at the door on arrival - do not remain in the cab and "hoot your horn";
- tell your passenger whether they are entering a saloon car or purpose built cab;

- demonstrate which way the doors open;
- if possible, place the blind person's hand on the open door and indicate the position of the roof;
- make sure they know which way the vehicle is facing;
- make sure they are seated and have secured the seat belt (*where applicable*) before you move off. They may like help with the belt;
- tell them if you are taking a different route from the one they expect, or if there is a hold-up or diversion;
- tell them the fare and count out the change;
- set them down in a safe place and make sure they know where they are going. If they would like to be accompanied to the entrance of a building, offer them your arm; gripping just above your elbow will enable them to be guided more easily;
- remember guide dogs are trained to remain on the floor of a vehicle and will not abuse your vehicle. In saloon cars, there is more room for the dog on the floor in the front of the vehicle.

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

- look at them when you are speaking. Speak clearly - but do not shout.
- always have a pad of paper and pen handy as it is sometimes easier to communicate in writing;
- make sure they are aware that you have understood their instructions and that you know where they are going.

### **Maintenance of Vehicles**

- keep door handles, locks and hinges well oiled. This reduces the amount of physical (often painful) effort required to open them.

If you drive a purpose built vehicle, make sure you know how to use the equipment. For example, you should know the correct way to secure and load a wheelchair and to operate the swivel seat for vehicles such as the Fairway and Metrocab models. In the case of vehicles specifically converted for the conveyance of wheelchairs, methods vary according to the conversion, therefore, you should consult your conversion specialists.

Additional information is given in the video "Call a Cab" available on free loan from the Department of Transport's Mobility Unit.

**FOOTNOTE: The above advice is taken from the D.P.T.A.C. leaflet entitled Meeting the Needs of Disabled Passengers –Advice for Taxi Drivers.**

## **GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS**

### **NORTHAMPTON BOROUGH COUNCIL'S GUIDELINES WHEN DETERMINING WHETHER OR NOT TO GRANT, RENEW, SUSPEND OR REVOKE A PRIVATE HIRE DRIVER'S LICENCE OR A HACKNEY CARRIAGE DRIVER'S LICENCE.**

These guidelines are based on the Department of Transport Circular 2/92 and Home Office Circular 13/92 Disclosure of Criminal Records: Applicants for Hackney Carriage and Private Hire Vehicle Driver's Licences which advises local authorities on the procedures to adopt for checking with the police the criminal convictions of applicants for hackney carriage and private hire vehicle drivers' licences. (Now superseded by the Police Act 1997).

The Council will also give due regard to Section 17 of the Crime and Disorder Act 1998, which states –

“Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area”.

Applications should be submitted to the Borough Solicitor at the Guildhall Northampton.

Each case will be decided on its own merits taking into account these guidelines and any other relevant circumstances.

1. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.
2. The following examples afford a general guide on the action to be taken where convictions are admitted. A new application with more than 8 current points on the D.V.L.A. Driving Licence will generally not be considered.

#### **(a) Minor Traffic Offences**

Convictions for minor traffic offences (eg obstruction, waiting in a restricted street, speeding, defective tyres/brakes, failing to stop at traffic signs etc) should not prevent a person from proceeding with an application. If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence then a hackney carriage or PHV licence may be granted after its restoration but a warning should be issued as to future conduct.

#### **(b) Major Traffic Offences**

Following a conviction for dangerous driving or aggravated vehicle taking at least 3 years to 5 years free of such a conviction should be shown before an application is entertained.

Convictions for driving with no insurance, driving whilst disqualified, driving without due care and attention. More than one conviction of this type of offence within 2 years should merit refusal and no

further application should be considered until a period of 1 to 3 years free from convictions has elapsed.

### **(c) Drunkenness**

#### **(i) With Motor Vehicle**

A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of drink and/or drugs.

Likewise a conviction for failing to provide a specimen. Due regard will be had to the alcohol/drugs level and or the penalty imposed by the Court, together with the circumstances of the offence.

An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence. At least 3 years should elapse (after the restoration of the driving licence) before an applicant is considered for a licence.

If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic a period of 5 years should elapse after treatment is complete before a further licence application is considered.

#### **(ii) Not in Motor Vehicle**

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see (I) above). In some cases, a warning may be sufficient.

### **(d) Drugs**

An applicant with a conviction for a serious drug related offence should be required to show a period of at least 3 years free of convictions before an application is entertained, or 5 years after detoxification treatment if he/she was an addict.

### **(e) Indecency Offences**

As hackney carriage and PHV drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning, any indecency involving children or any of the more serious sexual offences, should be refused until they can show a substantial period (at least 3 to 5 years) free of such offences. More than one conviction of this kind should preclude consideration for at least 5 years. In either case if a licence is granted a strict warning as to future conduct should be issued.

### **(f) Violence**

As hackney carriage and PHV drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault, robbery, offences relating to weapons, serious criminal damage or public disorder offences. At least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning should be administered.

### **(g) Dishonesty**

Hackney carriage and PHV drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become “fair game” for an unscrupulous driver.

For these reasons a serious view will be taken of any conviction involving dishonesty, examples of which are theft, burglary, fraud, deception, blackmail and taking a vehicle without consent. In general, a period of 3 to 5 years free of conviction should be required before entertaining an application.

5th Edition – November 2012



## APPENDIX 2



# PRIVATE HIRE

## LICENSING GUIDELINES AND CONDITIONS

### CONTENTS

1. Private Hire Drivers' Conditions of Licence
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## PRIVATE HIRE DRIVERS' CONDITIONS OF LICENCE

The Private Hire Driver's Licence is granted to you subject to you complying with the following conditions of licence.

Failure to comply with any of the conditions may lead to a prosecution or could lead to your licence being suspended, revoked or not being renewed.

### 1. CONDUCT OF DRIVER

The driver must:-

- (a) (i) Give all reasonable help with passengers' luggage/shopping.
  - (ii) Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him/her, and in particular those confined to wheelchairs or accompanied by guide dogs.
- (b) (i) At all times, be clean, tidy and suitably dressed. Behave in a civil and acceptable manner and comply with all reasonable requirements of any person hiring or being conveyed in the vehicle.
  - (ii) Not, to play any radio or sound producing instrument or equipment in the vehicle at such a volume which could be a source of nuisance or annoyance to any person whether inside or outside the vehicle.
  - (iii) The driver shall not smoke (cigarette or tobacco) at any time **whilst in their vehicle. It is an offence under Part 1 of the Health Act 2006 which designates a Private Hire Vehicle and a Hackney Carriages as a designated enclosed public place.**
  - (iv) Not without reasonable cause to unnecessarily prolong in distance or in time the journey for which the Private Hire is being hired. If asked indicate the route they are going to take.

### 2. PASSENGERS

- (a) The driver must not convey or permit to be conveyed in a Private Hire Vehicle a greater number of persons than that described in the licence for the vehicle.
- (b) The driver must not, without the consent of the hirer of the vehicle, convey any other persons in that vehicle.

### 3. SEATBELTS

A Private Hire Driver is only exempt from wearing a seat belt when carrying fare paying passengers.

### 4. WRITTEN RECEIPTS

The driver must, if requested by the hirer, provide at the end of the hiring a written receipt for the fare paid.

## **5. ANIMALS**

The driver must not convey in a Private Hire Vehicle any animal belonging to them or in their possession or that of the proprietor. Any animal belonging to or in the custody of any passenger may be conveyed in the vehicle at the driver's discretion. Assistance dogs may be carried in the front passenger footwell of the vehicle.

## **6. ASSISTANCE DOGS**

Private Hire Vehicles must carry a guide dog or assistance dog belonging to a passenger, free of charge, unless the driver has a proven medical condition that would preclude such action (Equality Act 2010). A medical practitioner must verify any such condition and it will be reported to the Council for an exemption certificate to be granted this must be in the possession of the driver and be available for inspection at any time. Any driver in possession of this exemption certificate will display a yellow 'Assistance Dog Exemption' disc in the rear window of his vehicle. This will bear a photograph of the exempt driver thereon. Drivers have a responsibility to ensure that their operator is aware of such a condition when they are first engaged. Assistance dogs may be carried in the front passenger footwell of the vehicle.

## **7. TAXI METER**

- (a) If a Private Hire Vehicle being driven by the driver is fitted with a taxi meter, the meter should be displayed in a place where it can easily be read by the hirer and properly illuminated throughout the hiring.
- (b) Not tamper with or allow any other person other than an authorised person to tamper with the taxi meter with which the vehicle is provided with its fittings or with any of the sealing devices.

## **8. FARE TO BE DEMANDED**

The driver must not demand from any hirer of a Private Hire Vehicle a fare in excess of any previously agreed for that hiring between the Hirer and the Operator or, if the vehicle is fitted with a taxi meter and there has been no previous agreement as to the fare, in excess of the fare shown on the face of the taxi meter.

## **9. CHANGE OF ADDRESS**

The driver must notify the Licensing department in writing, of any change of his/her address within 7 days of such a change taking place. (You will also need to change the details of your address on your DVLA Licence).

## **10. CONVICTIONS**

**Any driver/proprietor convicted on any offence or receives a motoring endorsement or fixed penalty excluding parking fines must report details, in writing to the Council within 7 days. Failure to comply with this condition may result in his/her licence being revoked.**

## **11. ROADWORTHINESS AND CLEANLINESS OF VEHICLE**

- (a) The driver must, at all times when driving a Private Hire Vehicle for hire or reward:-
  - (i) Check that the tyres, lights, indicators, horn, wipers and washers are in a roadworthy condition.
  - (ii) That the vehicle is clean inside and out at all times.
- (b) Where a passenger being conveyed in a Private Hire Vehicle fouls the interior of the vehicle in such a way to immediately prevent the driver from continuing working with that vehicle, he/she may demand from the passenger a reasonable amount of money to enable him/her to clean the interior of the vehicle so that it is fit for public use.

**NOTE:**

**1) Failure of that passenger to pay any such reasonable amount is a civil debt and neither the Council or the Police have any authority to deal with non-payment.**

**2) Following any fouling the vehicle should be thoroughly cleansed throughout**

## **12. CHANGE OF OPERATOR**

The driver must notify the Council, in writing, of any change of his/her operator during that period of the licence within 7 days of such a change taking place.

## **13. HEALTH OF DRIVER**

The driver of a Private Hire Vehicle must inform the Licensing Department, without delay, about the onset or worsening of any health condition which would negate their ability to pass a Group 2 medical standard examination. Drivers who are in doubt about whether or not their health condition is one which should be reported should consult their doctor.

## **14. PLYING FOR HIRE**

The driver or proprietor shall not, whilst in control or in charge of a Private Hire Vehicle, ply for hire or otherwise:-

- (i) Tout or solicit on a road or other public place any person to hire or be carried in any Private Hire Vehicle.
- (ii) Cause or procure any other person to tout or solicit on any road or other place any person to hire or be carried for hire in any Private Hire Vehicle.
- (iii) Offer the vehicle for immediate hire whilst the driver is on a road or public highway.

## **15. WAITING FOR PRE-BOOKED FARES**

The driver or proprietor must not allow, cause or permit any driver to attend at or near any premises in order to wait for passengers. This does not affect pre-booked passengers where there is an entry in a booking record prior to the journey taking place.

## **16. ACCEPTANCE OF HIRING**

Before commencement of duty, a Private Hire Driver shall ensure:-

- (i) That the vehicle is licensed in accordance with the Council's regulations.
- (ii) The vehicle is correctly insured as required by the relevant Road Traffic Regulation Act or any other enactment.
- (iii) Before commencement of a journey, the driver shall confirm the passenger's name and destination.

## **17. AUTHORISED OFFICER/POLICE SUSPENSION OF VEHICLE NOTICE**

- (a) Any driver or proprietor, on being issued with a notice suspending the vehicle from public use, must present the vehicle for test and inspection at the Council approved testing station or other nominated place within the time and date stated in the notice. Any disputes as a result of the inspection to be adjudicated by a Licensing Enforcement Officer.
- (b) A fee will be payable by the driver/proprietor to the approved testing station relative to the determined faults to be rectified.

## **18. DRIVER'S IDENTIFICATION BADGE**

The driver must, at all times, when acting as a driver of a Private Hire Vehicle, display his/her identity badge provided by the Council in such position and manner as to be, at all times plainly and distinctly visible to fare paying passengers. The recommended position being on the centre of the dashboard in a vertical position facing towards the rear seats. Only one badge to be displayed at any one time.

## **19. DRIVER'S LICENCE**

- (a) Each driver shall deliver to his/her employing operator the licence to drive a Private Hire Vehicle. The employing operator shall be responsible for the sole custody of the driving licence during the period of employment and shall return it to the driver when he/she ceases to be employed or to the Licensing Department at the request of an authorised officer.
- (b) At the request of any constable to produce this licence for inspection either forthwith or within 7 days of such request at any police station which is within the area of the Council and is nominated by the licence holder when the request is made.

### **NOTE: LICENCE RENEWAL/REMINDERS**

**Please note that licence renewal/reminders are sent purely as courtesy. The responsibility for renewal rests with the licence holder.**

## **20. CERTIFICATE OF INSURANCE**

The driver or proprietor of the vehicle, whilst working for a Private Hire Operator, **MUST** carry valid proof of Private Hire insurance for that vehicle. Failure to carry valid proof of insurance (ie cover note or certificate, photocopies acceptable) **WILL** entail the immediate suspension of the vehicle licence until such proof is provided. Proprietors with more than one vehicle should supply drivers with a Motor Vehicle Schedule as well as a copy of motor insurance.

## **21. SOUNDING OF HORNS**

Drivers must not sound their horns outside any premises where they have been sent for a fare irrespective of the hour of the day.

## **22. MOBILE TELEPHONES AND IN-CAR TECHNOLOGY**

A driver must not use a mobile telephone of any description whilst the vehicle is not parked. It is an offence under The Road Vehicles Regulations 2003. This includes PDA's'.

**Whilst it is not an offence to use a hands free device, the Council does not encourage their use in the interests of public safety.**

## **23. WITHDRAWAL OF LICENCE**

In the event of the Licensing Authority suspending, revoking or refusing to renew this licence, the driver must return the badge to the Licensing Department on demand.

## **24. APPEAL AGAINST CONDITION**

Any person aggrieved by any of the conditions specified in this licence may appeal to a court of summary jurisdiction against such conditions within 21 days of the date hereof pursuant to Section 52 of the Local Government (Miscellaneous Provisions) Act 1976.

## **25. COPY OF CONDITIONS**

The driver must, at all times, when driving a Private Hire Vehicle carry with him/her a copy of these conditions and must make it available for inspection by the hirer or any other passenger, authorised officer of the Council or Police Constable, on request.

### **GENERAL LICENCE CONDITIONS**

All drivers shall operate strictly within the terms of any licence issued under the incorporating terms and conditions of the Local Government (Miscellaneous Provisions) Act 1976 and the above conditions are to be particular noted, but may not necessarily be exhaustive.

**N.B. This licence does not permit the holder to drive a Hackney Carriage.**

## **PRIVATE HIRE VEHICLE CONDITIONS OF LICENCE**

The Private Hire Vehicle Licence is granted to you subject to you complying with the following conditions of licence.

Failure to comply with any of the conditions may lead to prosecution or could lead to your licence being suspended, revoked or not being renewed.

### **1. MAINTENANCE OF VEHICLE**

- (a) The vehicle and all its fittings and equipment must 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 the relevant statutory requirements including in particular those contained in Motor Vehicles (Construction and Use Requirements) must be fully complied with.
- (b) That a spare wheel or other approved manufacturers device is provided readily available for use together with the tools and equipment required to carry out an emergency repair.
- (c) That a complete set of replacement light bulbs are readily available.

### **2. ALTERATION OF VEHICLE**

No material alteration or change in a specification, design, condition or appearance of the vehicle must be made after inspection of the vehicle by the Council's approved vehicle tester, without the approval of the Council at any time when the licence is in force, and at all times the vehicle must comply with the specifications of the Council for a licensed Private Hire Vehicle.

### **3. VEHICLE LICENCE**

The proprietor of a Private Hire Vehicle will ensure that the vehicle licence issued by the Council is lodged with his nominated operator prior to the vehicle being taken into service. The Operator is solely responsible for this licence whilst in his/her possession and shall return the licence to the proprietor at his/her request or an authorised officer of the Council.

#### **NOTE: LICENCE RENEWAL/REMINDERS**

**Please note that licence renewal/reminders are sent purely as courtesy. The responsibility for renewal rests with the licence holder.**

### **4. DRIVER'S LICENCE**

The proprietor must, before a driver commences to drive the vehicle, satisfy himself/herself that the driver has a valid Private Hire Driver's Licence. This must include a personal check of the actual Private Hire Driver's Licence issued by the Council.

### **5. CHANGE OF ADDRESS/OPERATOR**

The proprietor must notify the Licensing Department in writing, of any change of

address or operator during the period of the licence within 7 days of such a change taking place.

## **6. INSURANCE**

- (a) The proprietor must maintain in force for the duration of the licence an insurance policy for the vehicle providing private hire cover only and must produce on demand to an authorised officer of the Council or Police Constable an appropriate certificate.
- (b) The proprietor is responsible for maintaining up to date records of licences and insurances for all employed drivers and vehicles operating under his/her control. The proprietor must ensure that these records are maintained for inspection at any time by an authorised officer of the Council or Police Constable.
- (c) The driver or proprietor of the vehicle, whilst working for a Private Hire Operator, **MUST** carry valid proof of private hire insurance for that vehicle. Failure to carry valid proof of insurance (i.e. cover note or certificate, photocopies acceptable) **WILL** entail the immediate suspension of the vehicle licence until such proof is provided. Proprietors with more than one vehicle should supply drivers with a Motor Vehicle Schedule as well as a copy of motor insurance.

**NOTE: On plating, it is expected that the presented insurance certificate will have a minimum of seven days cover remaining**

## **7. DRIVERS**

The proprietor of the vehicle must notify the Council of the name and address of all licensed drivers engaged and employed by him/her and of any such driver ceasing to be so employed within 7 days of the date appointment or termination as the case may be.

## **8. NO SMOKING SIGN**

In accordance with the Council's policy on smoking a "No Smoking" sign shall be displayed within the vehicle, in such a position that can be clearly seen.

## **9. VEHICLE CHECKS**

- (a) The proprietor, or the driver of the vehicle, as the case may be, must, at the request of an authorised officer of the Council or Police Constable stop the vehicle to enable a check to be made for the purpose of preventing or detecting contravention of any statutory requirements or of any conditions applicable to the vehicle and its use as a Private Hire Vehicle whether or not passengers are carried at that time, and must not proceed until the authorised officer or Police Constable is satisfied that all such requirements or conditions are being observed and complied with.
- (b) It is an offence if lawfully directed, to fail to attend such an inspection

## **10. RADIO EQUIPMENT**

Any radio equipment **MUST** be securely fixed in the vehicle so as not to cause the driver or passengers any problem when they vacate the vehicle.



There is a complete ban on all radio scanners.

## **11. SAFETY EQUIPMENT**

- (a) There must 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 and a suitable first aid kit. This equipment must be carried in such a position in the vehicle as to be readily available for immediate use in emergency.
- (b) The fire extinguisher must be securely clamped which is easily accessible by the driver. The fire extinguisher must be of the rechargeable, multipurpose, dry powder type. It must have a minimum 13a/70b as defined in European Standard EN3 and have been manufactured to comply to that standard. It must be serviced annually in accordance with British Standard 5305, Part 3 and permanently, legibly marked with the licensing plate number of the vehicle.

As a general guide, the first aid kit shall contain the following items:-

1. 10 individually wrapped sterile adhesive dressings of various sizes.
2. 2 sterile eye pads.
3. 4 individually wrapped triangular bandages.
4. 6 safety pins.
5. 6 medium size and 2 large individually wrapped sterile unmedicated wound dressings.
6. 1 pair of disposable gloves.

That a sign indicating the location of the first aid box be displayed in the vehicle for the benefit of passengers or the Emergency Services and that it be legibly marked with the licensing plate number of the vehicle.

**Note: There is no requirement under this condition for the driver to administer or be trained in the use of First Aid.**

## **12. OVERLOADING**

The driver or proprietor must not convey or permit to be conveyed in the vehicle a greater number of persons (excluding the driver), than the number of persons authorised by the licence.

**Note: Every individual regardless of age or size is to be classed as a person.**

## **13. AUTHORISED OFFICER/POLICE SUSPENSION OF VEHICLE NOTICE**

- (a) Any driver or proprietor, on being issued with a notice suspending the vehicle from public use, must present the vehicle for test and inspection at a Council approved testing station or nominated place within the time and date stated in the notice. Any disputes as a result of the inspection to be adjudicated by a Licensing Enforcement Officer.
- (b) A fee will be payable by the driver/proprietor to the testing station relative to the determined faults to be rectified.

## **14. FOUND PROPERTY**

Any property found in the vehicle or handed to the driver, if not claimed by the loser, must be taken to the nearest Police Station and deposited there within 24 hours.

#### **15. RETURN OF LICENCE PLATE**

In the event of the revocation, expiry or suspension of this vehicle licence, to return the vehicle plate to the Licensing Department within 7 days after the service of a notice to do so.

#### **16. FITTED METERS AND FARE STRUCTURE**

To ensure that any meter fitted to the vehicle has been properly set to correspond with the fare structure of the company under which it is being operated and has been checked and sealed by the Council's vehicle inspector. Any changes of meter settings due to change of company, change of fare structure, or other reason must be rechecked and resealed by the Council's vehicle inspector.

#### **17. FARE TARIFF**

A tariff of fares must be clearly displayed in every vehicle fitted with a meter by the Operator or Proprietor of the Private Hire Vehicle.

#### **18. LIVERY AND ADVERTISEMENTS**

- (a) (i) The proprietor be permitted to display the corporate livery, company name and telephone number below the level of the windows/windscreen of the vehicle and any additional printed matter, mark, sign or advertisement other than as required by law must be formally approved by the Licensing department prior to display. Such approval not to be unreasonably withheld.
- (iii) Not to include the word "taxi" or "cab", whether in the singular or the plural or whether alone or as part of another word, in any advertisement that indicates that motor vehicles can be hired on application to a specified address or telephone number of any premises in the Borough. This condition shall not apply if the vehicle offered for hire is a Licensed Hackney Carriage.
- (iv) Not to include the word "taxi" or "cab" whether in the singular or the plural or whether alone or as part of another word, in any advertisement on or near the premises in the Borough indicating that motor vehicles can be hired at those premises. This condition shall not apply if the vehicles offered for hire are licensed Hackney Carriages.
- (iv) Not to issue or cause to be issued any advertisement which would breach Condition (i) (ii) or (iii) above.
- (v) Not to display any third party commercial advertisement other than on the two back doors of the vehicle and subject to the condition that the advertisement displayed has previously been formally approved by the Licensing Department.

**NOTE: In Condition (ii), (iii) and (iv) above, "advertisement" includes every form of advertising, whether in a publication or by the display of notices or by means of circulars or other documents or by an exhibition of photographs or a cinematograph film or by way of sound broadcasting or television or any other electronic medium and references to the issue of an advertisement shall be construed accordingly.**

## **19. ROOF SIGNS**

The licensed vehicle must be fitted with a roof sign which does not contravene the Transport Act 1980. It shall be of a design approved by Northampton Borough Council and must comply with the following specifications.

- (i) The dimensions of the roof sign shall be a minimum of 600mm in length and a maximum of 620mm in length. The depth of the sign shall be a minimum of 170mm and a maximum of 190mm. The minimum height of the sign shall be 120mm and the maximum height 170mm.
- (ii) The roof sign shall comprise a yellow background to the front, top and sides with black lettering only. The rear of the sign shall be red in colour showing black lettering only.

### **Front Elevation**

- (i) The front elevation of the sign shall include in descending order the operator's name and the words 'ADVANCE BOOKINGS ONLY'. The height and width of each letter or number must be a minimum 25mm and not exceed 50mm and be to the satisfaction of the Council.

### **Rear Elevation**

- (i) The rear elevation of the roof sign shall include in descending order the operator's name and telephone number in letters and numbers not less than 30mm in height and width.
- (ii) Nothing other than words and figures specified in these conditions shall appear or be displayed on the roof sign.
- (iii) The roof sign must only be illuminated when the vehicle's sidelights are activated.
- (iv) The letters and figures displayed on the roof sign must be maintained in a legible condition at all times.
- (v) The roof sign must be displayed on the roof in a central position towards the front of the vehicle at all times whilst the vehicle is in use as a Private Hire Vehicle and licensed by Northampton Borough Council. If the Private Hire Vehicle Licence is suspended or revoked for any reason the Licensee shall remove the roof sign forthwith.

## **20. REAR LICENSING PLATE**

The driver or proprietor of a Private Hire Vehicle shall not wilfully or negligently cause or suffer any licence plate issued by the Council to be concealed from public view whilst the vehicle is being used for the purpose of hire and must ensure that the plate is securely fixed to the rear outside of the vehicle, in a central position close to the registration plate or to the offside. The rear licensing plate remains the property of the Council.

## **21. OPERATIONAL VEHICLES**

A vehicle displaying a roof sign and/or a Northampton Borough Council Licensing Plate to the rear will be deemed as operational and as such subject to all the relevant conditions and legal requirements.

## **22. TRANSFER OF VEHICLE**

In the event of any proprietor specified in the vehicle licence transferring his/her interest in the vehicle to someone other than a joint proprietor, both parties that is to say the current proprietor and the new proprietor shall within 14 days of such transfer complete the "Transfer of Vehicle" form available on request from the Licensing Office. Once completed, the form must be returned forthwith together with Private Hire Insurance for the change of ownership to be recorded.

## **23. VEHICLE TESTING**

- (a) To present the vehicle for inspection and testing on up to 3 separate occasions during any one period of 12 months within such period and at such place as the Council may, by notice, reasonably require.
- (b) The proprietor of the licensed vehicle or his/her agent shall submit the vehicle to a safety check, when required, on the demand of an Authorised Officer or Police Officer, irrespective of inspections required by the Council.

## **24. DAMAGE TO VEHICLE**

- (a) If a Private Hire Vehicle is involved in a road traffic accident and either mechanical or body damage is sustained or damage caused by any other means in which material affects safety, performance or appearance or the comfort or convenience of persons carried therein, a report must be made by the licence holder to the Licensing Department as soon as practicable or within 3 days of the accident and, after repair may be required to pass a mechanical inspection at a place to be determined by the Council, subject to payment of an appropriate fee. The Private Hire Licence Plate is liable to be removed from any vehicle which, in the opinion of an Authorised Officer or Agent of the Council in any way constitutes a danger to the public, is in breach of any road traffic enactment or the Construction and Use Regulations, or is unfit for use as a Private Hire Vehicle.
- (b) On completion of the repairs to the satisfaction of the Authorised Officer the plate may be restored.
- (c) The removal of the Private Hire Licence plate will constitute suspension of the Private Hire Licence.

## **25. USE OF TRAILERS**

- (a) No trailer is to be towed when the vehicle is used for hire unless it complies with all the relevant requirements of current legislation in respect of construction and use, lighting and insurance.
- (b) The towing of a trailer by a licensed vehicle shall only be permitted to convey goods, luggage and belongings owned by a passenger.

- (c) Any trailer so used must be fitted with a securely fastened cover which can be hard top or canvas tarpaulin type.
- (d) A spare wheel and tyre for the trailer shall be carried when a trailer is in use.
- (e) That the kerbside weight of the trailer when fully laden shall not exceed that determined by the vehicle manufacturer as being the safe towing weight limit.
- (f) Any trailer towed when the vehicle is used for hire shall be submitted for mechanical and/or such other inspection as the Council may require.
- (g) The Council must be informed by the owner of every trailer taken into service.

## **26. APPEAL**

Any person aggrieved by any of the conditions specified in their vehicle licence may appeal to a court of summary jurisdiction against such conditions within 21 days of the date hereof pursuant to Section 47 subsection (7) of the Local Government (Miscellaneous Provisions) Act 1976.

## **27. COPY OF CONDITIONS**

The driver or proprietor must, at all times, when driving a Private Hire Vehicle carry with him/her a copy of these conditions and must make it available for inspection by the hirer or any other passenger, authorised officer or police constable, on request.

## **PRIVATE HIRE OPERATORS' CONDITIONS OF LICENCE**

The Private Hire Operator's Licence is granted to you subject to you complying with the following conditions of licence. Failure to comply with any of the conditions may lead to a prosecution or could lead to your licence being suspended, revoked or not being renewed.

### **1. OPERATOR'S LICENCE**

- (a) The Operator's Licence has been granted to the licensee personally and does not licence any other person, who may take over the licensee's business. Therefore, unless any person who intends to take over the licensee's said Private Hire business is already an operator licensed by the Council that person must obtain an Operator's Licence in his/her own right from the Council prior to taking over the said Private Hire business.
- (b) The current Operator's Licence must be displayed at the business premises to which the Licence relates in a prominent position at all times in view of the general public with the exception of such times as the Licence is presented to the Licensing Authority for amendment, or it is required to be produced for inspection by an Authorised Officer of the Licensing Authority or a Police Constable. This Licence must be returned to the Licensing Department upon revocation or suspension.

**NOTE: This Licence is not transferable.**

### **2. STANDARD OF SERVICE**

The Operator must provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose must ensure that when a Private Hire Vehicle has been hired, it attends at an appointed time and place punctually, unless delayed or prevented by sufficient cause.

### **3. LICENSED PREMISES**

The Operator's Licence does not permit the licensee to operate licensed Private Hire Vehicles from premises other than the authorised premises mentioned in the Licence. Any change in the details of these premises must be notified within 7 days of the change to the Licensing Department. Planning permission may be necessary.

### **4. RECORDS**

The records required to be kept by the Operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 must be legible in ink, kept in a suitable book, the pages of which are numbered consecutively, or a computer database.

The Operator must enter or cause to be entered into the record book or computer database, before the commencement of each journey, the following particulars of every booking of a Private Hire Vehicle invited or accepted by the Operator or his/her Agent.

- (a) The time and date of the booking - **the 24 hour clock must be used.**
- (b) The name of the hirer or Home Address or if at the request of another Operator (the name of the Operator).
- (c) The pick up point and destination.
- (d) The plate number of the vehicle and badge number of driver allocate for the booking.
- (e) Operators will keep a current schedule of all drivers and vehicles in use at any one time. This schedule must be made available for inspection without notice at any time, by an Authorised Officer.

All records should be kept for at least 12 months following the date of the last entry and be available for inspection at all reasonable times by any duly authorised officer of the Council or any Police Constable. Such Officers are empowered to remove records from the premises if so required.

In the event of failure of the computer database manual records containing information identical to that held on the database must be maintained.

### **5. LICENCES AND OTHER DOCUMENTS TO BE KEPT BY THE OPERATOR**

- (a) The licensee shall keep a copy of all the current Private Hire Vehicle Licences held by them that are issued by the Council at the Operator's office and the following particulars of any Private Hire Vehicle they operate
  - (i) Date on which the vehicle was added to the licensee's fleet.
  - (ii) Date on which the vehicle was withdrawn from the licensee's fleet.

- (b) The licensee shall keep a copy of the current Private Hire Driver's Licence issued by the Council, and the following particulars of all licensed Private Hire Drivers engaged to drive any Private Hire Vehicle operated by him/ her at the Operator's office. He must record:
- (i) Date the employment commenced.
  - (iii) Date the employment terminated
  - (iv) The reason the employment was terminated.
- (c) All current vehicle insurance details for all the drivers working under the Operator's Licence must be kept with their respective drivers and vehicle licences. The licence holder must ensure that these records are maintained for inspection without notice by an authorised Officer of the Council or Police Constable at any time at the base station.

Operators must be aware of the insurance expiry date of their drivers' certificates. The Operator must not operate a Private Hire Vehicle without the vehicle and the driver each being separately licensed by the Council.

The Operator must personally examine all relevant licences and certificates. If necessary confirm such details with the Council.

## **5. DRIVERS**

The Operator shall notify the Licensing Department of each and every Private Hire Driver employed or used by the Operator and complete the Operator's Driver Schedule form. Where an Operator ceases to employ or use any licensed Private Hire Driver, the Operator shall within 7 days, notify the Council in writing and amend the Operator's Driver Schedule accordingly. The Private Hire Driver's Licence shall at this time be returned to the Driver.

## **6. VEHICLE**

No Licensed Operator shall operate any Private Hire Vehicle other than those which have been listed by the Licensing Department and recorded on the Operator Vehicle Schedule. Any addition or withdrawal of a Private Hire Vehicle must be notified to the Licensing Department forthwith and any event within 7 days. When a vehicle ceases to be used by an Operator the vehicle licence will be returned to the vehicle proprietor or his nominated driver and the Operator Vehicle Schedule amended accordingly.

**NOTE: In the event of a dispute between an Operator and a Driver or in relation to an Operator and a Vehicle, the licence will be returned to the Licensing Department until the issue is resolved by the relevant parties.**

## **7. CONVICTIONS**

**In line with the Home Office directives within Circular 6/2006 under the 'Notifiable Offences Occupations' scheme, the Operator must within 7 days disclose to the Licensing Department in writing details of any conviction (parking offences excluded) imposed on them(or if an Operator is a company or partnership, on any of the directors or partners) during the period of the licence.**



**Any Operator who fails to declare and notify the Licensing Department in writing of any convictions within 7 days may have his/her licence revoked.**

**In the case of a Company or Partnership any Director or Partner will be deemed to be an Operator.**

## **8. ABSENCE**

- (a) If the Operator leaves the United Kingdom for more than 28 days consecutively the day to day running of the Business must be transferred to a responsible person approved by the Licensing Department (see Condition 1(a) above).
- (b) The Operator must also ensure that any person left in charge of the premises in the absence of the Operator is fully aware of the conditions of the licence, particularly those relating to the keeping and maintaining of records for drivers, vehicles and bookings, and the need to comply with the conditions at all times.

## **9. ADVERTISEMENTS**

- (a) Not to include the word “taxi” or “cab”, whether in the singular or plural or whether alone or as part of another word, in any advertisement that indicates that motor vehicles can be hired on application to a specified address or telephone number of any premises in the Borough. This condition shall not apply if the vehicles offered for hire are Hackney Carriages.
- (b) Not to include the word “taxi” or “cab”, whether in the singular or plural and whether alone or as part of another word, in any advertisement on or near any premises in the Borough indicating that motor vehicles can be hired at those premises.
- (c) Not to issue or cause to be issued any advertisement which would breach conditions 19(a) and 19(b) above.

**NOTE: In Conditions 19(a), (b) and (c) “advertisement” includes every form of advertising, whether in a publication or by the display of notices or by means of circulars or other documents or by an exhibition of photographs or a cinematograph film, or by way of sound through broadcasting or television or any other electronic medium and references to the issue of an advertisement shall be construed accordingly.**

## **10. FARE STRUCTURE**

To provide a list of the Operator’s current fare structure to the Licensing Department, The Guildhall, Northampton, or e-mail [licensing @northampton.gov.uk](mailto:licensing@northampton.gov.uk) and notify any changes to the fare structure within seven days.

## **11. FITTED METERS**

To ensure that any meters fitted to any Private Hire Vehicle operated under the terms of this licence is properly set and correspond with the Operator’s current fare structure, and to ensure that all meters are checked and sealed by the Council’s vehicle examiner.

## **12. FARE TARIFF**



To ensure that every licensed Private Hire Vehicle operated, is in possession of the current Operator fare structure and is made available for viewing at any time by fare paying passengers.

**THE COUNCIL RESERVE THE RIGHT TO VARY, DELETE OR WAIVE ANY OF THE FOREGOING CONDITIONS.**

## **ADVICE ON MEETING THE NEEDS OF DISABLED PASSENGERS**

### **Advice for Drivers**

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

You may have a vehicle which has been designed to make travelling easier for many elderly and disabled people including those who use wheelchairs. But the vehicle design is only part of the answer. **Your attitude and understanding are vital.** If you are not sure how to help or if you are not willing to help elderly or disabled passengers you may lose a significant potential market and they will have lost an invaluable source of independent mobility. Here is some basic advice to help you give the best service to your passenger and get the best from your vehicle. Disability comes in many forms - some visible, some invisible. Never make assumptions. Always ask what help (if any) a passenger may need from you. Make sure you are familiar with any access and safety equipment in your vehicle. For example you have a responsibility to know how to use wheelchair ramps safely and correctly. If the passenger is a wheelchair user and you drive a wheelchair accessible vehicle you should always:-

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

- bring the wheelchair out of the vehicle backwards down the ramp and ask if the passenger would like the brakes on once it is unloaded;
- leave the passenger in a safe and convenient place which enables them to move away independently.

If you drive a saloon car, you may still be able to take wheelchair users provided that the passenger is able to transfer. In those circumstances, you should ask the passenger what help they require, listen to their response, and act only as advised. Take care when loading the wheelchair into the boot. Wheelchairs can be expensive to repair or replace and without one the passenger may be totally immobile.

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

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

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

- look out for the "TAXI" sign which is held out by some blind or partially sighted people in order to hail a cab;
- if you are collecting a blind or partially sighted passenger from a prebooked location, knock at the door on arrival - do not remain in the cab and "hoot your horn";
- tell your passenger whether they are entering a saloon car or purpose built cab;
- demonstrate which way the doors open;
- if possible, place the blind person's hand on the open door and indicate the position of the roof;
- make sure they know which way the vehicle is facing;
- make sure they are seated and have secured the seat belt (*where applicable* before you move off. They may like help with the belt;

- tell them if you are taking a different route from the one they expect, or if there is a hold-up or diversion;
- tell them the fare and count out the change;
- set them down in a safe place and make sure they know where they are going. If they would like to be accompanied to the entrance of a building, offer them your arm; gripping just above your elbow will enable them to be guided more easily;
- remember guide dogs are trained to remain on the floor of a vehicle and will not abuse your vehicle. In saloon cars, there is more room for the dog on the floor in the front of the vehicle. If the passenger is deaf or hard of hearing, always:-
- look at them when you are speaking. Speak clearly - but do not shout.
- always have a pad of paper and pen handy as it is sometimes easier to communicate in writing;
- make sure they are aware that you have understood their instructions and that you know where they are going.

### **Maintenance of Vehicles**

- keep door handles, locks and hinges well oiled. This reduces the amount of physical (often painful) effort required to open them.

If you drive a purpose built vehicle, make sure you know how to use the equipment. For example, you should know the correct way to secure and load a wheelchair and to operate the swivel seat for vehicles such as the Fairway and Metrocab models. In the case of vehicles specifically converted for the conveyance of wheelchairs, methods vary according to the conversion, therefore, you should consult your conversion specialists. Additional information is given in the video "Call a Cab" available on free loan from the Department of Transport's Mobility Unit.

**NOTE: The above advice is taken from the D.P.T.A.C. leaflet entitled Meeting the Needs of Disabled Passengers – Advice for Taxi Drivers.**

## **GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS**

### **NORTHAMPTON BOROUGH COUNCIL'S GUIDELINES WHEN DETERMINING WHETHER OR NOT TO GRANT, RENEW, SUSPEND OR REVOKE A PRIVATE HIRE DRIVER'S LICENCE OR A HACKNEY CARRIAGE DRIVER'S LICENCE.**

These guidelines are based on the Department of Transport Circular 2/92 and Home Office Circular 13/92 Disclosure of Criminal Records: Applicants for Hackney Carriage and Private Hire Vehicle Driver's Licences which advises local authorities on the procedures to adopt for checking with the police the criminal convictions of

applicants for hackney carriage and private hire vehicle drivers' licences. (Now superseded by the Police Act 1997).

The Council will also give due regard to Section 17 of the Crime and Disorder Act 1998, which states –

“Without prejudice to any other obligation imposed on it, it shall be the Duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area”.

Applications should be submitted to the Borough Solicitor at the Guildhall Northampton.

Each case will be decided on its own merits taking into account these guidelines and any other relevant circumstances.

1. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.
2. The following examples afford a general guide on the action to be taken where convictions are admitted. A new application with more than 8 current points on the D.V.L.A. Driving Licence will generally not be considered.

#### **(a) Minor Traffic Offences**

Convictions for minor traffic offences (e.g. obstruction, waiting in a restricted street, speeding, defective tyres/brakes, failing to stop at traffic signs etc.) should not prevent a person from proceeding with an application. If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence then a hackney carriage or PHV licence may be granted after its restoration but a warning should be issued as to future conduct.

#### **(b) Major Traffic Offences**

Following a conviction for dangerous driving or aggravated vehicle taking at least 3 years to 5 years free of such a conviction should be shown before an application is entertained. Convictions for driving with no insurance, driving whilst disqualified, driving without due care and attention. More than one conviction of this type of offence within 2 years should merit refusal and no further application should be considered until a period of 1 to 3 years free from convictions has elapsed.

#### **(c) Drunkenness**

##### **(i) With Motor Vehicle**

A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of drink and/or drugs. Likewise, a conviction for failing to provide a specimen. Due regard will be had to the alcohol/drugs level and or the penalty imposed by the Court, together with the circumstances of the offence.

An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence. At least 3 years should elapse (after the restoration of the driving licence) before an applicant is considered for a licence.

If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic a period of 5 years should elapse after treatment is complete before a further licence application is considered.

### **(iii) Not in Motor Vehicle**

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see (l) above). In some cases, a warning may be sufficient.

### **(d) Drugs**

An applicant with a conviction for a serious drug related offence should be required to show a period of at least 3 years free of convictions before an application is entertained, or 5 years after detoxification treatment if he/she was an addict.

### **(e) Indecency Offences**

As hackney carriage and PHV drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning, any indecency involving children or any of the more serious sexual offences, should be refused until they can show a substantial period (at least 3 to 5 years) free of such offences. More than one conviction of this kind should preclude consideration for at least 5 years. In either case if a licence is granted a strict warning as to future conduct should be issued.

### **(f) Violence**

As hackney carriage and PHV drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault, robbery, offences relating to weapons, serious criminal damage or public disorder offences. At least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning should be administered.

### **(g) Dishonesty**

Hackney carriage and PHV drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver.

For these reasons a serious view will be taken of any conviction involving dishonesty, examples of which are theft, burglary, fraud, deception, blackmail and taking a

vehicle without consent. In general, a period of 3 to 5 years free of conviction should be required before entertaining an application.

5<sup>th</sup> Edition November 2012

Sample of Hackney and Private Hire Vehicle Mile

Registration No	Plate No	Mileage as at 2011 MOT	Mileage at 2012 MOT
AD05BXU	PHV429	128490	166124
AD53EBA	HC033	210792	296819
ADY259D	PHV392	265890	331197
AE03UFB	HC102	282585	298539
AE04HDY	PHV416	155159	176965
AE05EHL	HC104	150203	186231
AE07FZL	HC035	130031	160647
AE07FZS	HC115	116411	157946
AE08HTO	HC125	63333	84255
AE09LVS	PHV660	32022	75751
AE53PFO	HC105	26697	73983
AE54KHU	HC151	179580	223093
AE56TLJ	HC060	89017	148824
AE56TUU	HC072	110509	152537
AF07TFO	PHV564	56024	100822
AF51NCJ	HC057	280532	317036
AF54LDE	PHV065	166921	218964
AJ05ZHH	PHV195	76967	130505
AK07VUM	PHV625	84721	118427
AO57CRV	PHV717	84721	118427
AY03DJH	PHV754	135143	198127
BD53FBA	PHV175	163359	205400
BF53BOH	PHV365	223678	181145
BJ04MZT	PHV496	136079	202178
BK52WEE	PHV571	221926	260748
BK55NSV	PHV408	95779	155011
BT08JHL	PHV023	89099	140618
BT51DCY	HC032	354688	384630
BT55YPU	PHV531	97269	144021
BV53VKM	PHV008	165173	209212
CK06MLV	PHV674	70236	120037
CP03XLZ	PHV716	91688	151262
DG05UWW	PHV636	226671	275530
DK57UER	PHV296	195183	236105
EF56ETA	PHV418	80328	140928
EF58MLK	PHV111	77347	128446
EJ05YAH	PHV423	167865	212221
EO08MWG	PHV235	124291	171530
EU51CXF	PHV071	260614	308228
FE08WMV	PHV109	104794	150329
FE56GZK	PHV230	134921	187091
FG57VZX	PHV666	74187	132079
FL57VZN	PHV676	74251	149448
FL07BJE	PHV592	75626	147817
FL07HHX	PHV621	99616	159043
FL57PKY	PHV355	118358	172003
FN52BAV	PHV599	138786	206788
FT07XOA	PHV466	86413	159273

FT07BKF	PHV406	146576	250321
FT07BKU	PHV352	111260	180295
FV07WYO	PHV054	119454	168582
FV56NBG	PHV082	145328	206856
G5LUX	PHV677	302595	368275
GV53EWO	PHV103	51704	109612
BF59EZR	HC019	72041	105274
AE57CDU	HC117	131293	163524
AF52UTH	HC133	360918	405047
BV53VKM	PHV008	165173	209212
EJ54FUJ	PHV138	142755	179871
KO06UUM	PHV164	169897	218221
YB06AVO	PHV176	144646	188851
MD06BJO	PHV188	125253	170785
AJ05ZHH	PHV195	76967	130505
GY59HGZ	PHV215	92486	161235
FE56GZK	PHV230	134921	187091
YF54HNZ	PHV233	159073	190653
Y476FUJ	PHV279	148013	197252
FP03JNX	PHV301	157041	200993
KU61LXV	PHV335	12175	34372
KS05FVE	PHV339	16435	57594
GR04NNJ	PHV360	134781	155030
AG08FBU	PHV381	53415	81810
NG06AXN	PHV401	145988	188412
EN04DYC	PHV403	97845	134260
MBZ6155	PHV415	169640	236696
EF56ETA	PHV418	102465	140928
NC54THF	PHV428	84419	138282
X961DNN	PHV433	64215	104734
SM55TYD	PHV452	177583	222135
MBZ5112	PHV459	246048	311688
GR53MVM	PHV474	119239	152688
MBZ3323	PHV477	167773	201581
BJ06YKU	PHV479	27707	53953
YK03GKR	PHV480	144227	194948
KM56RZS	PHV487	377934	465433
RA51WBZ	PHV502	76578	109899
Y151EBD	PHV512	120464	161679
R33KHN	PHV526	127117	170424
PJ08YOY	PHV535	120389	156760
KU57YJY	PHV550	76289	123752
YE08ZKO	PHV562	74978	135600
SF59AUW	PHV570	132700	202182
YB58XLM	PHV576	108877	199657
LS04HFJ	PHV578	163675	208057
LS09RFK	PHV588	30525	91928
LK51GXU	PHV596	111024	150952
RJ56YXT	PHV610	143435	216573
SH55MGV	PHV638	155720	195496



CM06MLV	PHV674	70236	120037
KN59VOM	PHV697	42467	66103
W762VHJ	PHV721	9645	118714
AY03DUH	PHV754	135143	198127
VE06EES	PHV989	164995	212770

ages 2011-12

Period between MOT,s	Mileage covered
12 months	37634
12 months	86027
12 months	65307
12 months	15984
6months *	21806
12 months	36028
12 months	30616
12 months	41535
12 months	20922
12 months	43729
12 months	47286
12 months	43513
12 months	59807
12 months	42028
12 months	44798
12 months	36604
12 months	52043
12 months	53538
12 months	33706
12 months	42224
12 months	62984
12 months	42041
12 months	57467
12 months	66099
12 months	38822
12 months	59232
12 months	51519
12 months	29942
12 months	46752
12 months	44039
12 months	49801
12 months	59574
12 months	48859
12 months	40922
12 months	60600
12 months	51099
12 months	44356
12 months	47239
12 months	47614
12 months	45535
12 months	52170
12 months	57892
12 months	75207
12 months	72191
12 months	59427
12 months	53645
12 months	68002
12 months	72860

12 months	103745
12 months	69035
12 months	49128
12 months	61528
12 months	65680
12 months	57911
12 months	33233
12 months	32231
12 months	44129
12 months	44039
12 months	37116
12 months	48324
12 months	44205
12 months	45532
12 months	53538
12 months	68749
12 months	52170
12 months	34915
12 months	49179
12 months	43892
6 months *	22197
12 months	41159
6 months *	20249
12 months	28395
12 months	42424
12 months	36415
12 months	67056
12 months	38463
12 months	53863
12 months	40519
12 months	44552
12 months	65640
6 months *	33449
6 months *	33808
6 months *	26246
12 months	50721
12 months	87499
12 months	33321
12 months	41115
12 months	43307
12 months	36371
12 months	47463
12 months	60622
12 months	69482
12 months	90780
12 months	44382
12 months	61403
12 months	39928
12 months	73138
12 months	39776

12 months	49801
12 months	23636
12 months	109069
12 months	62984
12 months	47775

**Total Miles 5106312**

**97 vehicles over 12 months 4948557**

**6 vehicles over 6 months 157755**

**97 Vehicles Average per year 51016.051**

**97 Vehicles Average per month 4251.3375**

**97 Vehicles Average per week 1062.8343**

**6 Vehicles Average per year 52585**

**6 Vehicles Average per month 4382.0833**

**6 Vehicles Average per week 1095.5208**



## **NORTHAMPTON BOROUGH COUNCIL**

# **DRAFT HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE INSPECTION MANUAL**

**BEST PRACTICE GUIDE FOR THE INSPECTION OF  
HACKNEY CARRIAGE & PRIVATE HIRE VEHICLES**

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# INTRODUCTION

## This Manual

This Inspection Manual sets out the procedures and standards for those who carry out inspections of hackney carriage (HC) & private hire vehicles (PHVs). This Manual is also freely available to HC & PHV proprietors, drivers and people/companies who service/maintain/repair HC & PHVs, who may find it useful as it details the standards that vehicles are subjected to. The Manual also explains the reasons why, a vehicle presented for inspection, has not been issued with a pass.

## Acknowledgement

This Inspection manual builds on the minimum standards set out in the 'Best Practice Guide for the Inspection of Hackney Carriage and Private Hire Vehicles' produced by the Hackney Carriage and Private Hire Inspection Technical Officer Group, Public Authority Transport Network/Freight Transport Association.

## Safety

The aim of a local licensing authority is to protect the public. Local licensing authorities will be aware that the public should have reasonable access to safe and well maintained HC and PHVs. For example, it is clearly important that somebody using a HC or PHV should be confident that the vehicle is safe and well maintained.

## Scope of the Guidance

This Manual provides additional testing/inspection requirements to those in the MOT Inspection Manual. Therefore, it should be used in conjunction with the VOSA MOT Inspection Manual.

## The Inspection

HC and PHVs are vehicles used for hire and reward purposes and as such are subject to much higher annual mileages and more arduous driving than normal private vehicles. Therefore, in the interests of passenger and other road user's safety, a more stringent maintenance and inspection regime is required.

The purpose of the HC & PHV inspection is to confirm vehicles meet these more stringent standards. Vehicles must be submitted fully prepared for the inspection. It is not intended that the inspection be used in lieu of a regular preventative maintenance programme. If in the opinion of the vehicle examiner the vehicle has not been fully prepared, the inspection may be terminated and a further full inspection will be required.

It is an offence under the road traffic regulations to use an unroadworthy vehicle on the public highway.

HC & PHV proprietors failing to maintain their vehicles in a safe and roadworthy condition may have their HC or PHV licence suspended.

The chart below lists different aspects of the inspection

Aspects of Northampton Borough Council's Vehicle Inspection (incorporating a MOT test)	Result if fault is found	
	MOT test	Council part of the inspection
1 All MOT testable items, to the standard set for the MOT test.	Fail	Fail
2 All MOT testable items, to a higher standard than set for the MOT test, based on the fact that many licensed vehicles are likely to travel more than 5 times the average distance covered by a private car.	N/A	Fail
3 Aspects of vehicle reliability. i.e. a fault that could affect the reliability of the vehicle. e.g. water/oil leaks.	N/A	Fail
4 General condition. e.g. Interior and exterior trim, body, paint and cleanliness.	N/A	Fail
5 Equipment. e.g. Fire extinguisher, first aid kit, wheelchair equipment (wheelchair equipment for HC only).	N/A	Fail
6 Changes to the vehicle i.e. Northampton licensed vehicles should not have been modified or had accessories fitted (should be as manufactured unless a specific exemption has been granted).	N/A	Fail

# SECTION 1 - INSPECTION STANDARDS - GENERAL

## Section Contents:

Sub-section	Subject
1.1	Vehicle preparation
1.2	All MOT testable items + <u>ADDITIONAL</u>
1.3	MOT testable items which would pass an MOT with an advisory note + <u>ADDITIONAL</u>
1.4	Licensing requirements (general)

### 1.1 Vehicle preparation.

Information	Method of Inspection	Reason for Rejection
The vehicle should be prepared and presented in a condition ready to pass the inspection.	1. As set out in this manual.	The vehicle has not been prepared and presented in a condition ready to pass the inspection
A lack of preparation may result in the inspection not being completed and therefore not all faults being found/listed.  In this case, an additional full inspection will be necessary. However, listed faults should be rectified and the vehicle fully prepared before the additional full inspection.	As set out in this manual.	NOTE In this case, the inspector will fail the vehicle as " <b>Inspection not completed due to lack of preparation</b> " and list any inspected items, which have failed. An additional full inspection will be necessary.  . In the opinion of the inspector: a parts of the vehicle are dangerous to check, b because of a fault other parts of the vehicle would be dangerous to check, c items cannot be reliably checked because of excessive underseal, dirt or oil contamination.



## 1.2 MOT testable items which would ordinarily pass an MOT test with an advisory note.

Information	Method of Inspection	Reason for Rejection
	As MOT Testing manual	In assessing the mechanical condition of the vehicle, it is more likely an item, which would ordinarily pass an MOT with an advisory note, should fail the HC and PHV inspection

## 1.3 Licensing requirements (general).

Information	Method of Inspection	Reason for Rejection
<p>Note:</p> <p>Vehicles should be maintained to the same specification as when manufactured</p>	Assess if the vehicle has been modified or has additions (apart from the installation of a meter communication and navigation equipment unless unsafe)	The vehicle has been modified or has additions. Authorised modifications or additions are considered potentially unsafe (consult with Licensing if necessary).
<p><b>Note:</b></p> <ul style="list-style-type: none"> <li>If the vehicle fails on one or more MOT testable items under the MOT criteria the inspection must be marked "Failed" and no MOT certificate issued.</li> <li>If the vehicle passes on all MOT testable items under the MOT criteria but fails on one or more MOT testable item under Council's criteria the inspection must be marked "Failed" and an MOT certificate issued.</li> <li>If the vehicle fails on one or more Licensing item but passes the MOT the inspection must be marked "Failed" and an MOT certificate issued.</li> </ul>		

# SECTION 2 - LIGHTING AND SIGNALLING EQUIPMENT

## Section Contents:

Sub-section	Subject
2.1	Front and Rear <u>Position Lamps</u> and Registration Plate Lamps
2.2	Stop Lamps + <u>ADDITIONAL</u>
2.3	Rear Fog Lamp
2.4	Direction Indicators and Hazard Warning Lamps
2.5	Rear Reflectors
2.6	Audible Warning (Horn)
2.7	Headlamps
2.8	Headlamp Aim
<u>2.A</u>	<u>ADDITIONAL</u> - Electrical Wiring and Equipment
<u>2.B</u>	<u>ADDITIONAL</u> - Other Lamps

### 2.1 All Sub-sections above

Information	Method of Inspection	Reason for Rejection
All of the items in the above sub-sections must be tested. Additional requirements/items to be tested, which may not be included in the MOT testing manual, are listed below.	As stipulated in the 'MOT testing manual'.	As 'MOT testing manual' and by applying the requirements in Section 1.

### 2.2 Stop Lamps

Information	Method of Inspection	Reason for Rejection
<u>ADDITIONAL to MOT manual</u> <u>Supplementary stop lamps</u> Any supplementary stop lamps fitted must be tested.	1. Check the high level stop lamp where fitted: a Is not obscured, and is not obviously incorrectly positioned. b At least 75% of the lamp must be visible from the rear.	1. High level stop lamp  a Obscured or obviously incorrectly positioned.  b Less than 75% of the lamp not working or obscured

### 2.A Electrical Wiring and Equipment

Information	Method of Inspection	Reason for Rejection
<u>ADDITIONAL to MOT manual</u> This examination is limited to that part of the electrical system that can be readily seen without dismantling any part of the vehicle.	1. Check all electrical wiring for: a Condition b Security c Position  d Signs of overheating  e Heavy oil contamination	1. Wiring: a Not adequately insulated b Not adequately secured c Positioned so that it is chafing or clipped to a fuel line or likely to be damaged by heat so that insulation will become ineffective d With clear evidence of overheating e Heavily contaminated with oil

## 2.A Electrical Wiring and Equipment (Continued)

	2. Battery and carrier for: a Security  b Battery for leaks	2. Battery and carrier: a A battery and /or carrier not secure and likely to become displaced b Battery leaking
	3. Check all switches controlling all obligatory lights	3. Insecurity or malfunction of a switch controlling an obligatory light

## 2.B Other Lamps

Information	Method of Inspection	Reason for Rejection
<u>ADDITIONAL to MOT manual</u>	With the ignition switched on check: 1. Reversing lamps a The reversing lamps emit a diffused white light when reverse gear is selected. b The lamps extinguish when neutral gear is selected  c The lamps are in good working order and are secure.	1. A reversing lamp: a That fails to operate or does not emit a white diffused light b Fails to extinguish when neutral or forward gear is selected c Are not in good working order or insecure.
	2. Front Fog/Driving Lamps If fitted check that: a A single front fog lamp emitting a white or yellow diffused light is operative b A pair of matched fog lamps both emitting a white or yellow diffused light should illuminate together c A pair of matched, long-range driving lamps, both emitting a white diffused light should illuminate together.	2. Front Fog/Driving Lamps  a Lamp inoperative  b Lamps operate incorrectly  c Lamps operate incorrectly
HC only	3. 'For Hire' Roof Signs (and nearside front window sign if fitted) Check that: a Correct style and type of sign fitted. b Ensure the sign is securely fastened to the vehicle c Check condition and security of wiring  d Functional test of signs for illumination	3. 'For Hire' Signs  a Incorrect colour or details shown on sign. b Insecure sign  c Wiring is not in good condition and is loose or chaffed d Illumination not consistent across the sign, i.e. all light bulb(s) LED(s) illuminated when switched on.

## SECTION 3 - STEERING (INCLUDING SUSPENSION)

### Section Contents:

Sub-section	Subject
3.1	Steering Control
3.2	Steering System
3.3	Power Steering
3.4	Suspension - General
3.5	Front Suspension, Wheel Bearings and Drive Shafts
3.6	Rear Suspension and Wheel Bearings
3.7	Shock Absorbers

### All Sub-sections above

Information	Method of Inspection	Reason for Rejection
All of the items in the above sub-sections must be tested. There are no additional requirement/items to be tested in this section.	As stipulated in the 'MOT testing manual'.	As 'MOT testing manual' and by applying the requirements in Section 0.

## SECTION 4 - BRAKES

### Section Contents:

Sub-section	Subject
4.1	Parking Brake Lever Mechanism
4.2	Hand Operated Brake Control Valves
4.3	Service Brake Control
4.4	Anti-Lock Braking Systems
4.5	Mechanical Brake Components + <u>ADDITIONAL</u>
4.6	Hydraulic, Air and Vacuum Systems and Additional Brake Devices
4.7	Brake Performance
4.8	Method of calculating Brake Performance
4.9	Examples of Manufacturers' Plate
4.10	Brake Efficiency Table

### All Sub-sections above

Information	Method of Inspection	Reason for Rejection
All of the items in the above sub-sections must be tested. Additional requirements/items to be tested, which may not be included in the MOT testing manual, are listed below.	As stipulated in the 'MOT testing manual'.	As 'MOT testing manual' and by applying the requirements in Section 0.

### 4.5 Mechanical Brake Components

Information	Method of Inspection	Reason for Rejection
<u>ADDITIONAL to MOT manual</u> Brake lining must be a minimum of 2mm not 1.5mm.	Check the mechanical brake components for excessive wear of brake linings/pads.	A brake lining or pad less than 2mm thick at any point.

# SECTION 5 - TYRES & ROAD WHEELS

## Section Contents:

Sub-section	Subject
5.1	Tyres + <b>ADDITIONAL</b>
5.2	Roadwheels + <b>ADDITIONAL</b>
5.A	<b>ADDITIONAL</b> - Spare Wheel

### All Sub-sections above

Information	Method of Inspection	Reason for Rejection
All of the items in the above sub-sections must be tested. Additional requirements/items to be tested, which may not be included in the MOT testing manual, are listed below.	As stipulated in the 'MOT testing manual'.	As 'MOT testing manual' and by applying the requirements in Section 0.

### 5.1 Tyres

Information	Method of Inspection	Reason for Rejection
<u>ADDITIONAL to MOT manual</u> Tread depth must be a minimum of 2mm not 1.6mm on all tyres <u>including the spare wheel</u> .	D. Tread Pattern, Breadth and Depth of Tread  Check tread depth	The grooves of the tread pattern are not at least 2mm throughout a continuous band comprising <ul style="list-style-type: none"> <li><input type="checkbox"/> the central three-quarters of the breadth of tread, and</li> <li><input type="checkbox"/> round the entire outer circumference of the tyre.</li> </ul>
All the tyres including spare wheel must be to the same size and specification as fitted at manufacture.	Check all the tyres including spare wheel.	Not to the same specification as fitted at manufacture.

### 5.2 Roadwheels

Information	Method of Inspection	Reason for Rejection
<u>ADDITIONAL to MOT manual</u> To include the spare wheel.	As stipulated in the 'MOT testing manual'.	As 'MOT testing manual' and by applying the requirements in Section 0.
All the wheel rims, including spare wheel must be to the same size as fitted at manufacture.	Check all wheel rims, including spare wheel.	Not to the same specification as fitted at manufacture.

Information	Method Of Inspection	Reason for Rejection
<p><u>ADDITIONAL to MOT manual</u></p> <p>To include the spare wheel</p>	As stipulated in the MOT testing manual	As MOT testing manual and by applying the requirements in section 1
<p>All the wheel rims must be of the same size and specification as at manufacture</p> <p><b>Note:</b> Where wheel rims have been replaced with alloys they can be accepted as long as they all match and are of the same size as those as fitted at manufacture.</p>	Check all wheel rims, including spare wheel	Not to the same size as manufacture.

### 5.A Spare wheel

Information	Method of Inspection	Reason for Rejection
<p>ADDITIONAL to MOT manual</p> <p>Doughnut tank - Where a doughnut tank is fitted in the boot for LPG, the spare wheel if still carried in the boot must be properly secured.</p> <p>Alternatively, a spare wheel cage installed to manufacturers and British Standards may be fitted to the underside of the vehicle or an approved alternative method of carrying out an emergency repair may be carried</p>	Check spare wheel is secured to the correct standards, or method of carrying out emergency repair is approved	Missing, insecure or not fitted to the correct standards. Unapproved alternative means of carrying out an emergency repair
<p>Space saver tyres</p> <p>Space saver tyres should only be approved with the support of a method statement highlighting driver responsibilities with regard to the maximum permitted speed and that space savers are a temporary 'get-you-home tyre'.</p>	Check saver tyre statement	Missing statement or statement not informing of maximum permitted speed and that space savers are a temporary 'get-you-home tyre'

# SECTION 6 - BODY, STRUCTURE AND GENERAL ITEMS

## Section Contents:

Sub-section	Subject
6.1a	Vehicle Structure, Body Security and Condition - (EXTERIOR) + <u>ADDITIONAL</u>
6.1b	Vehicle Structure, <u>Body Security</u> and Condition - (INTERIOR) + <u>ADDITIONAL</u>
6.2	Doors and Seats + <u>ADDITIONAL</u>
6.3	Registration Plates and VIN Details
6.4	Load Security, Spare Wheel and Carrier
6.5	Speed Limiter
6.6	Towbars
6.7	Speedometer (Class 5 only) + <u>ADDITIONAL</u>
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### All Sub-sections above

Information	Method of Inspection	Reason for Rejection
All of the items in the above sub-sections must be tested. Additional requirements/items to be tested, which may not be included in the MOT testing manual, are listed below.	As stipulated in the 'MOT testing manual'.	As 'MOT testing manual' and by applying the requirements in Section 0.

### 6.1a Vehicle Structure, Body Security and Condition - (EXTERIOR)

Information	Method of Inspection	Reason for Rejection
<p><b>Exterior</b>  <u>ADDITIONAL to MOT manual</u>                      Note: Any vehicle presented in a dirty, untidy condition will not be tested.</p>	<p>1. Examine the bumper bars and check:</p> <p>a. They are secure to their mountings.</p> <p>b. The mountings are secure to the vehicle.</p> <p>c. There is no evidence of damage</p>	<p>a. A loose bumper bar or mounting. A weakened bumper bar and/or mounting is insecure because of poor repairs.</p> <p>b. A fractured mounting bracket. Mounting bolts so worn or elongated that the bumper bar is likely to detach partially or completely from the vehicle when in use. A bumper bar secured by wire or other temporary means is regarded as insecure and must be rejected.</p> <p>c. Bumper bars which have jagged edges, cracks, splits or projections, which may cause injury to persons near the vehicle. Paint miss match or fading which is significantly different to that of the rest of the paintwork.</p>

Information	Method of Inspection	Reason n for Rejection
<p><b>Exterior continued.....</b>  <b>It is not intended to provide an overly prescriptive detailing of the lengths or depth of dents, how many stone chips etc are allowed on the vehicle.</b>  <b>All vehicles are expected to be presented as close as possible to that as it was at manufacture allowing for its age.</b>  <b>Any scratches, dents and scuffing should not detract from the overall appearance of the vehicle to an extent that the tester considers unacceptable.</b>  <b>The Licensing Officer should be contacted if necessary.</b></p>	<p>Examine the body thoroughly for security, damage, corrosion, poor paint repair/paint match, damaged or incomplete advertisements or sharp edges that are likely to cause injury</p>	<p>The body of the vehicle displays or there are clear signs of damage, corrosion, poor paint repair/paint match, damaged or incomplete advertisements, sharp edges that are likely to cause injury which the tester considers unacceptable.</p>



**6.1b Vehicle Structure, Body Security and Condition - (INTERIOR)**

Information	Method of Inspection	Reason for Rejection
<p><b>Interior</b>  <u>ADDITIONAL to MOT manual</u>                      Note: Any vehicle presented in a dirty, untidy condition will not be tested.</p>	<p>a. Examine thoroughly the interior for damaged, insecure or loose fixtures, fittings or accessories.</p> <p>b. Dirty, missing and worn trim, carpets, seat belts, mats, headlining, boot area and inclusion of prescribed items. Remove mats to inspect carpets underneath for cleanliness and wear.</p> <p>c. Examine interior lights, motion door locks and warning lights.</p> <p>d. Examine heating, demisting and air condition systems for correct operation, including passenger compartment controls where fitted (includes electric front and rear screen demisters)</p> <p>e. Examine all windows ensuring they allow lowering and rising easily.</p> <p>f. Examine interior door locks, grab handles/rails safety covers</p> <p>g. Examine the glazing between the driver and passenger compartments and check it  <input type="checkbox"/> is complete  <input type="checkbox"/> has no additional metal grille  <input type="checkbox"/> for condition/security.</p> <p>h. Examine electrical wiring for condition, security, including intercom systems.</p>	<p>a. Insecure and loose fixtures, fittings or accessories.</p> <p>b. Missing, dirty, soiled, stained worn or insecure trim, carpets, headlining, and mats.</p> <p>c. An inoperative interior light (all lights must illuminate if they are part of the manufacturer's standard equipment). Missing or defective motion switch/lock or warning lamp not illuminated.</p> <p>d. A system(s), which does not function correctly, or any part is missing including vents, controls and switches.</p> <p>e. An opening window that is inoperative or difficult to open and/or close mechanism broken or missing.</p> <p>f. Missing, defective or loose door locks, child locks, protective covers grab handles and rails. Grab handles/rails, which are rigid to aid the blind and partially sighted, and are worn to excess.</p> <p>g. The glazing  <input type="checkbox"/> is missing,  <input type="checkbox"/> is supplemented by a metal grille or other addition,  <input type="checkbox"/> has sharp edges which may cause injury to passengers or driver  <input type="checkbox"/> is insecure,  <input type="checkbox"/> has one or more cracks over 50mm in length.</p> <p>h. Frayed, chaffing wiring, non-shielded terminals and cables so routed that they cause a trip hazard, cables that can be easily disconnected. Intercom system defective, warning light inoperative and signs illegible/missing</p>

<p>Additional items to be inspected in limousines and novelty vehicles:</p>	<p>i. Examine the boot for access, contents, cleanliness, and water ingress.</p> <p>j. All fixtures and fittings i.e. mirror balls, drinks cabinets, televisions etc must be stored securely and not hinder the ingress or egress from the passenger compartment.</p> <p>k. A notice identifying the maximum seating capacity to be displayed in the passenger compartment and clearly visible to all passengers. It may be necessary to display more than one sign indicating the maximum seating capacity.</p>	<p>i. Unable to open, close and or lock boot lid, failure of boot lid support mechanism, defective seals/evidence of water ingress, dirty boot and or carpets, loose items stored in boot (i.e. spare wheel tools and equipment etc).</p> <p>j. Any fixture or fitting, that is loose or insecure or where walkways are blocked that prevents ease of ingress or egress from the passenger compartment.</p> <p>k. No maximum seating capacity sign or signs displayed. A sign or signs not clearly visible to all passengers.</p>
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## 6.2 Doors and Seats

Information	Method of Inspection	Reason for Rejection
<p><u>ADDITIONAL to MOT manual</u> <b>Doors</b></p>	<p>Examine the condition of all doors. Check door locks, striker plates, handles and hinges for security, wear and missing and damaged trim/cover plates.</p>	<p>a. A door does not latch securely in the closed position.</p> <p>b. A door cannot be easily opened or closed from both the inside and outside of the vehicle from the relevant control in each case.</p> <p>c. Missing, loose or worn handles, lock or striker plate.</p> <p>d. Missing, loose or damaged trim/cover plate</p>
<p><b>Seats</b></p> <p><b>Note:</b> Seat covers must have been authorised by the TLO in writing. <i>(Seat covers may be authorised for protecting seats and not for covering damage).</i></p>	<p>Check that seats are secure, clean and not unduly worn.</p> <p>Check seats covers have been authorised and are correctly fitted.</p>	<p>a. Seat cushion(s) stained, torn, holed, worn or insecure. A seat that does not provide adequate support at base or backrest. Torn, slashed or badly stained seats are not acceptable.</p> <p>b. A letter from the TLO cannot be produced, or confirmation by the TLO obtained, authorising the seats covers.</p> <p>c. Seat covers are not correctly fitted or obstruct the adjustment/movement of the seats or seat belts.</p> <p>d. It is obvious that the seat covers are covering seats which are stained, torn, holed, worn or insecure (see "a" above).</p>

### 6.3 Speedometer

Information	Method of Inspection	Reason for Rejection
<u>ADDITIONAL to MOT manual</u>	<p>a. Check that a speedometer is fitted.</p> <p>b. Check the condition of the speedometer.</p> <p>c. Check that the speedometer can be illuminated.</p>	<p>a. Speedometer not fitted.</p> <p>b. Speedometer not complete or clearly inoperative, or dial glass broken or missing.</p> <p><b>Note:</b> It is not a Reason for Rejection if the dial glass is cracked, providing:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> there is no possibility of misreading the speedometer or</li> <li><input type="checkbox"/> there is no possibility fouling of the indicator needle or</li> <li><input type="checkbox"/> the cracked glass does not create a safety hazard</li> </ul> <p>c. The speedometer cannot be illuminated.</p>

## SECTION 7 - EXHAUST, FUEL & EMISSIONS

### Section Contents:

Sub-section	Subject
7.1	Exhaust System + <u>ADDITIONAL</u>
7.2	Fuel System - Pipes & Tanks + <u>ADDITIONAL</u>
7.3	Exhaust Emissions-Spark Ignition
7.4	Exhaust Emissions-Compression Ignition

### All Sub-sections above

Information	Method of Inspection	Reason for Rejection
All of the items in the above sub-sections must be tested. Additional requirements/items to be tested, which may not be included in the MOT testing manual, are listed below.	As stipulated in the 'MOT testing manual'.	As 'MOT testing manual' and by applying the requirements in Section 0.

### 7.1 Exhaust System

Information	Method of Inspection	Reason for Rejection
<u>ADDITIONAL to MOT manual</u>	Where applicable, check for presence, security and adequacy of grease shields to hot exhausts.	A heat shield missing, insecure or inadequate.

## 7.2 Fuel System - Pipes & Tanks

Information	Method of Inspection	Reason for Rejection
<u>ADDITIONAL to MOT manual</u>	<p>a. Examine pipes to see they are securely clipped to prevent damage by chafing and cracking, and are not in a position where they will be fouled by moving parts</p> <p>b. Check that no fuel pipe runs immediately adjacent to or in direct contact with electrical wiring or the exhaust system</p>	<p>a. Damaged, chafed, insecure pipes, or pipes so positioned that there is a danger of them fouling moving parts</p> <p>b. A fuel pipe immediately to or in direct contact with electrical wiring or exhaust system</p>

## SECTION 8 - DRIVERS VIEW OF THE ROAD

### Section Contents:

Sub-section	Subject
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- |     |                                    |
|-----|------------------------------------|
| 8.1 | Mirrors                            |
| 8.2 | Wipers and Washers                 |
| 8.3 | Windscreen (Classes 3, 4 & 7 only) |
| 8.4 | Bonnet                             |

8.A ADDITIONAL - Window Glass or other Transparent Material

### All Sub-sections above

Information	Method of Inspection	Reason for Rejection
All of the items in the above sub-sections must be tested. Additional requirements/items to be tested, which may not be included in the MOT testing manual, are listed below.	As stipulated in the 'MOT testing manual'.	As 'MOT testing manual' and by applying the requirements in Section 1.

### 8.A Window Glass or other Transparent Material

Information	Method of Inspection	Reason for Rejection
<u>ADDITIONAL to MOT manual</u>	<p>a. Visually check the condition of all</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> windscreens,</li> <li><input type="checkbox"/> side, rear, roof and door windows</li> <li><input type="checkbox"/> internal screens [also see section 6.1b(g)],</li> <li><input type="checkbox"/> window wind deflectors (if fitted to 1 or more windows)</li> </ul> <p>for cracks, damage and discolouration.</p> <p>b. Check presence and security of all windscreens, side, roof, or rear windows, or internal screens or partitions.</p> <p>c. Check for evidence of obvious leaks from all windscreens and side, rear, roof or door windows.</p>	<p>a. A crack, damage or discoloration in glass or other transparent material that:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Impairs the driver's front, side, or rear view of the road, or;</li> <li><input type="checkbox"/> Presents a danger to any person.</li> </ul> <p>b. A windscreen or any other outside window missing, or any windscreen, window, internal screen or partition insecure.</p> <p>c. Any external window or windscreen is obviously leaking.</p>

- |  |  |   |
|--|--|---|
|  | <p>d. Check for tinted windscreens, side windows and rear windows.</p> | <p>d. A tint that fails to allow a light transmittance:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> for HCV of at least 75% for the windscreen, side and rear windows.</li> <li><input type="checkbox"/> for PHV of at least 75% for the windscreen, at least 70% for side windows and at least 40% for the rear/any other window.</li> </ul> |
|--|--|---|

## SECTION 9 – SEAT BELTS

Sub-section	Subject
9.1	Seat Belt Requirements + ADDITIONAL
9.2	Seat Belt Condition + ADDITIONAL

Information	Method of Inspection	Reason for Rejection
All of the items in the above sub-sections must be tested. Additional requirements/items to be tested, which may not be included in the MOT testing manual are listed below	As stipulated in the MOT testing manual	As MOT testing manual and by applying the requirements in section1

### 9.1 Seat Belt Requirements

Information	Method of Inspection	Reason for Rejection
ADDITIONAL to MOT manual Vehicles designated wheelchair accessible must be equipped with appropriate belts for securing a wheelchair and seat belts for a wheelchair passenger	Examine belts installed/available in the vehicle	Missing belts

### 9.2 Seat Belt Condition

Information	Method of Inspection	Reason for Rejection
ADDITIONAL to MOT Manual	As stipulated in the MOT testing manual and are clean (for belts in contact with passengers)	a. AS MOT testing manual and by applying the requirements in section1

# SECTION 10 - ADDITIONAL REQUIREMENTS

## Section Contents:

Sub-section	Subject
10.1	Transmission
10.2	Engine & Transmission Mountings
10.3	Oil & Water Leaks
10.4	Luggage/Load Space
10.5	Tow bars
10.6	Wheelchair Restraint & Access Equipment
10.7	Fire Extinguisher
10.8	Emergency First Aid Kit
10.9	Plate, Stickers, Roof Bubbles, Signs and Advertisements

## All Sub-sections above

Information	Method of Inspection	Reason for Rejection
All of the sub-sections above are additional requirements/items to be tested and may not be included in the MOT testing manual.	As stated below	As stated below. As stated below and by applying the requirements in Section 0.

## 10.1 Transmission

Information	Method of Inspection	Reason for Rejection
ADDITIONAL to MOT Manual	1. Examine transmission, check for: <ul style="list-style-type: none"> <li>a) Missing or loose flange bolts.</li> <li>b) Cracked or insecure flanges</li> <li>c) Wear in shaft and/or wheel bearings</li> <li>d) Security of bearing housings</li> <li>e) Cracks or fractures in bearing housing,</li> <li>f) Wear in universal joints</li> <li>g) Deterioration of flexible couplings</li> <li>h) Distorted, damaged shafts,</li> <li>i) Deterioration of bearing housing flexible mountings</li> <li>j) Clearance between transmission shafts and adjacent components</li> </ul>	<ul style="list-style-type: none"> <li>a) A loose or missing flange bolt</li> <li>b) A flange cracked, or loose on the transmission shaft</li> <li>c) A bearing housing insecure to its fixing</li> <li>d) A cracked or fractured bearing housing</li> <li>e) Excessive wear in a universal joint</li> <li>f) Deterioration of a transmission shaft flexible coupling</li> <li>g) A damaged, cracked or bent shaft</li> <li>h) Deterioration of a flexible mounting of a bearing housing</li> <li>i) Evidence of a fouling between any transmission shaft and an adjacent component</li> </ul>

Information	Method of Inspection	Reason for Rejection
	1. Front Wheel Drive Check the drive shaft inner and outer universal joint for: a) Wear and security  b) Damage to flexible rubber or fabric universal joints  c) Security and oil contamination of flexible rubber or fabric universal joint  d) Condition, presence and security of constant velocity joint gaiters	a) Drive shaft constant velocity or universal joint coupling worn or insecure b) A flexible rubber or fabric universal coupling unit damaged by sever cracking or breaking up. c) A flexible rubber or fabric universal coupling unit excessively softened by oil contamination or insecure. d) A drive shaft constant velocity joint gaiter split, missing or insecurely mounted

## 10.2 Engine and Transmission Mountings

Information	Method of Inspection	Reason for rejection
ADDITIONAL to MOT Manual	A Examine condition of: <ul style="list-style-type: none"> <li>• Mountings</li> <li>• Subframes and</li> </ul> B The security to chassis and check for: <ul style="list-style-type: none"> <li>• Fractures</li> <li>• Looseness</li> <li>• Deterioration</li> </ul>	A and B – Any mounting or subframe: Loose Fractured Deteriorated Inappropriate repair

## 10.3 Oil and Water Leaks

Information	Method of Inspection	Reason for Rejection
ADDITIONAL to MOT Manual Note: If necessary the engine can be run at idle speed to confirm the existence of an oil leak	a. Check vehicle for oil and water leaks from any assembly or component to the ground  b. And/or which could be deposited on surrounding bodywork or onto the exhaust system	a. An oil or water leak, from any assembly, which deposits fluids underneath the vehicle when stationary b. Leaks which, when the vehicle is moving, could be deposited upon the surrounding bodywork, exhaust and braking system so that it would <ul style="list-style-type: none"> <li>• Contaminate areas</li> <li>• Could potentially cause a health and safety or fire risk</li> </ul>

#### 10.4 Luggage/Load Space

Information	Method of Inspection	Reason for Rejection
ADDITIONAL to MOT manual Note: A limited amount of luggage space can be used for non-passenger items e.g. First Aid Kit, Vehicle service/emergency items etc, for which there is no other storage area.	<p>a. Hackney Carriages. Check the luggage/load compartment at the nearside front of the vehicle is available for luggage.</p> <p>b. Private Hire Vehicles. Check the boot/tailgate is available for luggag</p>	<p>a. Luggage/load compartment is unavailable for use (e.g. occupied by non-passenger items).</p> <p>b. Boot/tailgate is unavailable for use (e.g. occupied by non-passenger items).</p>

#### 10.5 Tow bars

Information	Method of Inspection	Reason for Rejection
ADDITIONAL to MOT manual	<p>1. Where a tow bar is fitted:</p> <p>a. Check that the driver/proprietor has a letter from the LEO giving permission for the vehicle to have a tow bar</p> <p>b. Check the condition and security to the towing vehicle.</p>	<p>a. Driver/proprietor cannot produce a letter from the LEO giving permission for the vehicle to have a tow bar</p> <p>b. Tow bar not in good condition or insecure</p>

#### 10.6 Wheelchair Restraint & Access Equipment

Information	Method of Inspection	Reason for Rejection
ADDITIONAL to MOT manual Note: Only applicable for wheelchair accessible vehicles	<p>1. Wheelchair Restraint</p> <p>a. Check condition and operation of wheelchair restraint system, belts, shackles, clamps etc</p> <p>2. Ramp(s)</p> <p>a. Check the ramp(s) is securely installed in the designated storage area.</p> <p>b) Examine ramp(s) by unscrewing and unfolding the integral ramp or unstowing separate ramps and check for condition and operation. <b>Please ensure ramp(s) is re-stowed safely.</b></p> <p>c)Check the ramp(s) have a visible reference to a safe working load and certified to BS6109</p> <p>Wheelchair lift A purpose designed wheelchair lift shall conform to the LOLER 98 regulations</p>	<p>a. wheelchair restraint is defective, worn or missing</p> <p>a.Ramp(s) is missing extension is missing is insecurely stored integral ramp screw, missing or unsecured</p> <p>b. Ramp(s)</p> <ul style="list-style-type: none"> <li>• damaged/deformed</li> <li>• difficult to unfold/extend</li> <li>• anti-slip covering in poor condition or missing</li> <li>• has sharp edges</li> <li>• location fixing is insecure</li> </ul> <p>c. Ramp(s)</p> <ul style="list-style-type: none"> <li>-No visible reference to a maximum safe working load</li> <li>-Safe working load is less than 250kgs</li> <li>-Not certificated to BS6109</li> </ul>



## 10.7 Fire Extinguisher

Information	Method of Inspection	Reason for Rejection
<u>ADDITIONAL to MOT manual</u>	<p><b>a.</b> Check the fire extinguisher</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> for presence,</li> <li><input type="checkbox"/> expiry date,</li> <li><input type="checkbox"/> seal,</li> <li><input type="checkbox"/> type,</li> <li><input type="checkbox"/> size,</li> <li><input type="checkbox"/> for approved mark EN3 (originally BS5423).</li> </ul> <p><b>b.</b> The fire extinguisher must be kept in an accessible position inside the vehicle. The extinguisher may be carried out of view, i.e. in an unlocked glove compartment provided there is a clear sign (authorised by the Taxi Licensing Office) on the dashboard, stating the location.</p>	<p><b>a.</b> A fire extinguisher</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> is missing,</li> <li><input type="checkbox"/> is out of date,</li> <li><input type="checkbox"/> has a broken or missing seal,</li> <li><input type="checkbox"/> is not Powder or Foam</li> <li><input type="checkbox"/> is not between 0.9 and 2 Kgs or Ltrs,</li> <li><input type="checkbox"/> has no EN3 or BS5423 marking visible.</li> </ul> <p><b>b.</b> Not fitted in an accessible position or its position is not clearly marked.</p>

## 10.8 Emergency First Aid Kit

Information	Method of Inspection	Reason for Rejection
<u>ADDITIONAL to MOT manual</u>	<p><b>a.</b> Check the first aid kit for presence, size, the expiry date, CE approved and the seal (i.e. manufacturers tamper proof cover/tag/label) is intact.</p> <p><b>b.</b> The first aid kit must be kept in an accessible position inside the vehicle. The first aid kit may be carried out of view, i.e. in an unlocked glove compartment provided there is a clear sign (authorised by the Taxi Licensing Office) on the dashboard, stating the location.</p>	<p><b>a.</b> A first aid kit is missing, too small, out of date, not CE approved</p> <p><b>b.</b> The first aid kit is not fitted in an accessible position or its position is not clearly marked.</p>

## 10.9 Plate, Stickers, Signs and Advertisements

Information	Method of Inspection	Reason for Rejection
<p><b>ADDITIONAL to MOT manual</b></p>	<p><b>1.</b> Check the external licence plate is correctly located and for condition, fixings and security.</p> <p><b>2.</b> Check the internal Licence Number sticker for location, condition and validity. (Only applicable to a licensed HCV).</p> <p><b>5.</b> Check the fare guide (tariff) for location, condition and validity (HC only)</p>	<p><b>1.</b> The licence plate is</p> <ul style="list-style-type: none"> <li>a) missing or not located on the rear of the vehicle</li> <li>b) located on/in the rear window.</li> <li>c) dirty, in bad condition or not easy to read from the rear of the vehicle.</li> <li>d) not secure or not mechanically fixed</li> <li>e) easy to remove without the use of tools.</li> <li>f) expired and attached to the vehicle.</li> <li>g) a none-Northampton plate.</li> <li>h) obscuring the number plate</li> </ul> <p><b>2.</b> The Licence Number sticker is</p> <ul style="list-style-type: none"> <li>a) not a Northampton sticker.</li> <li>b) not the same number as the Plate.</li> <li>c) not located on the partition glazing and/or in a position that can be easily seen by a passenger.</li> <li>d) dirty, in bad condition or not easy to read.</li> </ul> <p><b>5.</b> The Fare Guide (tariff) is</p> <ul style="list-style-type: none"> <li>a) not a Northampton fare guide.</li> <li>b) not current (Sept 2012) not located on the partition glazing and/or in a position that can be easily seen by a passenger.</li> <li>c) dirty, in bad condition or not easy to read.</li> </ul>

Information	Method of Inspection	Reason for Rejection
<p><b>Note:</b> The No smoking sign must have an image of a crossed out cigarette and may also have the words “No Smoking” or similar</p>	<p><b>6.</b> Check the No Smoking signs are</p> <p><b>a)</b> Correctly located and secure</p> <p><b>b)</b> Are in good condition and be able to be read inside the vehicle</p> <p><b>c)</b> Do not impair the drivers front, side or rear view of the road</p> <p><b>d)</b> At least one located in the passenger compartment</p> <p><b>e)</b> At least one located in the driver compartment</p> <p><b>7.</b> Advertisements on PHVs are not allowed unless advertising their own Private Hire company. Stickers are then only allowed window line.</p> <p><b>8.</b> Advertisements on hackney carriages</p> <p><b>a)</b> can be all over the body of the vehicle and on the rear windscreen as long as the drivers view is not impaired</p> <p><b>9.</b> Roof Sign (Hackney Carriage)</p> <p><b>a)</b> Illuminates effectively when required</p> <p><b>b)</b> Contains the word “Taxi” only</p> <p><b>10.</b> The Roof Bubble (PHV) should be</p> <p><b>a)</b> Securely fitted to the roof in a central location toward the front of the vehicle</p> <p><b>b)</b> Yellow at the front and red at the back.</p> <p><b>c)</b> Working/illuminating effectively</p> <p><b>d)</b> Show the name of the company and “advanced bookings only”</p> <ul style="list-style-type: none"> <li>• Is generally in good condition</li> </ul>	<p><b>6</b> A "NO SMOKING" sticker is missing, insecure or</p> <p><b>a)</b> incorrectly located.</p> <p><b>b)</b> is dirty, in bad condition or not easy to read from the inside of the vehicle.</p> <p><b>c)</b> impairs the driver’s front, side or rear view of the road.</p> <p>* Rather than failing the inspection on only this matter the person may amend the sticker(s) if time and safety allows.</p> <p><b>7. a)</b> An advertisement is attached to the PHV not advertising their own PH company*.</p> <p><b>b)</b> An advertisement for the vehicle operator PH company or any other company is placed in another location on the vehicle instead of or as well as below the window line..</p> <p>* Rather than failing the inspection on only this matter the person may remove the advertisement(s) if time and safety allows.</p> <p><b>8.</b></p> <p><b>a)</b> advertisement impairs driver vision</p> <p><b>9.</b></p> <p><b>a)</b> Does not illuminate when required</p> <p><b>b)</b> Does not have “Taxi” only.</p> <p><b>10.</b></p> <p><b>a)</b> Is not securely fitted in an appropriate position</p> <p><b>b)</b> Is not the correct colour</p> <p><b>c)</b> Is not working/illuminating effectively</p> <p><b>d)</b> Does not show the prescribed wording</p> <p><b>e)</b> Is not generally in a good condition</p>

Northampton Borough Council

# Hackney Carriage and Private Hire Vehicle Age Limit – MOT Inspection Findings Report

Report authors:

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## Executive Summary

This report contains the findings following analysis of MOT inspectors reports on all Hackney and Private Hire vehicles tested at the two Vehicle testing centres contracted by Northampton Borough Council between November 25<sup>th</sup> 2011 until 29<sup>th</sup> February 2012.

### Key Findings

- There is no evidence to suggest from those vehicles tested that if an upper age limit is introduced it should not be common to both Hackney and Private Hire vehicles
- If the proposed upper limit of 8 years was introduced the analysis shows that of the 389 vehicles tested 138 vehicles would be unable to trade. This would reduce the failure rate on mechanical and structural defects by 15% from a benchmark utilising 2010 failure rates of vehicles tested.
- If an upper age limit of 10 years was introduced the analysis shows that 54 of the 389 vehicles tested would be unable to trade and this would reduce the failure rate on mechanical and structural defects by 22% from a benchmark utilising 2010 failure rates of vehicles tested
- If an upper age limit of 10 years was introduced the analysis shows that 20 of the 389 vehicles would be unable to trade and this would reduce the failure rate on mechanical and structural defects by 24% from a benchmark utilising 2010 failure rates of vehicles tested
- There is no evidence to suggest that the current lower age limit of 3 years subject to Hackney carriages only has any measurable relevance.
- There is no evidence to suggest that a lower age limit should not be common to both Hackney and Private Hire vehicles
- If a lower age limit was introduced there is some evidence to suggest that 5 years would be more realistic as of those vehicles tested, those of that age had the lowest failure rate and the highest number tested.
- While this research focussed on the mechanical/structural defects on vehicles tested, it should be noted that routine failures were consistent across the age range and vehicle types. In many instances the amount of 'routine' defects' could contribute to the roadworthiness and safety of a vehicle. This indicates that everyday maintenance and care of the vehicle in-between MOT tests is a key factor in roadworthiness and safety.
- By utilising the current emissions tests associated with the year of manufacture of the vehicle, emissions is not shown to be a serious cause of concern in Hackney and Private Hire vehicles.

## 2. Introduction

On 27 September 2011 the Northampton Borough Council Licensing Committee agreed to consult on the feasibility of introducing age limits for Hackney Carriages and Private Hire Vehicles, to increase the engine capacity of Private Hire Vehicles from 1400cc to 1600cc and associated exemptions.

The committee requested that all interested parties, be they in the trade, associated with the trade or members of the public, have the opportunity to have a say.

A part of the reasoning when implementing Age Limits is that the age of a vehicle is related to its roadworthiness and safety. Questions in relation to roadworthiness and safety have been asked during the consultation and opinions have been received from respondents. Those responses are being analysed separately and will inform the main report.

However, it is essential that as well as opinions, perceptions and experiences, other evidence specifically in relation to the condition of vehicles should be included to inform the overall findings.

We have obtained vehicle testing reports from the two contracted MOT inspectors for Hackney and Private Hire vehicles.

The results of the analysis of these tests are contained within this report.

## 3. Methodology

To assist the Licensing committee in making any decision about introducing an age limit in relation to Hackney and Private Hire vehicles it was decided to analyse inspection reports from the two NBC contracted inspectors. The purpose being to identify whether there was any clear correlation between the age of a vehicle and any mechanical or structural failure

A total of 389 reports of tests undertaken between 25<sup>th</sup> November 2011 and 29<sup>th</sup> February 2012 were received. They were analysed and the following details were recorded:

- Hackney Carriage or Private Hire vehicle
- Its year of registration
- Whether it passed or failed
- Whether the failure was due to a routine defect or a defect that related to mechanical or structural wear

It was important to differentiate between defects that are common to any age vehicle, and those that tend to happen to an older vehicle. An assessment was undertaken and defects that were classed as routine included but were not limited to:

- Brake pads and discs
- Lights, bulbs, headlight aim
- Tyres
- Cleanliness
- Trim issues
- Wipers, washers
- Non corroded body work issues
- Licence conditions issues such as spare bulbs, fire extinguisher, first aid kit and plates, signage
- Emissions

Mechanical and structural defects included but were not limited to:

- Anti roll bar issues

- Oil and fuel leaks
- Cv issues
- Trailing arms
- Driveshafts
- Engine mounts
- Steering rack issues including leaks to power steering
- Ball joints
- Wheel bearings
- Corrosion to bodywork including sills, wings, inner wings, floor, wheel arches
- Suspension
- Leaking callipers
- Corroded brake pipes and hoses

It is also recognised that due to the high mileage that these vehicles cover, mechanical and structural wear is likely to occur sooner than on an average vehicle.

The graphs below predominantly use a measurement in number of vehicles rather than percentages as some of the numbers are so low that to use percentages could give a skewed perspective.

As defects that are classed as routine can occur on any age vehicle the intention has been to exclude them from the graphs below and only consider mechanical/structural defects. However, reference is made to them within the Additional Observations at the end of this report.

It should also be stressed that this is only analysis of the 389 test reports and cannot be utilised as an accurate assessment of the state or condition of all Hackney or Private Hire vehicles in Northampton. It could be that if we did this exercise again in six months time a different picture could be shown. This analysis should only be viewed as an indicator of the condition of a significant proportion of vehicles that operate in Northampton during the time period when the vehicles went in to be tested.

It should also be remembered that all those vehicles that failed would have to have had all faults rectified in order to be licensed as a Hackney or Private Hire vehicle.

Vehicle reports were also used for vehicles under 12 months old. While these vehicles do not require an MOT, they still undergo a six monthly test.

#### **4. Equalities**

An Equalities impact Assessment was undertaken prior to the consultation process being undertaken

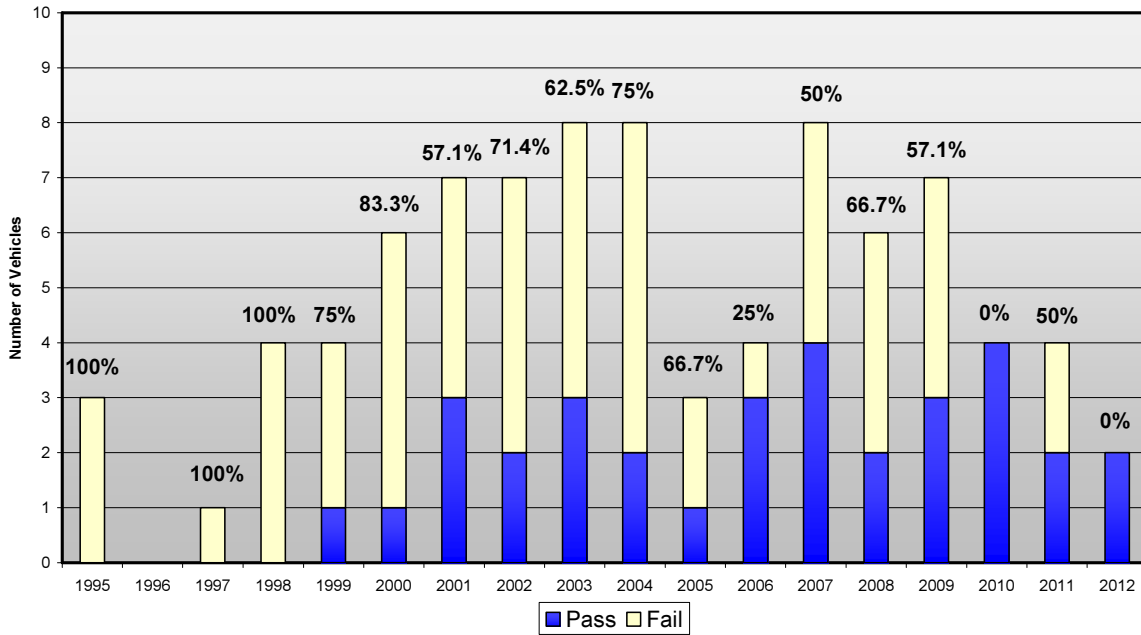
#### **5. How will these findings be used?**

Results and recommendations will be presented to the Licensing Committee on 8 May 2012.

#### **6. Graphs**

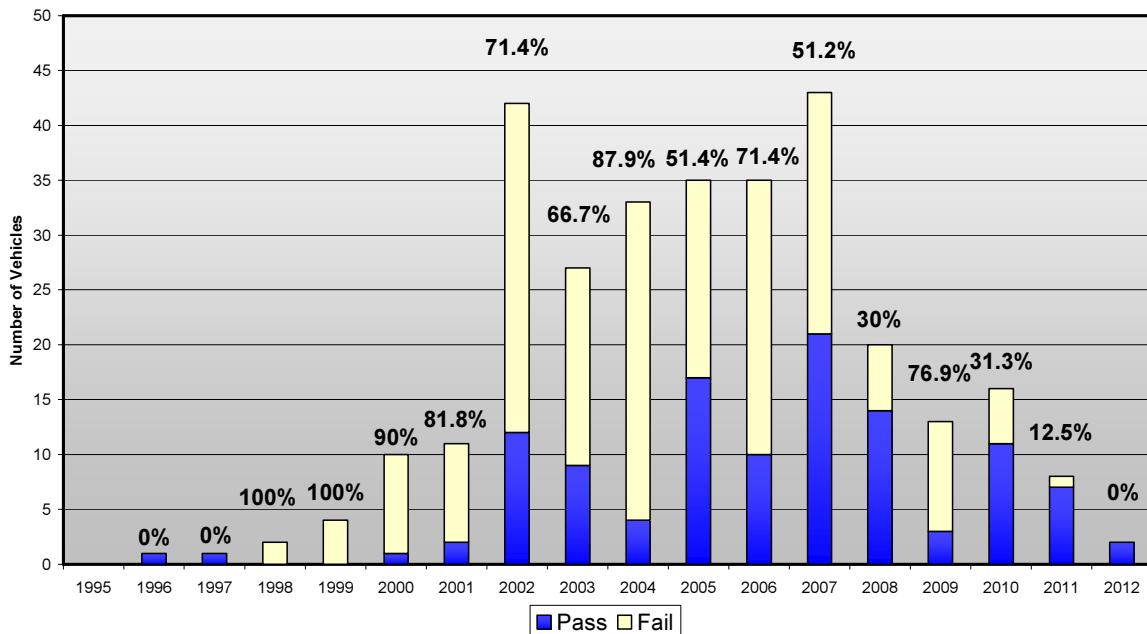
In the following graphs, the blue and cream mixed columns, or a complete blue column represent the number of vehicles by year of manufacture. The measurement in numbers is down the left of the graphs. The cream element of the column or a cream column represents the failure rate of the vehicles tested by year of manufacture. The number at the top of the column represents the percentage failure rate by year of manufacture.

**Hackney Vehicles: M.O.T Failure Rate By Age of Vehicle**



The above graph shows the pass/failure rates of all Hackneys by year of registration. Apart from all eight vehicles failing in the 95,97 and 98 columns and the six vehicles passing in the 2010 and 2012 columns there is no clear trend as the pass/failure rate is fairly constant.

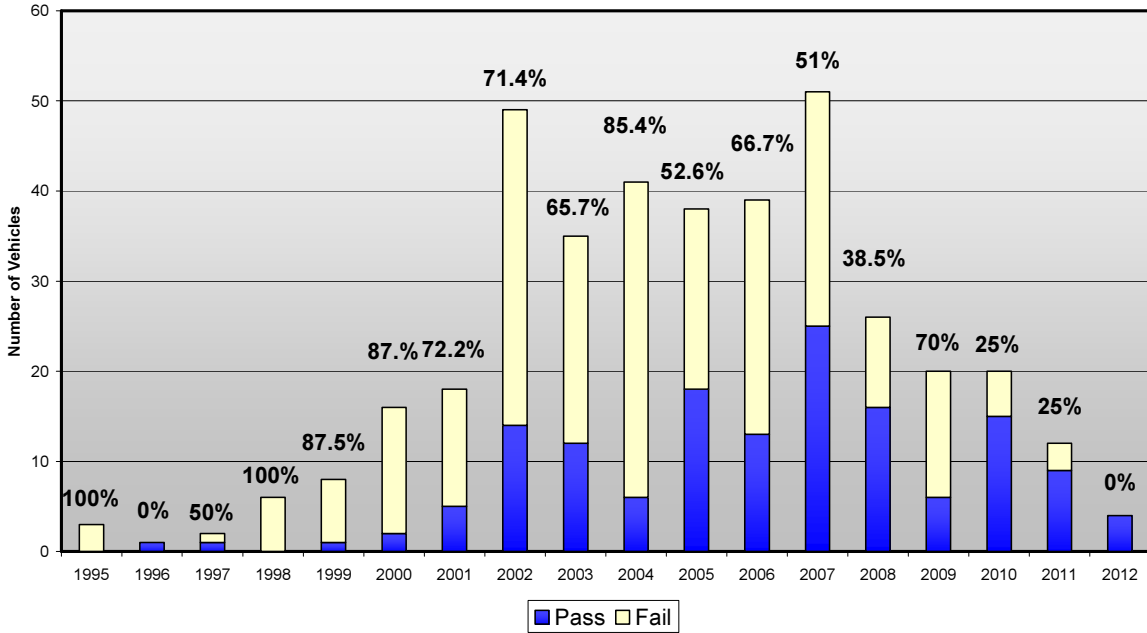
**Private Hire Vehicles: M.O.T Failure Rate By Age of Vehicle**



The graph above shows the pass/failure rate of all Private Hire vehicle reports received by year of registration. The oldest private hire vehicles passed in comparison with the older Hackneys, but these are very low numbers. Again, there is no clear trend in pass/failure rates when the number of vehicles tested in each year is considered

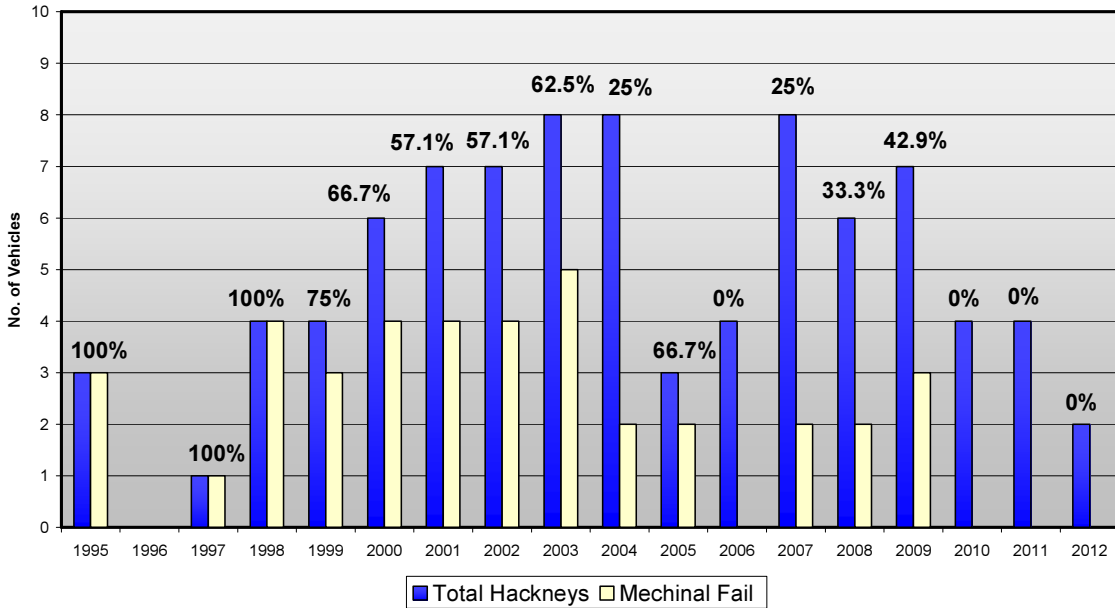


**All Vehicles: M.O.T Failure Rate By Age of Vehicle**



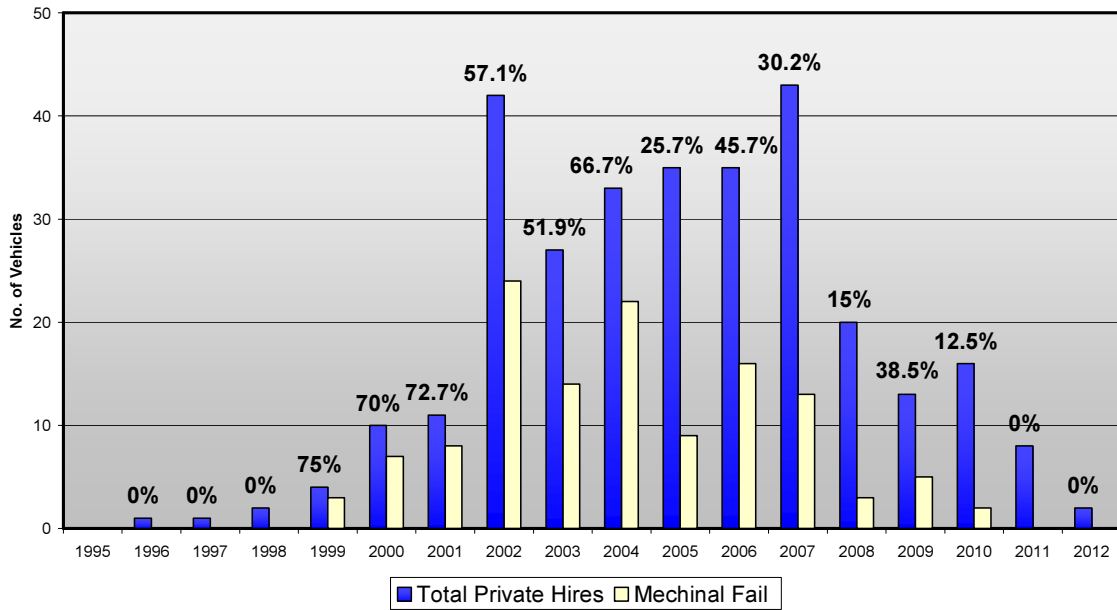
The above graph shows the overall pass/fail rate of all licensed vehicles. Again there is no clear trend bearing in mind the numbers tested from each year.

**Hackney Vehicles: % which failed M.O.T on Mechanical/ Structural Failure**



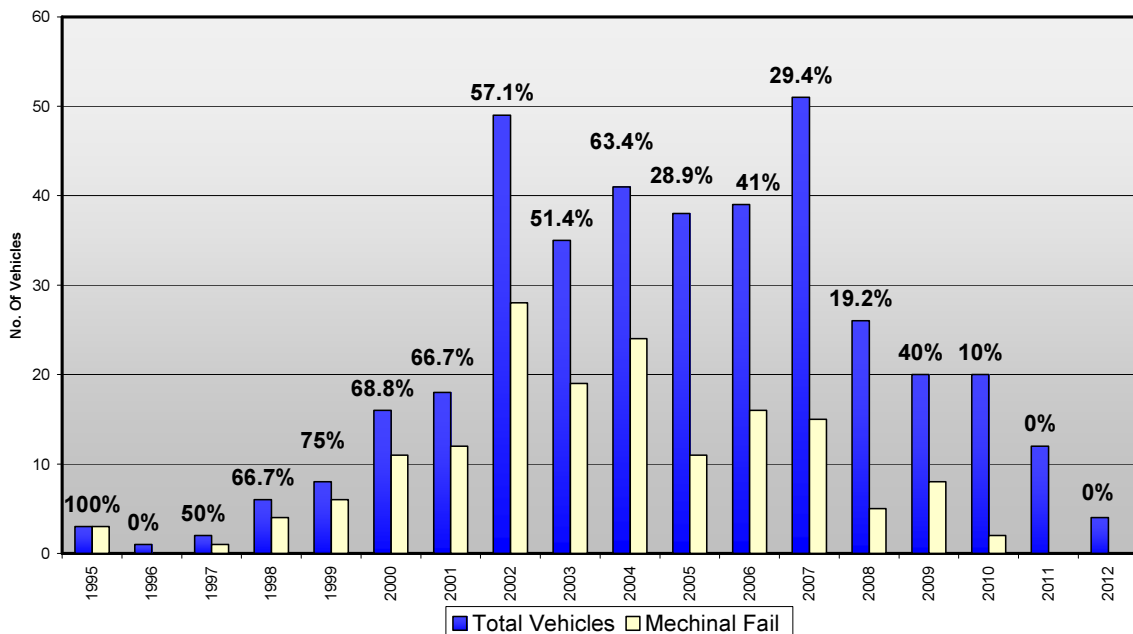
This graph shows the percentage of Hackneys from each year that failed where mechanical and structural defects were present.

**Private Hire Vehicles: % which failed M.O.T on Mechanical/ Structural Failure**



The above graph shows the percentage of Private Hire vehicles that failed the MOT where mechanical/structural defects were also present. The blue column shows the number of vehicles tested and the brown columns show the number that failed. The percentage number relates to the percentage of failures. The oldest Private Hire vehicles tested did not demonstrate mechanical/structural failures, but it should be noted that numbers tested are very low.

**All Vehicles: % which failed M.O.T on Mechanical/ Structural Failure**

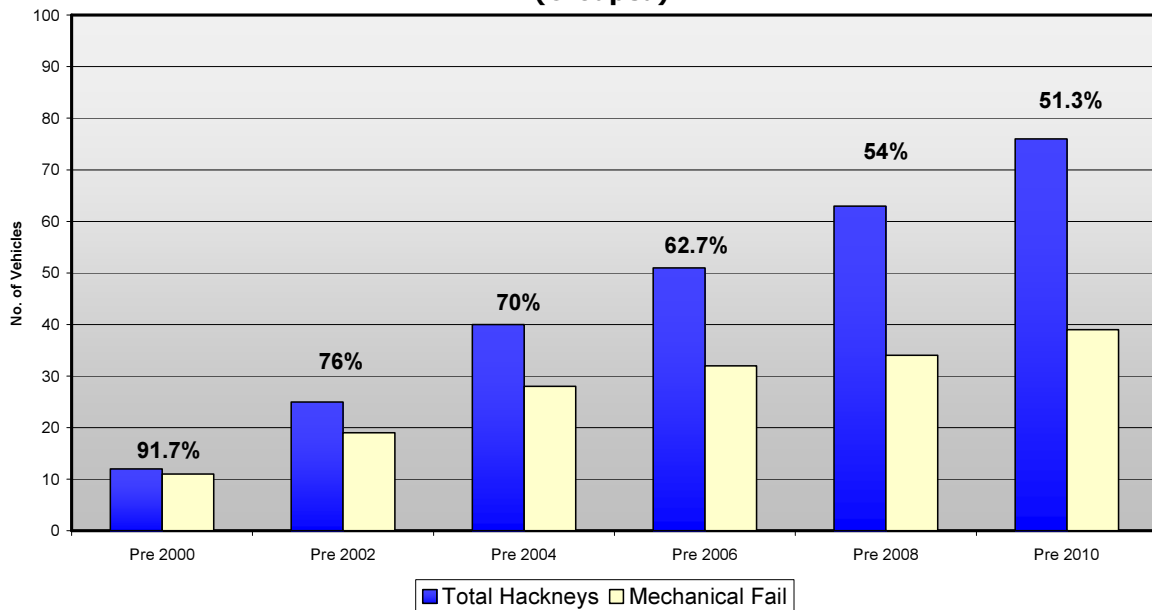


The above graph shows the percentage failure rate where mechanical or structural defects were present, and the number of vehicles tested by year. While initially it may indicate that vehicles from 2002 through to 2008 had less mechanical or structural defects this should be weighed against the considerably higher numbers of vehicles tested from those years.

The following graphs have been presented in a way which places MOT failures where mechanical/structural defects were present into age groups. This has been done to show the rate

of failures pre and post 2004. 2004 being the upper age limit in the original Age Limit proposal document. Please note that the columns are cumulative so incorporate the figures from the associated column. E.g. Pre 2004 column includes the figures in the pre 2002 and pre 2000 columns

**Hackney: % which failed M.O.T on Mechanical/ Structural Failure (Grouped)**



This graph indicates that of the 12 pre 2000 Hackneys tested, 91% failed partly due to mechanical/structural defects.

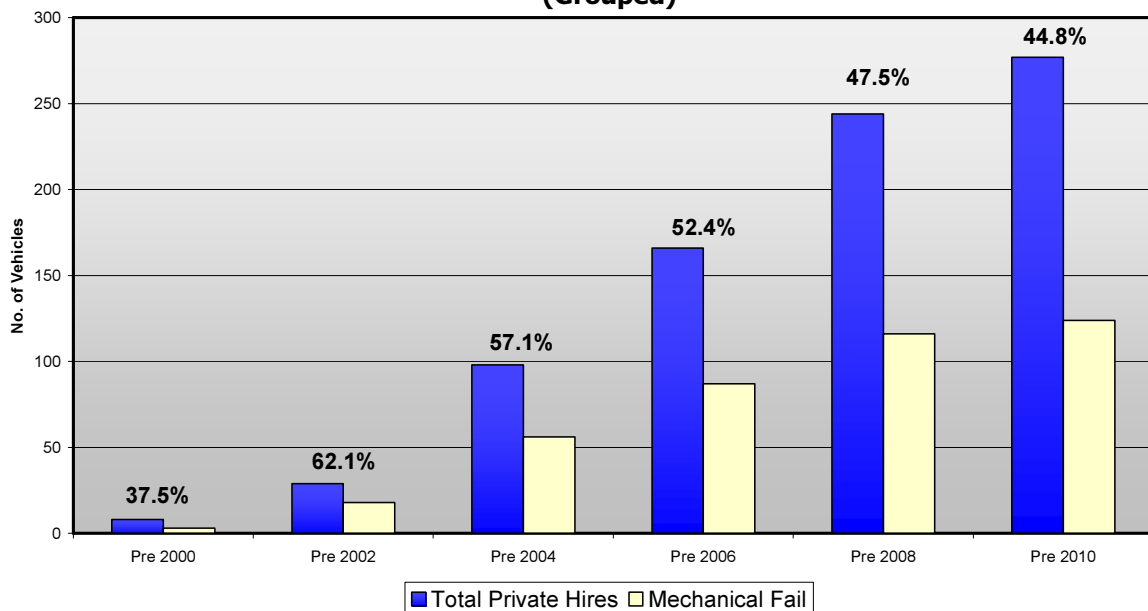
Of the 25 pre 2002 Hackneys tested, 76% failed partly due to mechanical/structural defects

Of the 40 pre 2004 Hackneys tested, 70% failed partly due to mechanical/structural defects

Of the 46 post (and including) 2004 Hackneys tested 24% failed partly due to mechanical/structural defects.

Of the 35 post (and including) 2006 Hackneys tested, 20% failed partly due to mechanical/structural defects

**Private Hire: % which failed M.O.T on Mechanical/ Structural Failure (Grouped)**



The above graph indicates that of the 9 pre 2000 Private Hire vehicles tested, 38% failed partly due to mechanical/structural defects.

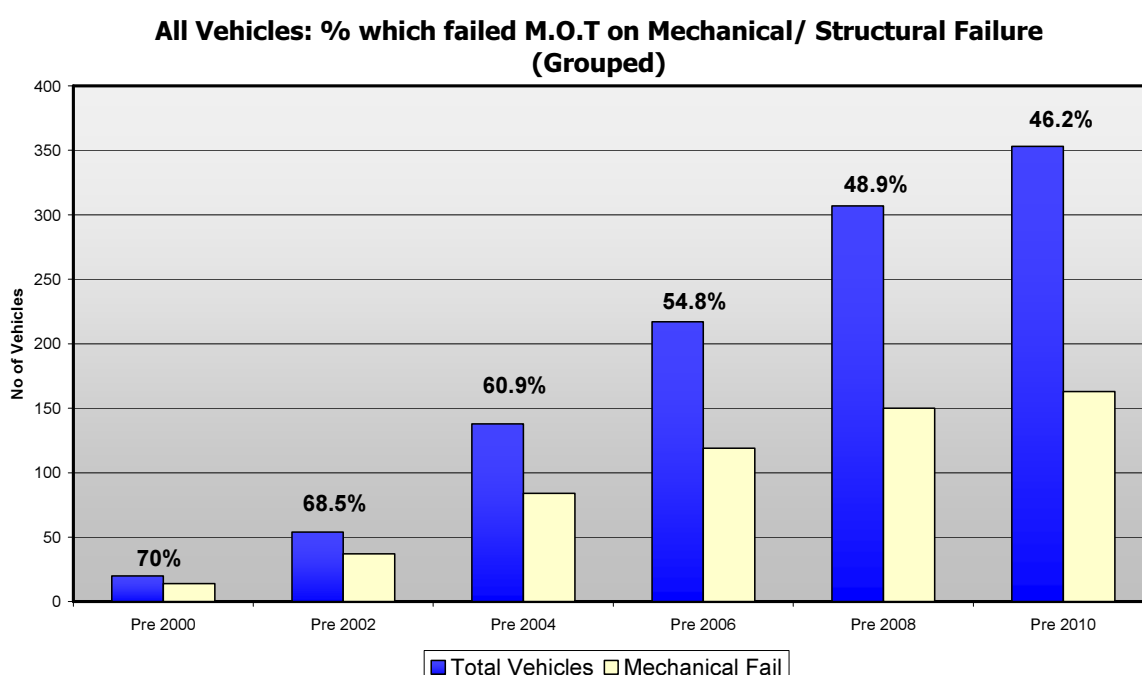
Of the 30 pre 2002 Private Hire vehicles tested, 61% failed partly due to mechanical/structural defects.

Of the 93 pre 2004 Private Hire vehicles tested, 58% failed partly due to mechanical/structural defects

Of the 205 post (and including) 2004 Private Hire vehicles tested, 32% failed partly due to mechanical/structural defects

Of the 137 post (and including) 2006 Private Hire vehicles tested, 29% failed partly due to mechanical/structural defects.

This indicates that the older Private Hire vehicles tested during this time suffered less from mechanical/structural defects than similar aged Hackneys.



The above graph captures the overall percentage failure rate where mechanical and structural defects were present. It also shows the number of vehicles tested by age group. It is clear that a higher percentage of older vehicles failed on these grounds than newer vehicles. However, there are substantially higher numbers of newer vehicles so it could be argued that if there are more vehicles then there is a higher probability that more would pass.

## 7. Upper Age Limit

### 8 years

The proposal document attached to the consultation questionnaire suggested as a guideline, an upper age limit of 8 years. The current overall failure rate where mechanical and structural defects were present of all 389 vehicles tested was 42%. If the 8 year cut off was to be introduced at this time, 138 (35.5%) of the vehicles tested would be unable to trade. The 138 vehicles would be made up of 40 Hackneys and 98 Private Hire vehicles. There would be an overall reduction in the failure rate where mechanical and structural defects are present of 10% from 42% to 32%.

## **10 years**

At this time, a 2002 cut off would remove 54 (13.9%) vehicles of the 389 tested and reduce the overall failure rate where structural/mechanical defects were present by a further 6%. The 54 vehicles would be made up of 35 Hackney Carriages and 29 private Hire vehicles.

## **12 years**

Using 12 years as a cut off would result in 20 (5.1%) of the 389 tested vehicles being unable to trade and reduce the failure rate where structural/mechanical defects were present by a further 2.5%. The 20 vehicles would be made up of 12 Hackney Carriages and 8 Private Hire vehicles.

The impact of any of the above on the owners/operators/drivers in order to achieve such a percentage reduction, also bearing in mind those vehicles of similar ages that did not have these defects would need to be taken very seriously.

On analysis of the information received there is no evidence to suggest that Hackney carriages are less susceptible to mechanical/structural defects than Private Hire vehicles. Therefore if an upper age limit was introduced it should be common to both types of vehicle.

## **8. Lower Age Limit**

There is no evidence to suggest that the lower age limit of three years currently only relevant to Hackney carriages has any relevance.

Considering the number of vehicles tested and the failure rate on mechanical/structural grounds, a more realistic lower age limit would be 5 years. The highest number of vehicles tested and the lowest failure rate was 2007. There is also no reason why, if a lower age limit was introduced, it should not be common to both Hackney and Private Hire vehicles

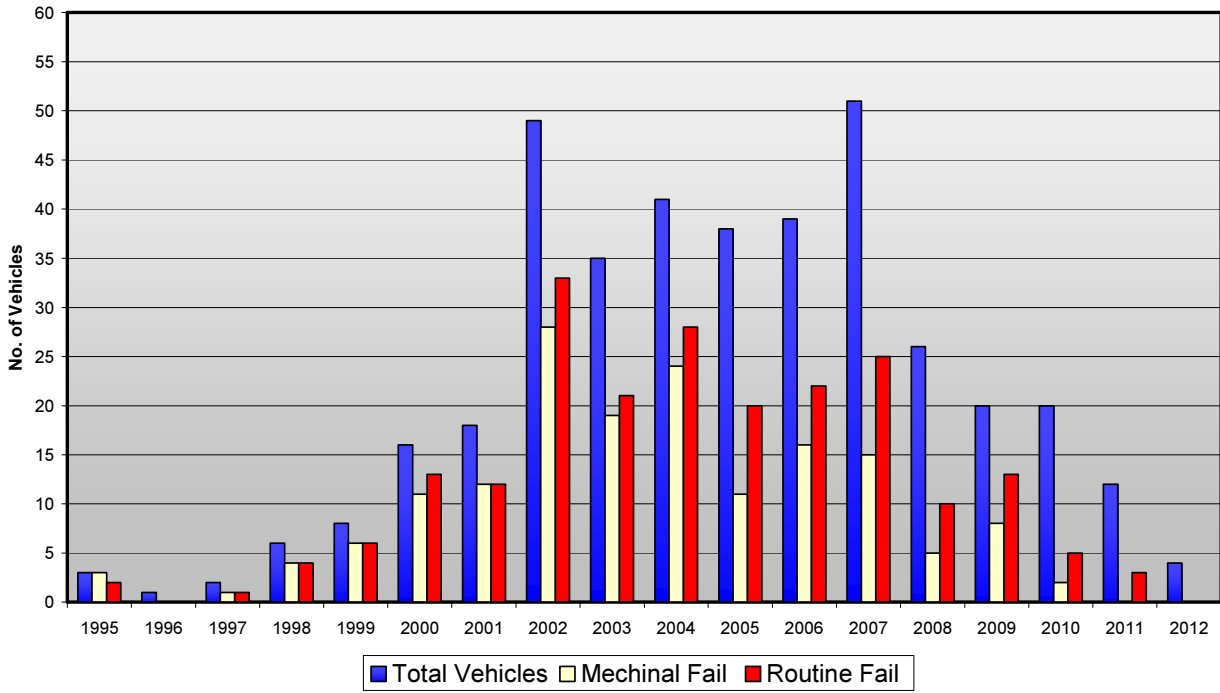
## **9. Emissions**

Of the 389 MOT reports received, only 24 listed emissions as a fault which led to failure. This would indicate that emissions are not an issue of concern in relation to Hackney and Private Hire vehicles. However, the requirement in Northampton in order to pass the emissions test is that the vehicle needs only to pass the test that was in place during the vehicle's year of manufacture. If all vehicles were tested at Euro standards level 4 or level 5, which is the latest emissions test, and has been introduced in some local authority areas, we could see a completely different perspective

## **10. Additional Observations**

While defects classed as 'routine' have been excluded from this analysis due to the fact that they can occur on any age vehicle, it has become apparent whilst undertaking this study that they should not be disregarded completely. The graph below shows that failure on routine defects matched or exceeded mechanical or structural defects on every age of vehicle post 1998. The nature and number of these routine defects that feature on a wide range and age of vehicles could seriously affect the safety or roadworthiness of a vehicle. The main observation was that it is often how the vehicle is looked after and maintained in-between MOTs by the driver/owner that is the most important factor in determining the condition of a vehicle.

### All Vehicles: Routine & Mechanical M.O.T Failures



Our ref: HS/EK/Taxi

By Email only

Mr Bill Edwards  
Licensing Department  
Northampton Borough Council

23<sup>rd</sup> November 2012

Dear Mr Edwards,

### **Taxi Consultation**

Thank you for your email dated 21<sup>st</sup> November 2012.

I would be grateful if you should kindly ensure that this letter is appended to the Committee report.

#### A. Scope

The scope of the working party, resolved at the meeting on 8<sup>th</sup> May 2012 was:-

*“To consult on potential changes to the conditions policy ...”*

The designated purpose was not to simply make the conditions policy more strict. In fact, we were reassured at the outset of the consultation process that nothing was pre-determined and if certain existing requirements were outdated or unjustified, they would be relaxed or removed.

#### B. Existing National Guidelines

*Department for Transport - Taxi & Private Hire Licensing: Best Practice Guidance (March 2010) – (DoTR)*

These guidelines were first published in October 2006 and then revised in March 2010.

The following advice is given:-

- 1) *“Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHV services, by putting up the cost of operation and otherwise restricting entry to the trade. **Local licensing authorities should recognise that too restrictive an approach can work against the public interest – and can, indeed, have safety implications**” (Section 8).*

- 2) “Local licensing authorities will, therefore, want to be sure that each of their licensing requirements is in proportion to the risk it aims to address or, to put it another way, **whether the cost of the requirement in terms of its effect on the availability of transport to the public is at least matched by the benefit to the public**, for example through increased safety” (Section 10).
- 3) “An **annual test** for licensed vehicles of whatever age seems appropriate in most cases, **unless local conditions** suggest that more frequent tests are necessary” (Section 32).
- 4) “Similarly, **for mechanical matters, it seems appropriate to apply the same criteria as those for the MOT test to taxis and PHVs** .... However, taxis and PHVs provide a service to the public, so it is also appropriate to set criteria for the **internal condition of the vehicle, although these should not be unreasonably onerous**” (Section 32).

Public Authority Transport Network: Technical Officer Group Report (TOGR)

This report contains best practice national standards, specifically for the inspection of Hackney Carriage (HC) and Private Hire Vehicles (PHV).

The report is endorsed by VOSA and the Freight Transport Association. Other parties consulted as part of its development were The Department of Transport, The Disabled Persons Transport Advisory Committee and The Institute of Licensing.

The report contains the following crucial sections:-

- 1) “Vehicle operators, **local licensing authorities** and vehicle inspectors are strongly advised to refer to the Department of Transport guide [DoTR referred to above] in conjunction with this best practice guide”. (Section 1.1)
- 2) “Local licensing authorities will want to ensure that each of their various licensing requirements is **properly justified by the risk it aims to address**” (Section 1.3).
- 3) “This best practice guide provides additional testing requirements to those of the MOT inspection manual ..... this best practice guide has been developed to provide all local licensing authorities with **a benchmark with regard to vehicle inspections and safety**” (Section 1.4).

C. Departure from National Guidelines

If a local authority is to depart from the recommended national guidelines in the two reports identified above, it must establish two things:-



1. That any additional requirement is proportionate to the risk it aims to address. An analysis is recommended on the effect of the requirement on the availability of transport to the public versus the benefit to the public of the requirement (e.g. through safety) **and**;
2. Special local conditions, geographical or otherwise.

In the present case, no cost/benefit assessment has been made. The costs, financial or crucially in terms of the effect on availability of transport, has not been considered at all.

Additionally, no special local conditions have been identified which justify departure from the national guidelines. In my submission, there are in any event no such local conditions such as remoteness, rugged terrain, harsh or extreme weather conditions etc.

Instead of analysing cost/effect on availability versus public benefit, the licensing department instead seeks incorrectly to justify the new condition policy on the basis of mileage figures and MOT failure rate.

#### *Mileage Figures*

Reliance on mileage figures to justify an even stricter condition policy is fundamentally flawed for the following reasons:-

- 1) No evidence has been provided establishing a link between vehicle mileage and dangers to public safety e.g. through accidents, injuries, breakdowns, complaints etc.
- 2) There is no measure or evidence to establish what is considered to be *high* mileage. For example, no analysis of local figures against national figures has been undertaken. This is despite the licensing officer being specifically requested by the Chair at the final consultation meeting on 14<sup>th</sup> November 2012 to analyse 1200 Northampton MOTs in order to determine the mileage figures and also to look at national figures; this has not been done.
- 3) The licensing department relies upon an incredibly small sample, using annual mileage figures from just 97 vehicles taken over a year ago during the course of just 12 weeks. This is despite the fact that data in relation to 389 vehicles is readily available and 1200 MOTs should have been analysed.
- 4) At least half of the 97 vehicle sample was selected randomly and cannot therefore show a true average even from within this very small sample group.
- 5) A further 6 mileage figures provided have been extrapolated from the basis of six monthly mileage figures; again this is clearly unsatisfactory.

- 6) The new condition policy was originally justified on the mistaken assumption that HCs and PHVs covered up to 80,000 miles per annum. Despite the fact that the licensing department's own figures now show that mileage of around 50,000 miles, one would have expected a reduction in the strictness of the proposals but this has not happened.
- 7) Mr Willsher, one of the driver representatives and a former operator has independently analysed around 200 MOTs which reveal average mileage of around 30,000 - 40,000 miles per annum. These MOTs were produced at the last consultation meeting.

#### *MOT Failure Rate*

Reliance on MOT failure rates to justify an even stricter condition policy is fundamentally flawed for the following reasons.

1. There is no evidence linking these failures to accidents, injuries, breakdowns or complaints.
2. The MOT statistics used are based on a very small sample of MOTs taken from a period of just 12 weeks.
3. The MOT failure report itself states *"it should also be stressed that this ..... cannot be utilised as an accurate assessment of the state or condition of all hackney or private hire vehicles in Northampton. It could be that if we did this exercise again in six months time a different picture could be shown."*
4. The analysis does not provide a breakdown on the routine defects identified during these MOTs. As a result, failure could have been due to a minor cosmetic issue.

#### D. The Condition Policy - Specifics

##### Tyres

The legal limit for tyre tread is 1.6 millimetres.

The TOGR recommends the MOT standard of 1.6 millimetres for HCs & PHVs.

At the final consultation meeting, all drivers representatives agreed that the statutory and TOGR standard should be used (the minutes of the meeting have not recorded this correctly).

Despite the above, it is proposed to use a limit of 2.0 millimetres.

In order to justify departure from the national guidelines, the licensing department need to satisfy the requirements set out at C1 & 2 above of this letter. This has not been done.

#### Brake pad lining

The legal limit is 1.5 millimetres.

The TOGR recommends the same MOT standard for HCs and PHVs.

At the last consultation meeting, the Chair confirmed that Council would be willing to implement a 1.5 millimetre limit, stating that if a problem arose, this could be revisited in 12 months time.

Despite the above, a limit of 2.0 millimetres remains in the final version of the policy.

In order to justify departure from the national guidelines, the licensing department need to satisfy the requirements set out at C1 & 2 above of this letter. This has not been done.

#### Wheel rims

In response to my letter dated 2<sup>nd</sup> November 2012, it was agreed at the last consultation meeting that the words “*and specifications fitted at manufacture*” would be removed. This has not been done.

#### Spare wheel

In response to my letter dated 2<sup>nd</sup> November 2012, it was agreed the final consultation meeting that approved tyre well spray cans would be acceptable. However, the relevant section has not been amended in the final version of the policy.

#### Exterior condition

In response to my letter dated 2<sup>nd</sup> November 2012 and following discussion at the final consultation meeting, it was agreed that:-

1. Sections 2(a)-(c) would be retained.
2. Sections 2(d)-(k) would be removed in their entirety and substituted with the following words “*any damage which detracts from the overall appearance of the vehicle*” or words substantially to that effect.

The words appearing in the final version of the policy are not those agreed during the consultation. The information note is also entirely new and was not discussed or consulted upon. Further, the new requirement that all vehicles are expected to be “*presented as close as possible to that as it was at the manufacturer allowing for its age*” is unduly onerous.

In order to justify departure from the national guidelines, the licensing department need to satisfy the requirements set out at C1 and 2 above of this letter. This has not been done.

Conclusion

All of the necessary research, analysis, consultation and thinking has already been done and is contained within the two national reports (DoTR and TOGR).

The combined effect of the two national reports is the setting of standards above and beyond the VOSA MOT test *but* on the basis on annual testing (not 6 monthly).

Northampton HCs and PHVs are currently subject to more frequent tests than is nationally recommended i.e. 2 tests rather than 1 per year.

However, in addition, it is now proposed to make the inspection test even stricter than the already strict standard recommended by the two national reports. This is precisely what the Department of Transport warned against in section 8 of its report (above).

I would ask that these matters be carefully considered before a final decision is made.

Yours sincerely,

Mr Hassan Shah  
SP Law LLP

## Appendix 6(a)

Dear Mr Edwards,

With reference to your recent email regarding amended draft document, I would like to briefly submit some of the points inter alia as follows:

1 My previous three responses should be read as an integral part of this letter.

2 The introduction and section 1 of this manual is very ill drafted and even laughable to certain extents. Introduction doesn't make any sense pertaining to synopsis, and it doesn't correspond to the most of section 1. The same is the case to the extent, as with additional requirements other than the TOGR, in the rest of the amended draft.

3 This amended draft suggests that licensing department haven't paid any heed to the submissions, I have been making in terms of gunning principles. No reasons have been given in the introduction, as the basis for these proposals. There is no clarity about the Annual or Mid year MOT in the amended draft.

4 The Hackney Carriage and Private Hire Inspection Technical Officer Group, Public Authority Transport Network/Freight Transport Association, considered the number of miles taxi vehicles do, in relation to tyre treads and brake lining limit , before producing the minimum standards as set out in the 'Best Practice Guide for the Inspection of Hackney Carriage and Private Hire Vehicles. If there guideline is 1.6 mm then there can be no justification what's so over, for over riding the superior knowledge and increase that to 2 mm. For the same technical and legal reasons I surrendered to the rational approach of Mr. Shah on this subject.

It is apparent from the course of actions taken by the licensing department so far, that the decision has already been made, which is itself the direct violation of the first gunning principle 'Proposal at a formative stage'. The obvious point of Gunning principle (i) is that the decision-maker cannot consult on a decision that it has already made. Otherwise, consultation is not only unfair – the outcome has been pre-determined -- but it is pointless. I would very respectfully rely on some of the judgements as below

- (a) (R v. Worcestershire Health Council, ex parte Kidderminster & District Community Health Council [1999] EWCA (Civ) 1525, per Simon Brown LJ).
- (b) Royal Brompton & Harefield NHS Foundation Trust v Joint Committee of Primary Care Trusts [2011] EWHC 2986 (Admin) at [16],
- (c) R(Bailey) v Brent LBC [2011] EWHC 2572 (Admin),
- (d) R (Sardar) v. Watford Borough Council [2006] EWHC 1590 (Admin) at [29] per Wilkie J)
- (e) R (Madden) v. Bury MBC [2002] EWHC 1882 (Admin),
- (f) R (Medway Council) v. Secretary of State for Transport [2002] EWHC 2516 (Admin),

The crux of the matter in the whole proposal is that TOGR shall apply in conjunction with Annual MOT or MID year MOT. The Technical Officer Group considered the mileages undertaken by the vehicles in a year time and after considering the same they produced those guidelines. The reason for producing these guidelines itself was because of the excess miles taxi vehicles do, otherwise there was no need of TOGR in the first place. Hence therefore the approach and reasoning adopted by you so far for 2 MOT plus TOGR is highly inappropriate. I would be obliged to provide you with any further assistance if required in this regard.

Thanks with regards,

Muhammad Jadoon

# Northampton Hackney Carriage Drivers Association

## Suggested Compromise to the abolition of `3 year rule`

Until 31<sup>st</sup> December 2013 Taxis must be less than 3 years old to be introduced into the Borough.

From 1<sup>st</sup> January 2014 until 31 December 2014 Taxis must be less than 4 years old to be introduced into the Borough.

From 1<sup>st</sup> January 2015 until 31<sup>st</sup> December 2015 Taxis must be less than 5 years old to be introduced into the Borough.

From 1<sup>st</sup> January 2016 until 31<sup>st</sup> December 2016 Taxis must be less than 6 years old to be introduced into the Borough.

From 1<sup>st</sup> January 2017 until 31<sup>st</sup> December 2017 Taxis must be less than 7 years old to be introduced into the Borough.

PAUL BRUERE

CHAIRMAN

JONATHAN HILLS

SECRETARY

**Appendices**

**A. Proposed fees**

**B. EIA**



**NORTHAMPTON**  
BOROUGH COUNCIL

## LICENSING COMMITTEE REPORT

<b>Report Title</b>	<b>Review of Hackney and Private Hire Fees</b>
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**AGENDA STATUS: PUBLIC**

<b>Committee Meeting Date:</b>	<b>11 December 2012</b>
<b>Policy Document:</b>	<b>Hackney/Private Hire Licence Fees</b>
<b>Directorate:</b>	<b>Customers and Communities</b>

### 1. Purpose

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1.1 To review and consult on the Councils Licence Fees applicable to Hackney vehicles and drivers, and Private Hire operators, vehicles and drivers.

### 2. Recommendations

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2.1 That with effect from 1 April 2013 the above fees be revised in line with the recommendations at Appendix A.

2.2 That the proposed increase is advertised in the local press in line with legal requirements.

2.3 That consultation should take place with those who are subject to the increase even though there is no legal requirement to do so, and that any objections should be considered before any increase is implemented.

### 3. Issues and Choices

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#### 3.1 Report Background

Licensing Committee of 4 November 2008 and Cabinet of 20 May 2009 resolved that hackney carriage and private hire licence fees should be increased with effect from 1 June 2009 to their current level. They have not been increased since that date.

At the time of this report the current number of drivers, vehicles and operators licensed by Northampton Borough Council is.



Hackney/Private Hire Drivers	935
Hackney/Private Hire Vehicles	700
Private Hire Operators	56

Application and renewal fees for the above will not have seen any increase for 4 years but during this period the cost of administration, compliance checks, computer software, manufacture of plates and badges, and officer time involved has increased.

The fees that may be charged for licenses are governed by legislation which requires that the Council sets fees intended to recover up to its reasonable costs and does not charge a fee which is intended to make a profit. The Council may therefore seek to charge less than cost, but not seek to charge more than cost.

### 3.1 Choices (Options)

3.3.1 **Allow fees to remain unchanged.** This would not take into account the increasing cost of administration, enforcement, computer software and the cost of the materials used in making the plates and badges. This would mean that the Council Tax Payer meets a greater part of the costs that would be the case if these charges are raised now.

3.3.2 **Recommend an increase in fees by less.** This would not take into account the increasing cost of administration, enforcement, computer software and the cost of the materials used in making the plates and badges. This would mean that Council Tax payers meet a greater part of the costs than would be case if these charges are raised.

3.3.3 **Recommend different increases.** It would be possible to vary the charges for individual elements in other ways, and it is suggested that a review of fees will need to look closely at what costs are actually attributable to what class of license. However the information needed to vary the pattern of charges is not yet available.

3.3.4 **Recommend the proposed increases.** Thereby reducing the burden on Council Tax Payers.

3.3.5 **It is not possible to implement charges which would create a surplus.**

## 4. Implications (including financial implications)

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### 4.1 Policy (Hackney and Private Hire Licensing)

There are no new policy implications.

### 4.2 Resources and Risk

4.2.1 The estimated increase in revenue if these proposals are adopted will pay for the increase in costs in both administration and compliance.

4.2.2 A recent income/expenditure analysis carried out by the finance department shows that the service is subsidised at this time.

### **4.3 Legal**

4.3.1 The Local Government (Miscellaneous Provisions) Act 1976, S53 (2) allows the Local Authority to set fees in respect of drivers licences for both Hackney Carriages and Private Hire Vehicles.

4.3.2 S70 of the same act allows a local authority to set fees in respect of Hackney Carriage proprietor's licences, Private Hire Vehicle licences and Private Hire Operator's licences.

4.3.3 The cost of a licence has to be related to the cost of the licensing scheme itself, and can be set to be subsidised by the Council but cannot be set to make a surplus.

### **4.4 Equality**

4.1.1 An equality impact assessment has been undertaken and the key equalities factor was identified as being a negative financial impact on the trade if the increase in fees is introduced. (APPENDIX B)

4.1.2 There will be no change in the fees associated with vehicle testing.

### **4.4 Resources and Risk**

4.5.1. There is no recognised financial risk, the Licensing Team will continue to administer and enforce the issue of Hackney and Private Hire Licenses.

The estimated increase in revenue if these proposals are adopted will pay for the increased costs in both administration and compliance.

### **4.5 Consultees (Internal and External)**

Legal

Finance.

### **4.6 Background Papers**

Local Government (Miscellaneous Provisions) Act 1976. (Relating to Hackney and Private Hire fees).

Taxis-Licensing Law and Practice – James Button.

Report Author: Philip Bayliss .  
Senior Licensing officer  
X7099

## APPENDIX A

LICENCE		2012/13	2013/14
New Grant/ Renewal		45.50	50.00
Renewal of licence with CRB		91.50	101.00
Failure to attend Appointment		10.00	15.00
Combined New Grant / Renewal		57.00	63.00
Hackney Carriage written Test		50.00	55.00
Replacement HC or PH Badge		15.00	20.00
Replacement HC or PH Licence		20.00	25.00
Temporary Private Hire/ Hackney Badge		10.00	15.00
New Private Hire/Hackney Application (inc bracket)		90.00	99.00
Vehicle Licence every 6 months		85.00	93.00
Transfer of vehicle		10.00	12.00
Replacement Vehicle Plate		15.00	16.00
Replacement Vehicle Licence		20.00	22.00
Replacement Platform Plate		10.00	15.00
Replacement Condition Booklet		5.00	6.00
Replacement Fixing Bracket		10.00	15.00
	<b>Vehicles</b>		
New Private Hire Operators Licence		300.00	330.00
Operator Number of Vehicles	1	200.00	220.00
	2-5	300.00	330.00
	6-9	400.00	44.00
	20-29	500.00	550.00
	30-39	600.00	660.00
	40-49	700.00	770.00
	50-59	800.00	880.00
	60-69	900.00	990.00
	70-99	1000.00	1100.00
	100-149		1300.00*
	150-199		1500.00*
	200+		1800.00*
Notification – Change of operator		200.00	220.00
Driver Induction Course		350.00	370.00
Recovery of monies, cheque not honoured		30.00	35.00

\*These new fees have been introduced in order that cost can relate more to the size of our current Private Hire Operators. Over recent years companies have increased the number of vehicles that they operate and a fee has been introduced to account for the increased work load that this entails.

## APPENDIX B

# Equality Impact Assessment Part 1: Screening



When reviewing, planning or providing services Northampton Borough Council needs to assess the impacts on people. Both residents and staff, of how it works - or is planning to – work (in relation to things like disability). It has to take steps to remove/minimise any harm it identifies. It has to help people to participate in its services and public life. “**Equality Impact Assessments**” (EIAs) prompt people to think things through, considering people’s different needs in relation to the law on equalities. The first stage of the process is known as ‘screening’ and is used to come to a decision about whether and why further analysis is – or is not – required. EIAs are published in line with transparency requirements.

A helpful guide to equalities law is available at: [www.northampton.gov.uk/equality](http://www.northampton.gov.uk/equality). A few notes about the laws that need to be considered are included at the end of this document. Helpful questions are provided as prompts throughout the form.

<b>1 Name of policy/activity/project/practice</b>	This is a proposal to increase the fees for Hackney and Private Hire Vehicles, Drivers and Operators.
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<b>2. Screening undertaken (please complete as appropriate)</b>	
Director or Head of Service	Steve Eley
Lead Officer for developing the policy/activity/practice	Philip Bayliss
Other people involved in the screening (this may be people who work for NBC or a related service or people outside NBC)	Steve Eley, Debbie Ferguson, Licensing Legal Team, Silvina Katz, Communications Team.

**3. Brief description of policy/activity/project/practice: including its main purpose, aims, objectives and projected outcomes, and how these fit in with the wider aims of the organisation.**

**Please note that the increase relates to both Hackney Carriages and Private Hire Vehicles and Operators.**

- To request that the Licensing committee determine whether an increase in fees relating to Hackney and Private Hire vehicles and drivers and Operators are appropriate and justified at this time. We will be advertising the proposed increases in a local newspaper and consulting with stakeholders to identify issues and consider any objections to the proposed increases.

The Local Government (Miscellaneous Provisions) Act 1976, S53 (2) allows the Local Authority to set fees in respect of drivers licences for both Hackney Carriages and Private Hire vehicles.

In adopting the Local Government (Miscellaneous Provisions) Act 1976 The Local Authority is able to levy fees in respect of driver's licences for both Hackney Carriages and Private Hire drivers (sec 53(2)) and Hackney Carriage Proprietor licenses and Private Hire vehicle and Operator licenses (sec 70).

The authority does not have the discretion to charge whatever it likes for a licence. The cost of the licence has to be related to the cost of the scheme itself.

**4 Relevance to Equality and Diversity Duties**

- By increasing the licence fees for hackney carriages, private hire vehicles, drivers and operators all licence holders will be subject to the increase. All groups identified as being affected will be affected equally.
- The consultation when carried out will establish whether there are valid objections to any increase in fees.
- The consultation itself will provide evidence of any significant impact on any group and whether the increase would create financial hardship.
- Any decision must be made taking into consideration the current financial climate.
- There would also be an indirect effect on the paying public as increased costs to the trade would be passed on to customers.

If you have indicated there is a negative impact on any group, is that impact:

**Legal?**

**Yes**  
**No**

**Please explain:** We are consulting with all interested parties including those owners

who may be affected by the proposals.

There is no intention for the proposal to have a negative impact on any particular group. The proposal is aimed at recovering the cost of the licensing service to the council. If this is not achieved the service will run at a deficit.

## 5 Evidence Base for Screening

Equality Human Rights Commission

<http://www.equalityhumanrights.com/resources/case-studies-of-how-organisations-are-using-the-duties/case-studies-equality-impact-assessments/>

Vehicle Owner Ethnicity - NBC Licensing Records.

## 6 Requirements of the equality duties:

(remember there's a note to remind you what they are at the end of this form and more detailed information at [www.northampton.gov.uk/equality](http://www.northampton.gov.uk/equality))

Will there be/has there been consultation with all interested parties?

### No but it is intended

Initial consultation has taken place internally with both legal and finance to ensure we are proceeding with this process in the correct way.

Once the increase has been advertised in a local newspaper there will be a 28 period for any person to make their objections.

Any objections received will then be considered by the Licensing Committee.

### Are proposed actions necessary and proportionate to the desired outcomes?

#### Yes

We are required to advertise the proposed increase in fees and give a reasonable time for any objections to be made. We are aware of the potential impact and are therefore not predetermining any decision. We feel that the introduction of these proposals are reasonable to assess our desired outcomes of cost recovery.

### Where appropriate, will there be scope for prompt, independent reviews and appeals against decisions arising from the proposed policy/practice/activity?

#### Yes

Any decision taken by the Licensing Committee can be appealed through the Magistrates Court and by Judicial review

**Does the proposed policy/practice/activity have the ability to be tailored to fit different individual circumstances?**

**No**

An increase in fees will apply to the whole of the trade.

Where appropriate, can the policy/practice/activity exceed the minimum legal equality and human rights requirements, rather than merely complying with them?

**From the evidence you have and strategic thinking, what are the key risks (the harm or ‘adverse impacts’) and opportunities (benefits and opportunities to promote equality) this policy/practice/activity might present?**

	Risks (Negative)	Opportunities (Positive)
Race	<p>There would not be a disproportionate negative impact on drivers/owners from minority backgrounds.</p> <p>However any increase in fees could result in an increase in fares or a reduction in the number of vehicles available.</p>	
Disability	<p>The introduction of the proposals should not result in a reduction of wheelchair accessible vehicles. Fees will apply to all vehicles.</p> <p>However any increase in fees could result in an increase in fares or a reduction in the number of vehicles available.</p>	
Gender or Gender Identity/Gender Assignment	<p>No risks have been identified at this stage.</p> <p>However any increase in fees could result in an increase in fares or a reduction in the number of vehicles available.</p>	
Pregnancy and Maternity (including breastfeeding)	<p>No risks have been identified at this stage.</p> <p>However any increase in</p>	

	fees could result in an increase in fares or a reduction in the number of vehicles available.	
Sexual Orientation	No risks have been identified at this stage.  However any increase in fees could result in an increase in fares or a reduction in the number of vehicles available.	
Age (including children, youth, midlife and older people)	No risks have been identified at this stage.  However any increase in fees could result in an increase in fares or a reduction in the number of vehicles available.	
Religion, Faith and Belief	No risks have been identified at this stage.  However any increase in fees could result in an increase in fares or a reduction in the number of vehicles available.	
Human Rights	No risks to Human rights have been identified at this stage.  However any increase in fees could result in an increase in fares or a reduction in the number of vehicles available.	

## 7 Proportionality

The objection period will attempt to ensure that all groups have an opportunity to input into this process.

All drivers and owners will be contacted and provided with the information they need.

There could be a negative response from the trade as would be expected having regard to the current financial climate.



**8 Decision**

Set out the rationale for deciding whether or not to proceed to full impact assessment

**Date of Decision:** .../.../20...

**EITHER: We judge that a full impact assessment is not necessary since:**

**OR: We judge that a full impact assessment is necessary since:**

**1. Equality Duties to be taken into account in this screening include:**

**Prohibited Conduct under The Equality Act 2010 including:**

Direct discrimination (including by association and perception e.g. carers); Indirect discrimination; Pregnancy and maternity discrimination; Harassment; third party harassment; discrimination arising from disability.

**Public Sector Duties (Section 149) of the Equality Act 2010 for NBC and services provided on its behalf: (due to be effective from 4 April 2011)**

NBC and services providing public functions must in providing services have due regard to the need to: **eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between different groups.** 'Positive action' permits proportionate action to overcome disadvantage, meet needs and tackle under-representation.

**Rights apply to people in terms of their "Protected Characteristics":**

Age; Gender; Gender Assignment; Sexual Orientation; Disability; Race; Religion and Belief; Pregnancy; Maternity. But Marriage and Civil Partnership do not apply to the public sector duties.

**Duty to "advance equality of opportunity":**

The need, when reviewing, planning or providing services/policies/practices to assess the impacts of services on people in relation to their 'protected characteristics', take steps to remove/minimise any negative impacts identified and help everyone to participate in our services and public life. **Equality Impact Assessments** remain best practice to be used. Sometimes **people have particular needs** e.g. due to gender, race, faith or disability that need to be addressed, not ignored. NBC must have due regard to the **duty to make reasonable adjustments** for people with disabilities. NBC must **encourage people who share a protected characteristic to participate in public life** or any other activity in which their participation is too low.

**Duty to 'foster good relations between people'**

This means having due regard to the need to **tackle prejudice** (e.g. where people are picked on or stereotyped by customers or colleagues because of their ethnicity, disability, sexual orientation, etc) and **promote understanding**.

**Lawful Exceptions to general rules:** can happen where action is proportionate to achieve a legitimate aim and not otherwise prohibited by anything under the Equality Act 2010. There are some special situations (see Ch 12 and 13 of the Equality Act 2010 Statutory Code of Practice – Services, Public Functions and Associations).

**2. National Adult Autism Strategy (Autism Act 2009; statutory guidelines) including:**

3. to improve how services identify and meet needs of adults with autism and their families.

**4. Human Rights include:**

5. Rights under the European Convention include not to be subjected to degrading **treatment; right to a fair trial** (civil and criminal issues); **right to privacy** (subject to certain exceptions e.g. national security/public safety, or certain other specific situations); **freedom of conscience** (including religion and belief and rights to manifest these limited only by law and as necessary for public safety, public order, protection of rights of others and other specified situations); **freedom of expression** (subject to certain exceptions); **freedom of peaceful assembly and to join trade unions** (subject to certain exceptions); **right not to be subject to unlawful discrimination** (e.g. sex, race, colour, language, religion, political opinion, national or social origin); **right to peaceful enjoyment of own possessions** (subject to certain exceptions e.g. to secure payment of taxes or other contributions or penalties); **right to an education; right to hold free elections by secret ballot.** The European Convention is given effect in UK law by the Human Rights Act 1998.

Appendices

- A. Amended House to House Regs.
- B. Amended Street Collection Regs.
- C. Guidance Public Charitable Colls
- D. List of Exempt Charities.



**NORTHAMPTON**  
BOROUGH COUNCIL

## LICENSING COMMITTEE REPORT

<b>Report Title</b>	<b>Review of Street Collections Policy</b>
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**AGENDA STATUS: PUBLIC**

<b>Committee Meeting Date:</b>	<b>11<sup>th</sup> December 2012</b>
<b>Policy Document:</b>	<b>Street Collections</b>
<b>Directorate:</b>	<b>Customers and Communities</b>

### 1. Purpose

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1.1 To review the Councils Street and House to House Collections Conditions in line with the new Charities Act 2011.

### 2. Recommendations

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2.1 That with effect from 11<sup>th</sup> December 2012 the above Conditions be revised in line with the new Charities Act 2011.

### 3. Issues and Choices

---

#### 3.1 Report Background

The Charities Act 2011 came into effect on 14 March 2012. It is the Act of Parliament which sets out how all charities in England and Wales are registered and regulated.

- This Act repeals and replaces the four pre-existing Acts below:
- most of the Charities Acts 1992, 1993 and 2006
- all of the Recreational Charities Act 1958

It doesn't replace the sections in the Charities Acts about fundraising which haven't taken effect yet, eg charitable collections in public places. These are the permits that are issued by the local authority. These were last amended in 1947 when the authority to issue permits became the responsibility of the Local Authority.

The 2011 Act is intended to make the law easier to understand by replacing four Acts of Parliament with one, it doesn't make any changes to the law.

Although the regulations have not yet been amended to include House to House and Street Collections, due to the lack of a time scale when these will be introduced current conditions need to be revisited.

The new act will not affect those 'Exempt Charities' (43 in total), these charities are able to collect without a permit issued by the Local Authority although the Council should be notified when a collection is to take place.

### **3.2 Issues**

3.2.1 There are no known issues.

### **3.3 Choices (Options)**

3.3.1 To introduce the revised conditions as at Appendix 1 and Appendix 2.

3.3.2 To retain the current conditions pending the change in regulations from Central Government.

## **4. Implications (including financial implications)**

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### **4.1 Policy**

4.1.1 This report will amend current conditions.

### **4.2 Resources and Risk**

4.2.1 There is no recognised financial risk, the Licensing Team will continue to administer and enforce the issue of permits.

### **4.3 Legal**

4.3.1 [The Charities Act 2011](#) does not repeal any of the other acts, but it makes the legislation easier to follow and clarifies a number of ambiguities in the original legislation.

### **4.4 Equality**

4.4.1 There are no known equality issues each application will continue to be considered on its own merits in line with those conditions imposed by the council.

### **4.5 Consultees (Internal and External)**

4.5.1 Legal.

Public protection.

## **4.6 Other Implications**

4.6.1 N/A

## **5. Background Papers**

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- 5.1 Charities Act 2011.
- 5.2 Charities Act 2011 Home Office Guidance.
- 5.3 Northampton Borough Council House to House Collection Conditions.(App.A)
- 5.4 Northampton Borough Council Street Collection Conditions. (Appendix B)

Report Author: Philip Bayliss .  
Senior Licensing officer  
X7099



Although the Charities Act 2011 was introduced on 14<sup>th</sup> March 2011, those regulations relating to Street and House to House collections remain and have yet to be introduced. The above Act and regulations contain important provisions for the regulation of House to House Collections for charitable purposes, and prescribe fines and/or imprisonment for offences against the Act or the Regulations.

## **HOUSE TO HOUSE COLLECTIONS ACT 1939**

### **House to House Collections Regulations 1947 (as amended)**

1. Except in cases specified in paragraphs 3 and 4:-  
No collection in any locality for a charitable purpose may be made unless the promoter is licensed by the Licensing Authority for the area comprising that locality, and the collectors are authorised by the promoter.
2. Application for a licence must be made in the prescribed manner. The Licensing Authority cannot grant a licence for a period longer than twelve months and may refuse a licence or, where granted, may revoke it, in circumstances specified in the Act.  
  
There is a Right of Appeal to the Secretary of State against the refusal or the revocation of a licence, within fourteen days of the date on which notice is given of the refusal or the revocation.
3. Where the Secretary of State is satisfied that a person pursues a charitable purpose throughout the whole, or a substantial part, of England and Wales, and is desirous of promoting collections for that purpose, the Secretary of State may by Order direct, in effect, that such person shall be exempt from the requirement to obtain licences from the Licensing Authority, as respects all collections for that purpose in such localities as may be described in the Order. (Those Exempt Charities are attached).
4. Where the Chief Constable of the police areas comprising a locality in which a collection for a charitable purpose is being, or proposed to be, made is satisfied that the purpose is local in character, and that the collection is likely to be completed within a short period, he may grant to the person who appears to him to be principally concerned in the promotion of a collection a Certificate in the prescribed form; and where a Certificate is so granted, a Licence from the Licensing Authority is not required, and the provisions of the Regulations (as to which see paragraph 5 below) shall not apply to a collection made in conformity with such Certificate.
5. Regulations have been made by the Secretary of State under the Act. The Regulations include the following, amongst other provisions-

- (a) every promoter of a collection must exercise all due diligence to secure that collectors are fit and proper persons and that they are authorised to act as collectors; and to secure compliance by collectors with the Regulations;
- (b) no promoter of a collection shall permit any person to act as a collector unless he has issued to that person-
  - (i) a prescribed Certificate of Authority;
  - (ii) a prescribed Badge; and
  - (iii) if money is to be collected, a Collecting Box marked, or a Receipt Book (with receipts and counterfoils or duplicates consecutively numbered) marked on every receipt, with a general indication of the purpose of the collection, and a distinguishing number.
- (c) In the case of a collection in respect of which a Licence has been granted, every Certificate of Authority shall be given a form obtained from The Stationery Office, and every prescribed Badge shall be so obtained.
- (d) No person under the age of 16 years shall act or be authorised to act as a collector of money.
- (e) No collector shall importune any person to the annoyance of such person, or remain in, or at the door of, any house if required to leave by the occupant thereof.
- (f) The promoter of a collection must, within one month of the expiry of the licence, furnish an account of the collection in the form prescribed to the licensing authority or the Secretary of State, as the case may be.

## DEFINITIONS

6. **“Charitable Purpose”** means any charitable, benevolent, or philanthropic purpose.

**“Collection”** means an appeal to the public, made by means of visits from house to house, to give whether for consideration or not, money or other property; and **“Collector”** means a person who makes the appeal in the course of such visits.

**“House”** includes a place of business.

**“Proceeds”** means, in relation to a collection, all money and all other property given, whether for consideration or not, in response to the appeal.

**“Promoter”** means a person who causes others to act as collectors for the purposes of the collection.

## FURTHER INFORMATION

7. For further information, reference should be made to the Act and Regulations which are obtainable from The Stationery Office, PO Box 29, Norwich, NR3 1GN, or through any bookseller. Telephone (General Enquiries) 0870 600 5522.



**NORTHAMPTON  
BOROUGH COUNCIL**

(a)

**REGULATIONS MADE BY NORTHAMPTON BOROUGH COUNCIL  
WITH REGARD TO STREET COLLECTIONS**

In exercise of the powers conferred upon it by Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916, as amended by Section 251 of the Local Government Act 1972 and Schedule 29 to the Act, Northampton Borough Council hereby makes the following Regulations with respect to the places where and the conditions under which persons may be permitted in any street or public places within the district of Northampton to collect money for the benefit of charitable or other purposes:-

1. In these Regulations, unless the context otherwise requires -  
“collection” means a collection of money or a sale of articles for the benefit of charitable or other purposes and the word “collector” shall be constructed accordingly;  
  
“promoter” means a person who causes others to act as collectors;  
  
“the Borough Council” means Northampton Borough Council;  
  
“permit” means a permit for a collection;  
  
“contributor” means a person who contributes to a collection for the benefit of charitable or other purposes;  
  
“collecting box” means a box or other receptacle for the reception of money from contributors.
2. No collection, other than a collection taken at a meeting in the open air, shall be made in any street or public place within the Borough of Northampton unless a promoter shall have obtained from the Borough Council a permit.
3. Application for a permit shall be made in writing not later than one month before the date on which it is proposed to make the collection. The Borough Council may reduce the period of one month if satisfied that there are special reasons for so doing.

Note: . Northampton Borough Council will only issue permits for charities that directly benefit the residents of Northampton, or with a local contact.

This will not apply to nationally recognised charities.



4. No collection shall be made except upon the day and between the hours stated in the permit.
5. The Borough Council may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.
6. (1) No person may assist or take part in any collection without the written authority of a promoter.  
  
(2) Any person authorised under paragraph (1) above shall produce such written authority forthwith for inspection on being requested to do so by duly authorised officer of the Borough Council or any constable.
7. No collection shall be made in any part of the carriageway of any street which has a footway.

Provided that the Borough Council may, if it thinks fit, allow a collection to take place on the said carriageway where such collection has been authorised to be held in connection with a procession.

8. No collection shall be made in a manner likely to inconvenience or annoy any person.
9. No collector shall importune any person to the annoyance of such person.
10. (a) a collector shall remain stationary; and  
(b) a collector or two collectors together shall not be nearer to another collector than 25 metres;

Provided that the Borough Council may, if it thinks fit, waive the requirements of this Regulation in respect of a collection which has been authorised to be held in connection with a procession.

11. No promoter, collector or person who is otherwise connected with a collection shall permit a boy or girl under the age of 16 years to act as a collector, except if such boy or girl is a member of the Boy Scouts, Church Lads' Brigade, Girl Guides, or other similar organisations, and is in the uniform of the unit to which he or she belongs, and during the period of collection is under the charge and direct supervision of an officer of their respective units.
12. (1) Every collector shall carry a collecting box.  
  
(2) All collecting boxes shall be numbered consecutively and shall be securely closed and sealed in such a way as to prevent them being opened without the seal being broken.  
  
(3) All money received by a collector from contributions shall immediately be placed in a collecting box.  
  
(4) Every collector shall deliver, unopened, all collecting boxes in his possession to a promoter.

13. A collector shall not carry or use any collecting box, receptacle or tray which does not bear displayed prominently thereon the name of the charity or fund which is to benefit nor any collecting box which is not duly numbered.
14.
  - (1) Subject to paragraph (2) below a collecting box shall be opened in the presence of a promoter and another responsible person.
  - (2) Where a collecting box is delivered, unopened, to a bank, it may be opened by an official of the bank.
  - (3) As soon as a collecting box has been opened, the person opening it shall count the contents and shall enter the amount with the number of the collecting box on a list, which shall be certified by that person.
15.
  - (1) No payment shall be made to any collector.
  - (2) No payment shall be made out of the proceeds of a collection, either directly or indirectly, to any other person connected with the promotion or conduct of such collection for, or in respect of, services connected therewith, except such payments as may have been approved by the Borough Council.
16.
  - (1) Within one month after the date of any collection the person to whom a permit has been granted shall forward to the Borough Council:-
    - (a) a statement in the form set out in the Schedule to these Regulations, or in a form to the like effect, showing the amount received and the expenses and payments incurred in connection with such collection, and certified by that promoter and a qualified accountant;
    - (b) a list of the collectors;
    - (c) a list of the amounts contained in each collecting box; and shall, if required by the Borough Council, satisfy it as to the proper application of the proceeds of the collection.
  - (2) The said person shall also, within the same period, at the expense of that person and after a qualified accountant has given his certificate under paragraph (1) (a) above, publish in such newspaper or newspapers as the Borough Council may direct a statement showing the name of the person to whom the permit has been granted, the area to which the permit relates, the name of the charity or fund to benefit, the date of the collection, the amount collected, and the amount of the expenses and payments incurred in connection with such collection.

**Note:** The Borough Council can waive this condition if the charity in question publishes the result of that collection on the charities web site.

- (3) The Borough Council may, if satisfied there are special reasons for doing extend the period of one month referred to in paragraph (1) above.

(4) For the purposes of this regulation "a qualified accountant" means a member of one or more of the following bodies:-

the Institute of Chartered Accountants in England and Wales;

the Institute of Chartered Accountants in Scotland;

the Association of Certified Accountants;

the Institute of Chartered Accountants in Ireland.

17. These Regulations shall not apply.

(b) in respect of a collection taken at a meeting in the open air, or

(c) to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.

18. Any person who acts in contravention of any of the foregoing regulations shall be liable on summary conviction to a fine not exceeding two hundreds pounds or in the case of second or subsequent offence not exceeding two hundred pounds.

19. These Regulations came into force one month after the date on which they were confirmed by the Secretary of State on 1<sup>st</sup> April 1974.

Conditions amended on 11<sup>th</sup> December 2011.

## **1.1. Public charitable collections**

### **2. Regulation of street collections**

Public charitable collections in the street are regulated under the Police, Factories Etc Act 1916 (Miscellaneous Provisions).

There is a model of local regulations in the Charitable Collections Order 1974 (Transitional Provisions), though local authorities are not obliged to introduce this system of licensing in their area.

### **3. Regulation of house-to-house collections**

Public charitable collections conducted house-to-house are regulated by the House to House Collections Act 1939 and the House to House Collections Regulations 1947. The 1947 regulations established a central licensing regime for collections.

### **4. Licensing on collections**

The Local Government Act 1972 transferred responsibility for licensing both forms of collection from the police to local authorities.

In London, however, the Metropolitan Police and the Common Council of the City of London are still responsible for licensing of collections.

### **5. National exemption order scheme**

Under current law, the Minister for the Cabinet Office is responsible for the national exemption order scheme for house-to-house collections.

Organisations can generally obtain national exemption orders if they have house-to-house collection licences in at least 70–100 local authority licensing areas for the two preceding years. There are currently 43 national exemption order holders.

### **6. Appeals**

Organisations can appeal to the Minister for the Cabinet Office if a local authority refuses them a licence to hold a house-to-house collection or if they revoke such a licence. The Cabinet Office processes these appeals.

In the case of street collections, there is currently no equivalent right of appeal. The Charities Act 2006 contains provision for a new licensing scheme for public charitable collections, but these provisions are not yet in force.

## HOUSE TO HOUSE COLLECTIONS ACT 1939

The Minister for the Cabinet Office is responsible for the national exemption order scheme for house-to-house collections under the House to House Collections Act 1939 (as amended). National exemption orders are generally available to charitable organisations that have obtained house to house collection licences in at least 70-100 local authority licensing areas for the two preceding years, and are able to provide evidence of licences and collection returns.

Details of the application process are available from: [ocs.info@cabinet-office.gsi.gov.uk](mailto:ocs.info@cabinet-office.gsi.gov.uk) (please state "Exemption Orders" in the e-mail subject line).

### List of Holders of an Exemption Order

The 43 holders of Cabinet Office Exemption Orders made under Section 3 of the House to House Collections Act 1939 are:

#### **ActionAid**

Hamlyn House  
Macdonald Road  
Archway  
London N19 5PG

#### **Action for Children**

3 Boulevard  
Ascot Road  
Watford WD18 8AG

#### **Adventist Development and Relief Agency**

Stanborough Park  
Watford  
Hertfordshire WD2 6JP

#### **Age UK**

207-221 Pentonville Road  
London N1 9UZ

#### **Alexandra Rose Day**

5 Mead Lane  
Farnham  
Surrey GU9 7DY

#### **Asthma UK**

Summit House  
70 Wilson Street  
London EC2A 2DB

**Barnardo's**  
Tanners Lane  
Barkingside  
Ilford  
Essex IG6 1QG

**BBC Children in Need**  
MC5D1 BBC Media Centre  
201 Wood Lane  
London W12 2TQ

**British Heart Foundation**  
Greater London house  
180 Hampstead Road  
London NW1 7AW

**British Leprosy Relief Association (LEPRA)**  
28 Middleborough  
Colchester CO1 1TG

**British Red Cross Society**  
UK Office  
44 Moorfields  
London EC2Y 9AL

**Cancer Research UK**  
61 Lincoln's Inn Fields  
London WC2A 3PX

**Christian Aid**  
35 Lower Marsh  
London SE1 7RT

**Cystic Fibrosis Research Trust**  
11 London Road  
Bromley  
Kent BR1 1BY

**Dogs Trust**  
17 Wakley Street  
London EC1V 7RQ

**Kidney Research UK**  
Nene Hall  
Lynch Wood Park  
Peterborough PE2 6FZ

**Leukaemia Research Fund**  
43 Great Ormond Street  
London WC1N 3JJ

**Little Sisters of the Poor**

Provincial House  
St Peters  
2a Meadow Road  
South Lambeth  
London SW8 1 QH

**Macmillan Cancer Support**

89 Albert Embankment  
London SE1 7UQ

**Make-A-Wish Foundation**

329-331 London Road  
Camberley  
Surrey GU15 3HQ

**Marie Curie Cancer Care**

89 Albert Embankment  
London SE1 7TP

**Mental Health Foundation**

83 Victoria Street  
London SW1H OHW

**National Blind Children's Society**

NBCS House  
Market Street  
Highbridge  
Somerset TA9 3BW

**National Council of YMCAs**

640 Forest Road  
London E17 3DZ

**National Society for the Prevention of Cruelty to Children**

Weston House  
42 Curtain Road  
London EC2A 3NH

**Oxfam**

274 Banbury Road  
Oxford OX2 7DZ

**Royal Air Forces Association**

Central Headquarters  
117½ Loughborough Road  
Leicester LE4 5ND

**Royal British Legion Poppy Appeal**

The Royal British Legion Village  
Aylesford  
Kent ME20 7NX

**Royal National Institute of Blind People (RNIB)**

105 Judd Street  
London  
WC1H 9NE

**Royal National Lifeboat Institution**

West Quay Road  
Poole  
Dorset BH15 1HZ

**Royal Society for the Prevention of Cruelty to Animals**

Wilberforce Way  
Southwater  
Horsham  
West Sussex RH12 1HG

**Sailors' Society**

350 Shirley Road  
Southampton  
Hampshire SO15 3HY

**Save the Children UK**

1 St. Johns Lane  
London EC1M 4AR

**Scope**

6 Market Road  
London N7 9PW

**Shelter**

88 Old Street  
London EC1V 9HU

**St John's Ambulance**

National Headquarters  
27 St Johns Lane  
London EC1M 4BU

**The Children's Society**

Edward Rudolf House  
Margery Street  
London WC1X 0JL

**The People's Dispensary for Sick Animals (pdsa)**

Whitechapel Way  
Priorslee  
Telford  
Shropshire TF2 9PQ



**The Royal National Mission to Deep Sea Fishermen**

Mather House  
4400 Parkway  
Solent Business Park  
Whiteley  
Hants PO15 7FJ

**The Salvation Army**

101 Newington Causeway  
London SE1 6BN

**WIZO.uk**

107 Gloucester Place  
London W1U 6BY

**World Cancer Research Fund**

22 Bedford Square  
London  
WC1B 3HH

**World Wide Fund for Nature**

Panda House  
Weyside Park  
Goldalming  
Surrey GU7 1XR

Appendices A



**NORTHAMPTON**  
BOROUGH COUNCIL

## LICENSING COMMITTEE REPORT

<b>Report Title</b>	<b>Street Trading Fees &amp; Consents.</b>
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**AGENDA STATUS: PUBLIC**

<b>Committee Meeting Date:</b>	11 <sup>th</sup> December 2012
<b>Policy Document:</b>	Street Trading
<b>Directorate:</b>	Customers and Communities

### 1. Purpose

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1.1 This report will provide the Licensing Committee an update in relation to the current Street Trading position, the proposed increase in fees and the proposed amendments to the Street Trading consent locations.

### 2. Recommendations

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2.1 That with immediate effect consultation can be undertaken to:-

- (i) Approve the proposed increases in Street Trading fees for inclusion in the draft consultation budget and in accordance with Appendix A.
- (ii) Approve consultation on the proposed amendments to include Street Trading pitches located within the town centre and parks and in accordance with Appendix A.
- (iii) Approve consultation for the proposed three tier structure of the fees, to include a Standard, Premium and Town Centre category and in accordance with Appendix A.

### 3. Issues and Choices

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#### 3.1 Report Background

Street Trading consents are regulated under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (LGMPA) and authorise the selling, or offering for sale any article in a street. The term 'street' includes any road, footway or other area to which the public have access without payment.

This includes all hot and cold food vendors for example:

All vendors of Burgers, Kebabs, Doughnuts, Ice cream sellers etc.

It also includes:

All vendors of non-food products who trade on static pitches from any vehicle, stall, barrow, trailer, or any other moveable construction.

The granting of Street Trading consent is a matter within the general discretion of the local authority.

All streets within Northampton Borough are prohibited streets, with specified pitches granted a street trading consent. There are currently 24 street trading pitches within the Borough of Northampton, as detailed in appendix B. At present 21 locations are occupied, with 3 pending occupation.

No street trading pitches exist within the immediate vicinity of the town centre.

Each street trading pitch is currently charged the same fees regardless of the location, calculated at a rate of £100.00 per annum for each day of trading. For example a trader operating for 5 days per week would be calculated at  $5 \times £100 = £500$  per annum.

Street Traders are billed annually around September/October in time for the annual renewal on the 1<sup>st</sup> November, with a small percentage opting to pay by two instalments, half due in September/October with the balance payable in April/May, incurring a supplement of £25 on each instalment.

The current annual income calculations are made up as follows:-

Trading Days Per Week	Annual Fee £	Number of Pitches	Calculation	Annual Total Income £
1 x 100	100	1	100 x 1	100
5 x 100	500	15	500 x 15	7,500
6 x 100	600	2	600 x 2	1,200
7 x 100	700	3	700 x 3	2,100
<b>Total Income</b>				<b>10,900</b>

Street Trading fees have not seen an increase since regulation commenced in 2003.

It has been identified that it is within the scope of Schedule 4 of the LGMPA that the Council could consider setting a different fee for premium areas, this being the fee structure adopted by many other towns and cities as indicated in the benchmarking exercise detailed at Appendix C.

Therefore in addition to increasing the current standard fees, it is proposed to adopt three different fee areas, creating a higher fee for pitches located within areas that have a higher footfall. The different fee areas are defined by the following categories:-

### **Standard Fees**

Applicable to those pitches trading outside of the town centre premium area and falling within 15 metres of the public highway.

### **Premium Fees**

To include any public park maintained by the local authority and any other street, road or highway or area falling within 15 metres of that street, road or highway located in the borough of Northampton and deemed to be a premium pitch.

### **Town Centre Premium Fees**

Suggested town centre pitches will be at specified locations on Abington Street, Mercers Row, George Row, Bridge Street, Gold Street, St Giles Street, Derngate, Wood Hill, and The Drapery.

It is within the scope of Schedule 4 of the LGMPA for the Council to specify the exact location and period during which the street trading consent may have effect and further analysis will be undertaken to determine suitable specified locations for the town centre pitches; this is intended to be ad-hoc seasonal units, for example at Christmas, Easter, Bank Holidays etc. and to cover one-off seasonal events, it is not intended to create any permanent markets.

It is proposed to increase the street trading fees in the next financial year by 100%, with a further phased increase over the following two years and to introduce two new premium rates as detailed in the table below.

Annual Fee for each day of trading	2012/13 £	2013/14 £	2014/15 £	2015/16 £
Standard area	100	200	225	250
Premium Park Location	N/A	300	400	500

Daily Fee	12/13 £	13/14 £	14/15 £	15/16 £
Premium Town Centre Location	N/A	30	35	40

The projected fees based on the new fee structure would bring in an annual revenue income for the next 3 years as detailed in the tables below, assuming the number of traders and the amount of trading days remains the same.

### **2013/14**

Trading Days Per Week	Annual Fee £	Number of Pitches	Calculation	Total Income £
1 X 200	200	1	200 x 1	200
5 X 200	1000	15	1,000 x 15	15,000
6 X 200	1,200	2	1,200 x 2	2,400
7 X 200	1,400	1	1,400 x 1	1,400
Premium Park Location 7 X 300	2,100	2	2,100 x 2	4,200
Premium Town Centre Location		TBC	TBC	TBC
<b>Total Income</b>				<b>23,200</b>

### **2014/15**

Trading Days Per Week	Annual Fee £	Number of Pitches	Calculation	Total Income £
1 x 225	225	1	225 x 1	225
5 x 225	1,125	15	1,125 x 15	16,875
6 x 225	1,350	2	1,350 x 2	2,700
7 x 225	1,575	1	1,575 x 1	1,575
Premium Park Location 7 x 400	2,800	2	2,800 x 2	5,600
Premium Town Centre Location		TBC	TBC	TBC
<b>Total Income</b>				<b>26,975</b>

### **2015/16**

Trading Days Per Week	Annual Fee £	Number of Pitches	Calculation	2015/16 Annual Total £
1 x 250	250	1	250 x 1	250
5 x 250	1,250	15	1,250 x 15	18,750
6 x 250	1,500	2	3,000 x 2	6,000
7 x 250	1,750	1	1,400 x 1	1,400
Premium Park Location 7 x 500	3,500	2	2,800 x 2	5,600
Premium Town Centre Location		TBC	TBC	TBC
<b>Total Income</b>				<b>32,000</b>

## **Benchmarking**

The fee structure and regulation of trading varies considerably across authorities. This may be due to the different characteristics of the town or city centre.

The fees identified as higher than Northampton are primarily due to the location of street trading pitches, with higher fees being reflected in those towns or cities that have town centre pitches, or locations with a high footfall, as identified in the Deloitte report.

Example 1 - Norwich has defined street trading areas within the town centre, alongside the permanent market stalls. These are charged at a premium fee, with the fee for some pitches including the use of the stall and electricity. A lower fee is charged for those traders who operate typically on industrial estates.

Example 2 – South Northamptonshire have stalls mostly in lay-by's or on industrial estates.

Example 3 – Bristol has a variety of street trading consents within the town centre location, defined by wards that are charged a premium of £20 per day. Burger vans and similar types of street trading on the city outskirts are charged at £10 per day. Bristol also allows mobile ice cream sellers in the city centre at a flat fee of £415 per annum; these are allowed in certain consent streets and with the permission of any land owners, etc.

The proposed premium street trading fees around the parks are comparable to the lease fees currently charged in the region of £3,000 by Northampton Borough Council's Asset Management, for similar type of vendors currently operating in park locations.

A summary of the benchmarking findings are detailed in Appendix C.

## **Implementation**

Implementation is planned for the 1<sup>st</sup> April 2013, it is recommended that the consultation period commences as soon as is practicable and runs for a period of 28 days, to be presented at the next available full Licensing Committee.

### **3.2 Issues**

There are two existing traders located on Park Avenue South, who will fall into the premium fee category and who will face a higher increase than other existing traders. This might result in a legal challenge and negative publicity.

### **3.3 Choices (Options)**

- 3.3.1 Agree the proposals and allow consultation to be undertaken to amend the fee structure, location of pitches and increase the fees.
- 3.3.2 Agree the proposals and allow consultation for the standard fee increase, but not implement a different fee structure, or the new location of pitches.
- 3.3.3 Agree the proposals and allow the consultation for the different fee structure, location of new pitches, but with the fees increasing by less.
- 3.3.4 Take no action and leave the fees at present rates.

## **4. Implications (including financial implications)**

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### **4.1 Policy**

4.1.1 There would be no change to the existing policy.

### **4.2 Resources and Risk**

4.2.1 Costs of advertising as follows:

Initial notices approximately - £400

Two consecutive weeks notices if any resolution where appropriate  
approximately - £500

This will be met from the Licensing Department's advertising/legal budget.

4.2.2 In the current economic climate and with some traders already deciding to reduce the number of days trading, it is a high possibility that the increase in fees will result in a decrease in the number of financially viable locations. This could result in a shortfall in the expected income detailed above.

4.2.3 The proposals for town centre pitches may have an impact on Market Traders

4.2.4 Not increasing the fees now may result in Northampton Borough Council falling lower in future comparable reports, creating a bigger differential in the future to bring fees in line with other authorities.

4.2.5 Introducing a more complex fee structure and more locations will create additional administration work.

### **4.3 Legal**

4.3.1 The designation of streets / roads as consented streets is lawful within the meaning of the LGMPA Schedule 4 Section 2 (1) (c)

4.3.2 The legislation under Schedule 4 of the LGMPA clearly states that the levying of fees must be reasonable and therefore in order to justify these increases and to minimise the legal challenge, a detailed rationale must be undertaken with finance to corroborate the basis of the increase, which is to optimise recovery of direct and indirect costs in delivering the street trading function.

4.3.3 It will be the Council's duty to consider any representations and take account of these when making the final decision, this decision must be reasonable/rational within the Wednesbury reasonableness principle;

"It applies to a decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it"

### **4.4 Equality**

4.4.1 There are no known equality and diversity issues in this report.

#### **4.5 Consultees (Internal and External)**

4.5.1 Customer & Cultural Services, Customer & Communities, Town Centre Manager, Finance, Legal

#### **4.6 Other Implications**

4.6.1 N/A

#### **5. Background Papers**

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5.1 Local Government (Miscellaneous Provisions) Act 1982

5.2 Deloitte Draft Report

5.3 Northampton Borough Council Street Trading Policy

**Report Author Louise Faulkner**

**Title Senior Licensing officer**

**Ext: 8393**



## APPENDIX A

### Variation of fees

That with immediate effect the committee agree to:-

- (iv) Give notice of the proposed charges to licence holders
- (v) Publish a notice of the proposed changes in a local newspaper circulating in the area with a 28 day period within which representations should be made to the Council regarding the variation
- (vi) That any such representations made within the specified period be considered by the Council when finally making the decision

### Designation of Street as Consent Street

The designation of a street as a consent street must be by resolution:

It is recommended that the Council advertise a notice of intention to pass a resolution in a local newspaper circulating in the area and to serve a copy of the notice on:-

- The chief officer of police for the area in which the street to be designated by the resolution is situated; and
- On any highway authority responsible for that street and
- obtained the necessary consents where the resolution relates to a street which is owned or maintainable by a relevant corporation and
- Where a resolution designates as a licence street any street maintained by a highway authority

The notice referred to above—

(a) shall contain a draft of the resolution; and

(b) shall state that representations relating to it may be made in writing to the council within such period, not less than 28 days after publication of the notice, as may be specified in the notice.

(7) As soon as practicable after the expiry of the period specified above, the council shall consider any representations relating to the proposed resolution which they have received before the expiry of that period.

(8) After the council have considered those representations, they may, if they think fit, pass such a resolution relating to the street as is mentioned above.

(9) The council shall publish notice that they have passed such a resolution in two consecutive weeks in a local newspaper circulating in their area.

(10) The first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of the designation.

## APPENDIX B 1 - Location of Existing Street Trading Pitches

1		Tweed Road
2		Rhossili Road
3	*	Abington Park, Park Avenue South
4		Rhossili Road
5		Tyne Road
6		Lodge Way, Lodge Farm Ind Estate
7		Stone Circle Rd, Round Spinney
8		Deer Park Road
9		Lower Farm Road, Lodge Farm
10		St Gregory's Road
11		St James Mill Road
12		Quarry Park Close
13	**	Lilliput Road, Brackmills
14		Salthouse Road, Brackmills
15		Fairground Way
16	*	Park Avenue South
17		Lodge Way
18		Gambrel Road
19		Gowerton Road, Brackmills
20		Crow Lane/Ravens Way
21	**	Bunting Road
22		Heathfield Way Gladstone Road
23		Bedford Rd Near Gt Houghton Turn
24	**	A45 Sandy Lane Upton

\*Yellow = Existing Trading Locations falling into Premium Fees

\*\*Grey = Pending New Trader Occupation

**APPENDIX C - Benchmarking**

Town/City	Charges Levied Per Day £	Charges Levied Per Annum £	Town Centre Fees Per Annum £	Out of Town Centre Fees Per Annum £	Additional Comments
Northampton	N/A	700.00	N/A	700.00	
Peterborough	8.80 – 15.80 Day 70.00 Night	Average 6,000	N/K	N/K	mobile ice cream traders £655.00 per annum
Norwich	10.00 – 15.00	Average 1,500	Average 5,500	Average 1,500	some pitches include cost of staff and electricity
North West Leicestershire	N/A	375.00	N/A	N/A	
Nuneaton	Average 40.00	N/A	£4,000	N/A	
Bristol	10.00 – 20.00	N/A	Average 7 days trading 7,300	Average 3 days trading 1,400	allow mobile ice cream sellers, for example on tricycles in town centre locations at flat fee of £415
South Northants DC	N/A	900.00	900.00	900.00	
Corby	25.00	1,000	£1,000	1,000	

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**Appendices**  
**1. Statement of Gambling Principles**



## LICENSING COMMITTEE REPORT

<b>Report Title</b>	<b>Statement of Gambling Principles 2012 - 15</b>
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**AGENDA STATUS: PUBLIC**

<b>Committee Meeting Date:</b>	11 <sup>th</sup> December 2012
<b>Directorate:</b>	Customers and Communities

### 1. Purpose

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**The purpose of this report is to:**

Enable the Licensing Committee to consider the Council's Statement of Principles in relation to the Gambling Act 2005

### 2. Recommendations

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Members are recommended to consider the statement of principles and offer any comments prior to approval by Council on 19<sup>th</sup> January 2013.

### 3. Issues and Choices

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#### 3.1 Report Background

3.1.1 The Gambling Act 2005 passed the responsibility for the licensing of premises used for gambling to local authorities.

3.1.2 Section 349 of The Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of principles that they propose to apply in exercising their functions under the Act, and in particular the following three licensing objectives:

- Keeping gambling crime free
- Making sure that gambling is fair and open
- Protecting children and vulnerable adults

- 3.1.3 The statutory period for the statement is three years. The last statement was approved by the Licensing Committee on 19th January 2010 and came into effect on 31 January 2010. A new statement must be prepared and published with a view to it coming into effect on 31 January 2013.
- 3.1.4 In Northamptonshire the statement is prepared jointly by all local authorities in the county and was reviewed in accordance with guidance from the Local Government Association and members of the national licensing policy forum.
- 3.1.5 In the course of preparing the statement the Council is obliged to consult with
- The Chief Officer of Police
  - One or more persons who appear to the authority to represent the interests of persons carrying on gambling business in the authority's area
  - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005
- 3.1.2 Consultation was undertaken between 24<sup>th</sup> September 2012 and 4<sup>th</sup> November 2012. There were no responses to the Consultation.
- 3.1.3 The new statement is attached to this report as Appendix A.

## **3.2 Issues**

- 3.2.1 The only notable changes are:
- 3.2.2 improved guidance relating to what constitutes a club (page 23 , paragraph 4.3)
- 3.2.3 an additional explanatory note on small society lotteries which was not in the former policy (page 27,section 7)
- 3.2.4 there is a general revision which reflects entitlement of Category B gaming machines in adult gaming centres and bingo premises based on the 2011 order and guidance from the Gambling Commission 2

## **3.3 Choices (Options)**

- 3.3.1 To adopt the reviewed statement that incorporates the most recent guidance issued by the Gambling Commission.
- 3.3.2 To reject the reviewed statement and maintain the existing document which does not reflect the updated guidance issued by the Gambling Commission.

## **4. Implications (including financial implications)**

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### **4.1 Policy**

4.1.1 These changes will not have any impact on the licensing of premises in our district other than providing greater clarity in the statement.

### **4.2 Resources and Risk**

4.2.1 The adoption of the revised statement will not have any effect on resources.

### **4.3 Legal**

The Committee need to be mindful that the three Licensing Objectives are upheld and promoted within the Statement of Gambling Principles. There are no new Enforcement Issues to take into account. The principles within the Statement of Gambling Principles must be approved by Council before 31st January 2013

Section 349 Gambling Act 2005 expressly states that a licensing authority shall before each successive period of three years:

(a) prepare a statement of the principles that they propose to apply in exercising their functions under Gambling Act during that period, and

(b) publish the statement

The purpose of this report and accompanying policy is commensurate with the obligations under statute

### **4.4 Equality**

4.4.1 As this does not affect policy there is no duty to undertake an Equality Impact Assessment. However, by definition the purpose of the statement is to assist the licensing authority to exercise its function so as to meet the licensing objectives. A key objective is to protect children and vulnerable adults

### **4.5 Consultees (Internal and External)**

4.5.1 The statement was advertised on the Northampton Borough Council website with the assistance of the Corporate Policy and Performance Manager and added to the Consultations page offering electronic opportunities for the public to engage and hard copies of the document if required. All gambling establishments and premises with gaming permits (approximately 200) were written to advising them of the consultation and directing them to the website to view the document and comment. A full list of other consultees is attached at Annex A of the new statement.

### **4.6 Other Implications**

4.6.1 No other implications have been identified.

## **5. Background Papers**

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5.1.1. Notes to accompany statement of principles template Gambling Act 2005  
(Published June 2012) LGA

5.1.2. The Gambling Act 2005 (Gaming Machines In Adult Gaming Centres And  
Bingo Premises) Order 2011 - Guidance for Operators and Licensing  
Authorities – Letter from DCMS

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## Appendix 1



# STATEMENT OF LICENSING PRINCIPLES 2012 - 15

## GAMBLING ACT 2005

*All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities, 4<sup>th</sup> Edition, published July 2012.*



Northamptonshire Police



Northamptonshire Fire and Rescue Service

1



**NORTHAMPTONSHIRE**  
**STATEMENT OF PRINCIPLES**  
**GAMBLING ACT 2005**  
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## **PART A**

### **1 The Licensing Objectives**

1.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives 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
- protecting children and other vulnerable persons from being harmed or exploited by gambling

1.2 It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

1.3 This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority’s statement of licensing policy

### **2 Introduction**

2.1 The County of Northamptonshire consists of 7 district councils. The Councils are:

- Corby Borough Council
- Daventry District Council
- East Northamptonshire Council
- Kettering Borough Council
- Northampton Borough Council
- South Northamptonshire Council
- Borough Council of Wellingborough

This statement provides for all seven districts but details about your Council and a map of the district can be found in Annex 1.

2.2 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

2.3 The Council consulted widely upon this statement before finalising and publishing. A list of local authorities and their partners is provided in Annex 2. A list of the persons/organisations that we consulted is provided in Annex 3.

2.4 The Gambling Act requires that the following parties are consulted by licensing authorities:

- the Chief Officer of Police;
- one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

2.5 Our consultation took place between 24<sup>th</sup> September and 4<sup>th</sup> November and we followed the HM Government Code of Practice on Consultation (published July 2012), which is available at [www.bis.gov.uk/files/file47158.pdf](http://www.bis.gov.uk/files/file47158.pdf)

The full list of comments made and consideration given is available by request from the contacts detailed in Annex 1.

2.6 The statement was approved at a meeting of the Full Council on XXXXXXXX and was published on our website on XXXX , All gambling establishments and premises with a gaming permit were written to inviting them to view the document and comment.

2.7 Should you have any comments about this statement, please send them by email to the contacts specified in Annex 1

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

### **3. Declaration**

3.1 In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

### **4. Responsible Authorities**

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

- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

4.2 In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this authority designates the Local Safeguarding Children Board for this purpose.

- 4.3 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website, please see Annex 1.

## **5 Interested Parties**

- 5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

“For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person:

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)”

- 5.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

- 5.3 Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities at 8.11 to 8.18. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

- 5.4 Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor/MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who 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 the representation is sufficient.

- 5.5 If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing team as specified in Annex 1.

## **6. Exchange of Information**

- 6.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

- 6.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 6.3 Should any protocols be established as regards information exchange with other bodies then they will be made available.

## 7. Enforcement

- 7.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 7.2 This licensing authority's principles are that it will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:
- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
  - **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
  - **Consistent:** rules and standards must be joined up and implemented fairly;
  - **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
  - **Targeted:** regulation should be focused on the problem, and minimise side effects.
- 7.3 As per the Gambling Commission's Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.4 This licensing authority has adopted and implemented a risk-based inspection programme, based on:
- the licensing objectives
  - relevant codes of practice
  - guidance issued by the Gambling Commission, in particular at Part 36
  - the principles set out in this statement of principles
- 7.5 This may include test purchasing activities to measure the compliance of licensed operators with aspects of the Gambling Act. When undertaking test purchasing activities, this licensing authority will undertake to liaise with the Gambling Commission and the operator to determine what other, if any, test purchasing schemes may already be in place. Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.

- 7.6 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.
- 7.7 This licensing authority also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 7.8 Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements are available upon request to the licensing team (see Annex 1 for contact details).

## **8. Licensing authority functions**

- 8.1 Licensing authorities are required under the Act to:
- be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
  - issue *Provisional Statements*
  - regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
  - issue *Club Machine Permits to Commercial Clubs*
  - grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
  - receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
  - issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
  - register *small society lotteries* below prescribed thresholds
  - issue *Prize Gaming Permits*
  - receive and Endorse *Temporary Use Notices*
  - receive *Occasional Use Notices*
  - provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
  - maintain registers of the permits and licences that are issued under these functions
- 8.2 It should be noted that licensing authorities are not be involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

## PART B

### PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

#### 1. General Principles

1.1 Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

#### *(i) Decision-making*

1.2 This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

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

1.3 It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos - page 17) and also that unmet demand is not a criterion for a licensing authority.

1.4 This licensing authority also notes Gambling Commission guidance on ensuring that betting is the primary activity of a licensed premises. Gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. Operators will need to demonstrate that betting will continue to be the primary activity of the premise when seeking variations to licenses.

1.5 In making this determination, this licensing authority will have regard to the six indicators of betting as a primary gambling activity:

- 1.6
- the offer of established core products (including live event pictures and bet range)
  - the provision of information on products and events
  - the promotion of gambling opportunities and products
  - the actual use made of betting facilities
  - the size of premises
  - the delivery of betting facilities

#### *(ii) Definition of "premises"*

1.6 In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are

for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

- 1.7 The Gambling Commission states in the fourth edition of its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."
- 1.8 This licensing authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:
- the third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating;
  - entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit;
  - customers should be able to participate in the activity names on the premises licence.
- 1.9 The Guidance also gives a list of factors which the licensing authority should be aware of, which may include whether:
- the premises have a separate registration for business rates;
  - the premises' neighbouring premises are owned by the same person or someone else?
  - the premises can be accessed from the street or a public passageway?
  - the premises can only be accessed from any other gambling premises?
- 1.10 This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.



**The Gambling Commission's relevant access provisions for each premises type are reproduced below:**

### **Casinos**

- The principal access entrance to the premises must be from a street (7.24 of the Guidance);
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons;
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

### **Adult Gaming Centre**

- No customer must be able to access the premises directly from any other licensed gambling premises

### **Betting Shops**

- Access must be from a street (as per para 7.23 Guidance to Licensing Authorities) or from another premises with a betting premises licence;
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

### **Tracks**

- No customer should be able to access the premises directly from:
  - a casino
  - an adult gaming centre

### **Bingo Premises**

- No customer must be able to access the premise directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track

### **Family Entertainment Centre**

- No customer must be able to access the premises directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track

- 1.11 Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

***(iii) Premises “ready for gambling”***

- 1.12 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.
- 1.13 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.
- 1.14 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:
- first, whether the premises ought to be permitted to be used for gambling;
  - second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 1.15 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.
- 1.16 More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.60-7.67 of the Guidance.

***(iv) Location***

- 1.18 This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission’s Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

***(v) Planning:***

- 1.19 The Gambling Commission Guidance to Licensing Authorities states:  
Paragraph 7.60 – In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.
- 1.20 This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the

Guidance:

Paragraph 7.67 - When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

***(vi) Duplication with other regulatory regimes***

1.21 This licensing authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

1.22 When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

**1.23 *Licensing Objectives***

Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.

**1.24 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

**1.25 Ensuring that gambling is conducted in a fair and open way** - This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and

personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section of this document on page 18.

**1.26 Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This licensing authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

1.27 This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

1.28 As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." This licensing authority will consider this licensing objective on a case by case basis.

**1.29 Conditions**

Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable 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.

1.30 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to a way in which the licensing objectives can be met effectively.

1.31 This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

1.32 This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to

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

These considerations will apply to premises including buildings where multiple premises licences are applicable.

1.33 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

1.34 It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

### **1.35 Door Supervisors**

The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

1.36 Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

## **2. Adult Gaming Centres**

2.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

2.2 This licensing authority may consider measures to meet the licensing objectives such as:

- proof of age schemes
- CCTV
- supervision of entrances / machine areas
- physical separation of areas
- location of entry
- notices / signage
- specific opening hours
- self-exclusion schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare.

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

### **3. (Licensed) Family Entertainment Centres**

3.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

3.2 This licensing authority may consider measures to meet the licensing objectives such as:

- CCTV
- supervision of entrances / machine areas
- physical separation of areas
- location of entry
- notices / signage
- specific opening hours
- self-exclusion schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare.
- measures / training for staff on how to deal with suspected truant school children on the premises

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

3.3 This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

### **4. Casinos**

4.1 Only one local authority has casinos in its area. As the others have varying resolutions regarding the provision of casinos, the details pertaining to this Council are specified in Annex 4

## **5. Bingo premises**

### **5.1** This licensing authority notes that the Gambling Commission's Guidance states:

Paragraph 18.4 Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

### **5.2** This authority also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

### **5.3** Paragraph 18.7 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

## **6. Betting premises**

### **6.1** *Betting machines* - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

## **7. Tracks**

### **7.1** This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

### **7.2** This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

### **7.3** This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

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

- 7.4 *Gaming machines* - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.
- 7.5 *Betting machines* - This licensing authority will, as per Part 6 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

#### **Applications and plans**

- 7.6 The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity (see Guidance to Licensing Authorities, para 20.28).
- 7.7 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations (see Guidance to Licensing Authorities, para 20.29).
- 7.8 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (see Guidance to Licensing Authorities, para 20.31).
- 7.9 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined (see Guidance to Licensing Authorities, para 20.32).
- 7.10 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants



should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan (see Guidance to Licensing Authorities, para 20.33).

## **8 Travelling fairs**

- 8.1 This licensing authority is responsible for deciding whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 8.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 8.3 It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

## **9 Provisional statements**

- 9.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 9.2 S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
  - expects to be constructed;
  - expects to be altered; or
  - expects to acquire a right to occupy.
- 9.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 9.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 9.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications

that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

9.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

## **10 Reviews**

10.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

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

10.2 The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

10.3 The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

10.4 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 a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

10.5 The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

10.6 The purpose of the review will be to determine whether the licensing authority

should take any action in relation to the licence. If action is justified, the options open to the licensing authority are to:

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

10.7 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

10.8 In particular, the licensing authority may also initiate a review of a premises licence on the grounds that 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.

10.9 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

## PART C PERMITS / TEMPORARY & OCCASIONAL USE NOTICES

### 1. Unlicensed family entertainment centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

- 1.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 1.2 The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance to Licensing Authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities will want to give weight to child protection issues." (24.6)
- 1.3 Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking applications to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
  - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
  - that staff are trained to have a full understanding of the maximum stakes and prizes. (24.7)

It should be noted that a licensing authority cannot attach conditions to this type of permit.

Statement of Principles This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

### 2 (Alcohol) Licensed premises gaming machine permits - (Schedule 13

## paragraph 4(1))

### Automatic entitlement: 2 machines

- 2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority and pay the prescribed fee.
- 2.2 The licensing authority can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
  - gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
  - the premises are mainly used for gaming; or
  - an offence under the Gambling Act has been committed on the premises.

### Permit: 3 or more machines

- 2.3 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*”
- 2.4 This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.
- 2.5 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 2.6 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 2.7 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

### **3 Prize gaming permits**

- 3.1 The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.
- 3.2 This Licensing Authority has not prepared a statement of principles. Should it decide to do so it will include details in a revised version of the statement.
- 3.3 In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance (Gambling Act 2005, Schedule 14 paragraph 8(3)).
- 3.4 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
  - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
  - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
  - participation in the gaming must not entitle the player to take part in any other gambling.

### **4. Club gaming and Club Machines Permits**

- 4.1 Members clubs and miners’ welfare institutes (but not commercial clubs) may apply for a club gaming permit. The permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations.
- 4.2 Members clubs and miner’s welfare institutes – and also commercial clubs – may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB commercial clubs may not site category B3A gaming machines offering lottery games in their club.
- 4.3 This licensing authority notes that the Gambling Commission’s Guidance states:
- Paragraph 25.46 The LA has to satisfy itself that the club meets the requirements of the Act to obtain a club gaming permit. In doing so it will take account a number of matters as outlined in sections 25.47-25.49 of the Gambling Commission’s Guidance. These include the constitution of the club, the frequency of gaming, and ensuring that there are more than 25 members.

- 4.4 The club must be conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.
- 4.5 The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
  - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
  - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
  - (d) a permit held by the applicant has been cancelled in the previous ten years; or
  - (e) an objection has been lodged by the Commission or the police.
- 4.6 There is also a 'fast-track' procedure available under the Act for premises which hold a club premises certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure. As the Gambling Commission's Guidance to Licensing Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, the grounds upon which an authority can refuse a permit are reduced, and "the grounds on which an application under the process may be refused are:
- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
  - (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
  - (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled"
- 4.7 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

## **5. Temporary use notices**

- 5.1 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. Premises that might be suitable for a temporary use notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.
- 5.2 The licensing authority can only grant a temporary use notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.
- 5.3 The Secretary of State has the power to determine what form of gambling can be authorised by temporary use notices, and at the time of writing this Statement the

relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that temporary use notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

- 5.4 There are a number of statutory limits as regards temporary use notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

- 5.5 This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

## **6. Occasional use notices**

- 6.1 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though, consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice. This licensing authority will also ensure that no more than 8 OUNs are issued in one calendar year in respect of any venue.

## **7. Small society lotteries**

- 7.1 This licensing authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held);
- submission of incomplete or incorrect returns;
- breaches of the limits for small society lotteries.

- 7.2 Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- by, or on behalf of, a charity or for charitable purposes
- to enable participation in, or support of, sporting, athletic or cultural activities.

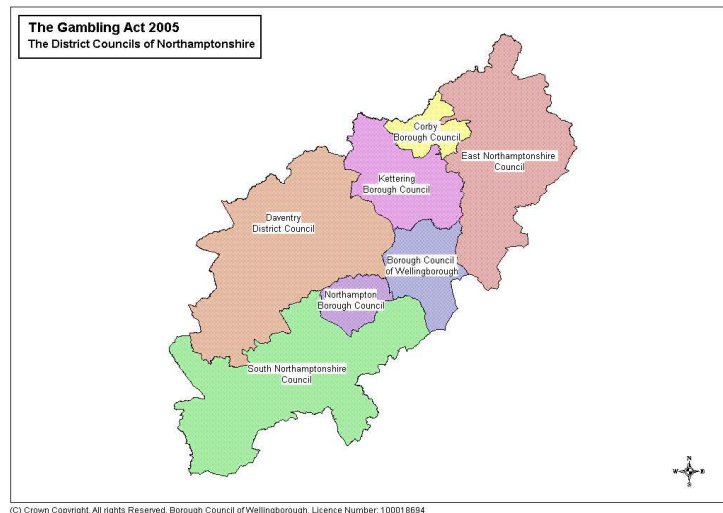
- 7.3 Charities and community groups should contact the licensing authority using the contact details in Annex 1.



## PART D ANNEXES

### Annex 1: Details of Local Authority where Statement of Principles Published

This Statement of Principles has been produced on behalf of all seven Districts in Northamptonshire. The statement follows the format issued by the Local Government Association and the members of the licensing forum and for consistency purposes the main document will be the same for all seven authorities.



The guidance to local authorities issued by the Gambling Commission indicates that information relating to each local authority should be included in the statement.

#### About Northampton

Northampton Borough Council is the largest district council in England with a population of approximately 205,200, living in 98,500 households. There are over 5,900 businesses in the borough. It is one of seven district councils in the county.

It covers an area of 8,081.88 hectares (31.202 square miles).

Northampton Borough was granted its first Royal Charter in 1189, which was confirmed again in 1200.

Traditionally a market town with one of the largest open markets in the country, it has developed into a regional shopping centre and an important centre for cultural and recreational activities. There is also a university on two campuses.

The town is situated in a mid England location at the crossroads of the country with easy access from three junctions of the M1 and close to the M45, M6 and A14, London being only a little more than an hour away by road or rail.

#### Contact Details

For further information you can contact the Council's licensing team on 01604 838545 or by writing to the Licensing Department, Northampton Borough Council, The Guildhall, St Giles Square, Northampton, NN1 1DE. A copy of the statement can be viewed at the Council offices or obtained by emailing [licensing@northampton.gov.uk](mailto:licensing@northampton.gov.uk). You can also

view this statement on our website at [www.northampton.gov.uk](http://www.northampton.gov.uk).

## Annex 2: List of Local Authorities and other Partners

### Corby Borough Council

Deene House  
New Post Office Square  
CORBY  
NN17 1GD

TEL: 01536 464242  
FAX: 01536 464644

[www.corby.gov.uk](http://www.corby.gov.uk)

### Daventry District Council

Council Offices  
Lodge Way  
DAVENTRY  
NN11 4FP

TEL: 01327 871100  
FAX: 01327 302540

[www.daventrydc.gov.uk](http://www.daventrydc.gov.uk)

### East Northamptonshire Council

East Northamptonshire House  
Cedar Drive  
THRAPSTON  
NN14 4LZ

TEL: 01832 742057  
FAX: 01832 734839

[www.east-northamptonshire.gov.uk](http://www.east-northamptonshire.gov.uk)

### Kettering Borough Council

Council Offices  
Bowling Green Road  
KETTERING  
NN15 7QX

TEL: 01536 410333  
FAX: 01536 410759

[www.kettering.gov.uk](http://www.kettering.gov.uk)

### Northampton Borough Council

The Guildhall  
St Giles Square  
Northampton  
NN1 1DE

TEL: 01604 838000  
Email [licensing@northampton.gov.uk](mailto:licensing@northampton.gov.uk)

[www.northampton.gov.uk](http://www.northampton.gov.uk)

### South Northamptonshire Council

Council Offices  
Springfields  
TOWCESTER  
NN12 6AE

TEL: 01327 322322  
FAX: 01327 359946

[www.southnorthants.gov.uk](http://www.southnorthants.gov.uk)

### Borough Council of Wellingborough

Swanspool House  
WELLINGBOROUGH  
NN8 1BP

TEL: 01933 231966  
FAX: 01933 231980

[www.wellingborough.gov.uk](http://www.wellingborough.gov.uk)

### Child Protection

Local Safeguarding Children Board  
Northamptonshire  
First Floor  
Century House  
The Lakes  
NORTHAMPTON NN4 7SJ

TEL: 01604 654040

[www.northamptonshire.gov.uk](http://www.northamptonshire.gov.uk)

### H M Revenue & Customs

Derby Detection Team  
St James House  
Mansfield Road  
DERBY  
DE1 3TU

TEL: 01332 267402

[www.hmrc.gov.uk](http://www.hmrc.gov.uk)

### Northamptonshire Fire & Rescue Service

The Inspection Team Manager  
Bolton House  
Wootton Hall Park  
NORTHAMPTON NN4 9BN

TEL: 01604 797000

[www.northantsfire.org.uk](http://www.northantsfire.org.uk)

### Northamptonshire Police Northamptonshire West Area

Western Area Commander  
Campbell Square  
The Mounts  
NORTHAMPTON NN1 3EL

TEL: 08453 700 700

[www.northants.police.uk](http://www.northants.police.uk)

### Northamptonshire Police Northamptonshire North Area

Northern Area Commander  
Corby Police Station  
Elizabeth Street  
CORBY NN7 1SH

TEL: 08453 700 700

[www.northants.police.uk](http://www.northants.police.uk)

### Annex 3: List of Consultees on the Statement of Principles

Chief Constable of Northamptonshire Police Wootton Hall Northampton NN4 0JQ	British Beer and Pub Association Market Towers 1 Nine Elms Lane London SW8 5NQ	Daventry and South Northants PCT Nene House Drayton Way Drayton Fields Industrial Estate Daventry NN11 8EA
The Chief Fire Officer Fire Service Headquarters Moulton Way Northampton NN3 6XJ	Bingo Association Lexham House 75 High Street North Dunstable Bedfordshire LU6 1JF	Northampton PCT Highfield Cliftonville Road Northampton NN1 5DN
Trading Standards Service Wootton Hall Park Northampton NN4 0GB	Casino Operators Association P O Box 55 Thorncombe Chard Somerset TA20 4YT	Northamptonshire Heartlands PCT Bevan House Kettering Parkway Kettering Venture Park Kettering NN15 6XR
Her Majesty's Revenue & Customs Boundary House Cheadle Point Cheadle Cheshire SK8 2JZ	Internet Gambling Gaming and Betting Association Regency House 1-4 Warwick Street London W1B 5LT	East Northants Faith Group Rushden Full Gospel Church & Christian Centre 60 High Street South Rushden NN10 0QY
Responsibility in Gambling Trust First Floor Downstream Building 1 London Bridge London SE1 9BG	GamCare 2& 3 Baden Place Crosby Row London SE1 1YW	Northampton Youth Ministry Office Ker Anna Centre Aylesbury Road Princes Risborough Buckinghamshire HP27 0JN
British Casino Association 38 Grosvenor Gardens London SW1W 0EB	The Gordon House Association 114 Wellington Road Dudley West Midlands DY1 1UB	Archdeaconry of Northampton Westbrook 11 The Drive Northampton NN1 4RZ
BACTA King's Cross House 211 King's Cross Road London WC1X 9DN	Gamblers Anonymous P O Box 88 London SW10 0EU	Methodist Church Nene Valley Circuit Office Park Road Methodist Church Rushden NN10 0RW
Association of British Bookmakers Regency House 1-4 Warwick Street London W1B 5LT	Mencap 123 Golden Lane London EC1Y 0RT	Multi Faith Group Victoria Centre Palk Road Wellingborough
The Northamptonshire Millenium Volunteer Project University College Northampton Nene Centre for Children and Youth Room MY93 Avenue Campus St. George's Avenue Northampton NN2 6JG Whizz-Kidz Elliott House 10-12 Allington Street London SW1E 5EH	Northampton Citizens Advice Centre 72a St Giles Street Northampton NN1 1JW	Turner Coulston 29 Billing Road Northampton NN1 5DQ
	Oundle Citizens Advice Centre Fletton House Glaphorn Road Oundle PE8 4JA	Vincent Sykes & Higham Montague House Chamcery Lane Thrapston

NSPCC Weston House 42 Curtain Road London EC2A 3NH	Rushden Citizens Advice Centre Bakehouse Office 46 Duck Street Rushden NN10 9SD	Wilson Browne Commercial Law Kettering Parkway Kettering Venture Park Kettering NN15 6WN
NCH Eastern 1 Carisbrooke Court Buckingway Business Park Swavesey Cambridge CB4 5UG	Wellingborough Citizens Advice Centre 2b High Street Wellingborough NN8 4HR	Park Woodfine Solicitors 16 High Street Rushden NN10 0PR
Brackley Citizens Advice Centre 2 Bridge Street Brackley NN13	Borneo Hughes Martell 9 Notre Dame Mews Northampton NN1 2BG	Poppleston Allen (Nottingham) 37 Stoney Street The Lace Market Nottingham NG1 1LS
Corby Citizens Advice Centre Civic Centre Annex George Street Corby NN17 1QG	EMW Law Eleanor House Queens Office Park Northampton NN4 7JJ	R J Osborne & Co 59 Midland Road Wellingborough NN8 1HF
Daventry Citizens Advice Centre The Abbey Centre Abbey Street Daventry NN11 4BH	Frank Jones & Harley 87 St.Giles Street Northampton NN1 1UD	Alan Thompson 41 Winston Cliose Nether Heyford Northampton NN7 3JX
Kettering Citizens Advice Centre The Oasis Centre 10 Market Street Kettering NN16 0AH	Hardman & Co Solicitors 3 Albion Place Northampton NN1 1UD	John Birch 47 Staverton Road Daventry NN11 4EY
Market Harborough Citizens Advice Centre 11 St. Mary's Road Markey Harborough LE16 7DS	MJK Law Plum Park Estate Paulerspury Towcester NN12 6LQ	licenza 2 <sup>nd</sup> Floor 119b Midland Road Bedford MK40 1DE
National Casino Industry Forum (NCiF) Carlyle House 235 – 237 Vauxhall Bridge Road London, SW1V 1EJ		
All Parish Councils in Northamptonshire	All Licensed premises in Northamptonshire	All gambling premises in Northamptonshire

## **Annex 4 : Casinos**

Only one local authority in Northamptonshire has casinos in its area. The others have varying resolutions regarding the provision of casinos.

NORTHAMPTON BOROUGH COUNCIL

### **Casinos**

Four Licences have been issued by Northampton Borough Council for casinos in Northampton; Gala Casino Sol Central, Gala Casino Regent Street, Aspers Casino Commercial Street and Beacon Casino Weedon Road. The other districts have varying resolutions regarding the provision of casinos. The options available to local authorities are:

#### **No Casino Resolution**

This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.

#### **Casinos and competitive bidding**

This Licensing Authority is aware that where a Licensing Authority area is enabled to grant a Premises Licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to run the casino. In such situations the local authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. This Licensing Authority will run such a competition in line with any regulations issued under the Gambling Act 2005 by the Secretary of State.

